

**4/00645/16/FUL - CONSTRUCTION OF 4 DWELLINGS AND ASSOCIATED  
PARKING AND LANDSCAPING..  
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY.  
APPLICANT: RiverGate Homes Ltd and Paul and Elizabeth Rooksby.**

---

[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The application is for 4 dwellings and follows refusal for 8 dwellings on grounds of being a cramped and unsatisfactory form of development harmful to the Conservation Area, failure to demonstrate that trees and landscape features could be retained, and failure to demonstrate that satisfactory amenity space can be provided for the new dwellings. The proposed development comprising two pairs of semi-detached dwellings on a vacant site is considered to be in keeping with the surrounding townscape and would preserve the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would retain the existing backdrop of trees and provide reasonable soft landscaping to the frontage and private amenity space for the dwellings. Sufficient off-road parking in accordance with standards would be provided, and the Highway Authority have raised no objection on grounds of highway safety. The proposal would have a limited impact on the availability of existing informal on-street parking in Station Road but, given replacement parking for members of the public, the Highway authority do not find the proposal objectionable on this ground. The amenity of adjoining residential occupiers would not be harmed and the impact of noise and vibration on the proposed occupiers from the railway is considered acceptable to the Environmental Health Officer.

### **Site Description**

The site is located on the northern side of Station Road in the town of Berkhamsted and extend to 0.13 ha. The site is a long narrow strip of land which is overgrown. To one side of the site is a pair of semi-detached houses (26 and 27 Station Road) and the other side adjoins another road (Gravel Path). To the rear of the site is a timber yard and beyond that a railway line. On the rear boundary are a number of mature trees. The site is within a conservation area and adjoins an area of archaeological significance, and there is a change in levels such that the site increases in height towards the rear of the site. In front of the red line site boundary is a verge that is owned by the highway authority and used for informal parking by local residents.

The surrounding area is predominantly residential in use and character, with the wider area comprising Berkhamsted Castle and recreational land to the north, Grand Union Canal to the south and the wider settlement of Berkhamsted situated adjacent to these areas.

### **Proposal**

Permission is sought for the erection of four number 3-bed houses with associated parking, landscaping and amenity space. The dwellings would be formed into two semi-detached pairs of two storey dwellings. Each dwelling would have two off-street parking bays. Four public parking spaces are proposed at the end of the site at the junction of Station Road and Gravel Path, whilst 6 number parking bays are shown to the frontage within highway land.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

## **Planning History**

4/00101/16/PR RESIDENTIAL DEVELOPMENT  
E

Unknown  
08/04/2016

4/03769/15/FU 8 DWELLING UNITS - FOUR 3 BEDROOM HOUSES AND FOUR 1  
L BEDROOM FLATS WITH ASSOCIATED PARKING AND  
LANDSCAPING

Refused Appeal decision awaited  
3/11/2015

4/02261/13/PR RESIDENTIAL DEVELOPMENT  
E

Unknown  
31/01/2014

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005

### Adopted Core Strategy

NP1 - Supporting Development  
CS2 - Selection of Development Sites  
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 Public Realm  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Berkhamsted Conservation Area Character Appraisal and Management Proposals 2012  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Refuse Storage Guidance Note March 2015

### **Summary of Representations**

#### Berkhamsted Town Council

It was RESOLVED to suspend standing orders to allow Mr Lawrence a Station Road resident to speak on behalf of many of the neighbours who continue to object to the revised plans on a number of points including the following: there is already insufficient parking capacity as evidenced by a residents' parking survey in 2011 and this would be exacerbated by the proposals making parking extremely problematic; the parking spaces on site would be difficult to access safely; the single carriageway and pavement configuration would be dangerous; the design of the dwellings is unattractive providing overly small and shaded gardens contrary to the Core Strategy; screens to mitigate noise from trains would be a blight; there is the potential for damage by the build to existing tree roots and the site is currently a wild life haven on which the developers have failed to carry out an impact assessment. In conclusion, he commented that more houses are needed but this site is unsuitable. He would welcome BTC's support in objecting to the application.

The meeting was reconvened.

Objection.

The site is in a conservation area and this application follows one previously refused for 8 dwellings. The proposal is effectively forcing development on an unsuitable piece of land in an already congested area. The proposed (massive) dwellings would have very little amenity space on this cramped site. Such a development would undoubtedly increase traffic congestion in an already problematic area. Access would also prove problematic, including for service vehicles. The proposals would impact adversely on the streetscape and would overlook properties. BTC shares the residents' concerns regarding local wildlife conservation on this site, parking, sound pollution, the unacceptable noise screens, loss of trees, inadequate access onto the highway and the possible risk to pedestrians.

Contrary to CS11 (a, b, c), CS12 (a, b, c, f, g), Appendix 3 (3.1, 3.3, 3.5, 3.6).

#### Strategic Planning (in summary)

We note that 4/03769/15 for 8 homes was refused as it would be detrimental to the conservation area, would probably result in the harmful loss of trees and as it failed to demonstrate that a satisfactory level of amenity would be provided for occupiers of the new dwellings. This decision indicated that a residential development was acceptable in principle, but that the 2015 application was not an appropriate way to develop the site and represented an over-development.

The current application proposes a much less intensive development, with more amenity space and less impact on trees. We welcome these changes and also the proposal for 10 off-street public parking spaces given the shortage of parking provision in the area.

There is no need for any affordable housing within the development, because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

We have no objections to the current application in principle. The key issue is whether this proposals overcome the previous reasons for refusal.

#### Berkhamsted Citizens Association

The BCA wishes to object to this application as the traffic and parking problems will be made worse if this goes ahead. This is a money scheme to the serious detriment to the area. It should be refused.

#### HCC Highways (in summary)

Does not wish to restrict the grant of permission subject to conditions securing parking dimensions and access arrangements, full details of the access width, provision of visibility splays, parking and servicing areas, Stage 1 safety audit, construction traffic management plan, together with informatives regarding s278 agreement for works in highway.

HCC has previously provided pre-application advice on the proposal. HCC did not object to the principle of the proposal but requested additional information in order to assess any further application. Notes that an application for 8 dwellings was refused in November 2015 but not on highway and transportation grounds.

Road Safety: The DAS does not provide any assessment of collision data within the vicinity of the site. However, a review of the HCC database indicates that there have not been any collisions within the last five year within the close proximity of the site and it is unlikely that the proposals will have a detrimental impact to the safety of the highway.

Vehicle Access: The applicant proposes 3 new crossovers off Station Road for the

residential parking. It is not clear from the site layout the width of these accesses. The Roads in Hertfordshire Highway Design Guide 3rd edition states that a shared access requires a minimum width of 4.1m.

Additionally, the applicant proposes a new crossover for the 4 public parking bays on the corner of Station Road and Gravel Path. HCC does not object to the principle of this crossover. However, there may be potential conflict with the existing telegraph pole, signage and also double yellow lines. Therefore, HCC request that the applicant provide a more detailed plan to ensure there is no conflict with these existing conditions.

A Stage 1 Safety Audit will be required for the proposed access arrangements. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Visibility: The applicant has provided a visibility splay of the 3 site access arrangements which indicates a visibility splay 2.4m x 43m. This is in accordance with Roads in Hertfordshire Highway Design Guide 3rd edition and Manual for Streets.

Parking Provision: The DAS states that 2 spaces per dwelling will be provided. This equates to a total of 8 parking spaces for the residential development which is in accordance with DBC Parking Standards Appendix 5.

Station Road currently accommodates informal on-street parking. The proposed development would result in the displacement of approximately 17 vehicles. Therefore, as part of pre-application advice provided by HCC, it was requested that the applicant provide adequate car parking within the site to prevent overspill onto the highway.

The applicant has addressed this by proposing the provision for 5 (sic) public on-street parking spaces and 4 off-street public parking spaces at total of nine spaces.

Parking Layout: Roads in Hertfordshire Highway Design Guide 3rd Edition states that the dimensions for parking bays shall be in accordance with the guidance in DfT Manual for Streets.

The proposed site layout does not include the dimensions of the proposed parking spaces. However, the applicant has provided a swept path analysis indicating a vehicle can enter the proposed parking.

Cycle Parking: The applicant has stated that cycle storage will be accommodated within the site. However, no information has been provided on the location or quantity of cycle storage. This will need to be provided in accordance with the Dacorum Borough Local Plan, Appendix 5 Parking Provision.

Servicing Arrangements: No information has been provided on the proposed refuse and servicing arrangements. The proposed refuse storage and collection arrangements should be consistent with guidance provided in Manual for Streets (MfS).

Refuse collection should be within 25m from the highway for collection purposes which is in accordance with Manual for Streets 6.8.9.

**Sustainable Access:** There is currently a footway on the southern side of Station Road. The applicant proposes to construct a formal footway on the north side of Station Road. Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.

Generally the site is accessible by sustainable modes of transport.

**Construction:** The DAS does not contain any information regarding the potential impacts on the highway network during the construction of the proposed development. The applicant will need to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety. This will be secured via condition.

**Conclusion:** Hertfordshire County Council does not wish to object to the proposed development subject suitable conditions.

#### Conservation and Design (in summary)

No objection from Conservation and Design. The development is considered to be in accordance with Policies CS12, CS13 and CS27 of the Adopted Core Strategy in that the proposal is believed to be complimentary with the existing surrounding developments, integrating well with the established streetscape character of the area such that the development is considered to positively conserve and enhance the appearance and character of a part of the conservation that is presently of limited note.

Comments - The site in question is a narrow strip of open land adjacent to the embanked mainline railway line on the northern side of Station Road, at its junction with Gravel Path. Adjacent to the north-west end of the site is a pair of existing dwellings, which along with those properties on the southern side of Station Road that back onto the Grand Union Canal, were built towards the ends of the 19th century and whilst these buildings are two stories in height with pitched roofs, they are of a mixture of different built forms that still collectively have a strong commonality about them, in terms of the materials used in their construction, the projecting ground floor front bay windows that are to be found on many of the dwellings, and the fact that the with the properties collectively exhibit a strong build line in the street-scene.

The land is presently unmaintained and would appear to represent part of a verdant linear buffer that has become established alongside the railway line, and from the evidence of the historic OS maps has not previously been developed. Even though the site is overgrown it is however believed to contribute, albeit in a minor positive way, to the character of the area. As such the proposed development of two blocks of housing on the site would clearly change this present situation. That said the informed Victorian influenced design of the proposed development size and proposed materials of the new buildings and how they relate (build line) with the existing dwellings to the north-western end of the site would, on the whole, be both reflective in architectural language and scale of nearby buildings. That said, there are some concerns with how some of the traditional features have been interrupted on this scheme, namely the front window bay features, which would appear to be unusually wide compared to traditional ones (where the forward/front window to the

bay is of the same width as that of the first floor window above) and as a result look squat features with an unwelcomed degree of horizontality to them. Also the elongated form of the bay would result in odd looking sash window forms. As such the solution would be to narrow the bays. On a similar note the proposed contrasting brick plinth band is considered too prominent and visually heavy looking and as such would benefit from it being reduced down to perhaps two courses of brick only. Were these minor points to be addressed, Conservation & Design believe the scheme to integrate well into the street-scape of the area such that the development would be considered to be an enhancement over the present use of the site with respect to the character and appearance of the conservation area.

Suggested Conditions - Along with it being suggested that permitted development rights be removed from the proposed development in order to control changes to the new buildings once built and to ensure that features such as the boundary walling is retained, conditions are suggested to ensure the quality of the built development:

#### Trees and Woodlands Officer

Proposed dwellings are further away from boundary trees than previously proposed units. This eases potential pressure on amenity space around the dwellings from overhanging tree canopies. Also, less likely to be root damage / soil compaction from construction activity.

Smaller number of dwellings means that the amenity of existing trees is somewhat maintained; trees are still visible to passers-by and residents through gaps between units.

Planting proposals for four new trees could benefit from a slight tweak. The one new specimen proposed to be sited between parking spaces, at the development mid-point along Station Rd, could cause issues if the species / growth habit is poorly selected. A tree this close to hard surfacing is likely to have a short useful life. It would be better to move the tree away from surfacing, potentially into the dwelling rear gardens.

I'm still comfortable with tree removal and replacement, if that enables a better scheme to be realised.

#### Parking Services Team Leader (in summary)

Parking is an on-going issue throughout central Berkhamsted particularly in the streets around the station. The narrow streets around this site are mainly of terraced housing with no off-street provision and there a number of waiting restrictions that have been installed by Hertfordshire County council for safety reasons. The unsurfaced area in front of this site is mostly parked up and I assume, based on the fact that I have seen people washing vehicles there, that they are mainly residents' cars. Four new dwellings are likely to produce at least 8 additional vehicles so the off-street provision for residents looks OK.

I am not clear how four off-street public parking spaces would work, the Parking Service would not be able to take any enforcement action, they would probably be perceived by the new residents as for their visitors.

The six additional on-street bays are welcome but there will still be around 7 or 8 vehicles that can currently park close to the residents homes that will no longer be able

to do so.

### Environmental Health (in summary)

A satisfactory revised acoustic assessment of noise and vibration for the site has been received. With appropriate noise mitigation measures, satisfactory internal noise levels can be achieved. Within the external amenity areas a small percentage of two to the rear gardens exceed the recommended level of 55dBA but this is considered to be acceptable. Recommends a condition to secure the details / recommendations in the report comprising glazing and ventilation criteria and earth bund and 2m acoustic fence to western, northern and eastern site boundaries.

### HCC Ecology Advisor

1. We have no ecological data on the application site. Historically the area has remained open since the 1880s with no indication of any habitat features, so the wooded and shrubby character of the site represent secondary growth within the last 50 years or so.
2. Whilst there is no long-standing habitat interest, clearly the open ground, shrubs and trees which border the railway line here provide a local ecological resource of at least moderate value at the site level. It contributes to the local ecological resource within the river valley as a stepping stone along the corridor, despite the urban nature of the town.
3. The proposals will degrade the ecological interest of the site and its role as an ecological resource within the river valley by destroying habitat. However the potential for the site's use for housing has been acknowledged by the LPA so its long term survival is inevitably compromised, given there are no known outstanding ecological reasons that would otherwise represent a constraint on any such proposal. I note that the line of mature trees which is the site's most prominent ecological and visual amenity feature is described as outside of the perimeter boundary fence and as such appears to largely remain, although some pruning is proposed. The retention of this feature will clearly limit the ecological impact of the development.
4. The site has been subject to ecological surveys. The Habitat and protected species assessment identified several habitat compartments and described the nature of the site. It is typical of land which has generated rough vegetation on disturbed sites and also subject to garden refuse dumping including establishment of non-native plants. It is not considered to have any ecological significance as a habitat. I acknowledge that the intrinsic nature of the habitat is of limited interest, but its role locally in providing a semi-natural habitat has not been adequately recognised. In respect of species it was proposed to undertake further badger and reptile surveys of the site, which given the nature of the habitat, I consider to be appropriate. There is a large Great crested newt breeding area at Berkhamsted Castle- assuming it retains water - but it is considered unlikely that GCN are present at this site. The reptile survey may pick up any newt presence in any event.
5. The badger and reptile survey produced no evidence of badgers, but a low population of common lizards was confirmed as present on the site. I consider it is therefore also likely to be a breeding site. This is consistent with the railway corridor which is often a favoured habitat for such reptiles. These will need to be translocated



offsite to ensure they will not be harmed, during the appropriate active season. This work will be subject to a detailed method statement, which presumably has yet to be produced.

6. On the basis of the above I consider that there are no fundamental ecological constraints sufficient to object to the development proposals on this site. However, given the impact on the site and the reptiles present, I advise that a Condition is attached to any approval to the effect that:

- A detailed method statement should be provided for the translocation of common lizard from the application site. This should also describe:
  - The location of the proposed receptor site;
  - The receptor site's current condition;
  - The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.

This would follow best practice to provide a basis for demonstrating the 'reasonable effort' which is required to avoid harm to common lizards, given their protection afforded by inclusion on Schedule 5 of the Wildlife and Countryside Act.1981. The Statement should be provided to the satisfaction of the local authority in order to ensure it has implemented its' Biodiversity Duty and followed the NPPF guidance in respect of seeking ecological enhancements from development.

7. I have no reason to believe that badgers would move onto the site in the short term, but it may be prudent to include an Informative suggesting that any clearance should proceed with caution before development begins, or that a final check should be undertaken to confirm badgers are not present on site.

#### Network Rail (in summary)

(1) From the plans submitted with the current application it appears that some Network Rail land has been included. From the plans it appears that the land will be used to construct 4 parking spaces. The developer will need to submit document showing their land ownership at the site to Network Rail.

Therefore, at this stage we cannot support the proposal.

(2) The proposal shows some tree works adjacent to the railway boundary. As the site is next to the operational railway we would require the developer to submit to the Network Rail Asset Protection Team a method statement detailing how they propose to remove the trees (and any other vegetation). Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

(3) The site plan appears to show a new retaining wall next to the operational railway boundary. In light of this Network Rail would require further information, inter alia, expected design life, height, rail loadings, drainage, materials compaction,

maintenance, liability for Network Rail's costs in considering the above.

(4) Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. A Basic Asset Protection Agreement will need to be agreed between the developer and Network Rail additional to any planning consent. A Part Wall notice may also be required.

(5) Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

(6) All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

(7) Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing to allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.

(8) Network Rail recommends that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

### Thames Water

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### Scientific Officer

Any comments received will be reported at the meeting

### Building Control

Any comments received will be reported at the meeting

HCC s106 Officer

Any comments received will be reported at the meeting

Refuse

Any comments received will be reported at the meeting

Three Valleys Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

4, 4a, 11, 14, 15, 16, 18, 19, 20, 22, 23, 24 Station Road, 7, 8, 9, 19 Gravel Path, 19 Ellesmere Road, 1 William Street - Object for the following reasons (in summary):

Design and layout

Overdevelopment

Cramped development

Site not large enough

Garden sizes below 11.5 m minimum

Buildings too bulky

Flats not in keeping

Inadequate private gardens

Materials and details too vague

Second floor windows out of context

Conservation document calls for strong building lines but the proposal has indentations

Would introduce a suburban feel mismatching that on the opposite side of Station Road

Victorian pastiche - materials such as uPVC windows and doors would be out of keeping

Dwellings resemble other buildings - would like to see some modern architecture

An alternative proposal comprising 10-12 neo-Victorian terraced dwellings with on-street parking only and a pocket park to the south-east is advocated

With existing cabinets and sub-station the development will not enhance the character of the Conservation Area

Highway safety

Reduction in parking

Loss of 15 parking spaces

Do not want the situation made worse by loss of up to 10 parking spaces

Insufficient parking for the new dwellings

Would exacerbate parking problems

Additional traffic congestion

Additional congestion during the build phase

Parking study is severely flawed as they were carried out on a Sunday or Bank Holiday

Traffic survey carried out on a far from typical day Thursday 25th June, when 6th form students were on study leave

No parking capacity in nearby roads

Four parking bays a hazard to road safety adjacent to Gravel Path

Reverse manoeuvres from driveways would be hazardous

Additional difficulty for emergency vehicles

Station Road should be made one way or 4 unofficial existing parking spaces should be made into a passing place

What obligation will the developer have to make the four off-street parking spaces available to the public in perpetuity?

### Trees and Ecology

Applicant is incorrect in saying the site is not a positive feature

The greenery is a buffer from the noise of the trains and part of the benefit of the Conservation Area

Fails to demonstrate that trees and landscape features can be retained

Unlikely that trees to be retained would survive

Harm to existing trees during construction

Loss of trees (intentional or otherwise) detrimental

Lack of ecological / protected species information

No ecological study

Negative ecological impact

Loss of open green wildlife space

Harm to wildlife

### Amenities

Loss of light and greenery

Increased railway noise from removal of vegetation

Noise from railway will create a poor quality residential environment

Peak noise levels will be excessive for residents

More air pollution as a result of traffic

Gardens would be noisy and cramped, with little sunlight

Disturbance

Site needs significant landscaping causing disturbance

Loss of privacy to 19 Gravel Path

Overlooking of 23 Station Road

### Other

DAS includes errors referring to flats

Would not meet nationally prescribed space standards

Too close to railway line

Retaining wall may not be structurally stable

Will due restraint be incorporated to prevent damage to the railway support

Previous appeal refused in 1981 for flats inter alia due to noise and vibration from trains - the site remains unsuitable for development

Increased drainage problem

Adverse effect on water table and flooding

Loss of value  
Archaeological assessment required

## Considerations

### Background

Pre-application advice was given in 2014 as follows:

- Principle of development for residential acceptable.
- The existing parking situation noted as problematic and displacement of cars caused by developing the site should be addressed.
- Need for a high quality design that responds to the established character of the Conservation Area.
- The site should be designed with Sustainable Urban Drainage (SUDs) principles.

An application for 8 dwellings in 2015 was refused for the following reasons:

- i The proposed development, by reason of the siting of the proposed residential properties, land level changes and very close proximity to existing mature trees, would result in a cramped and unsatisfactory form of development that would be detrimental to the character and appearance of the conservation area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy.*
- ii The proposal fails to demonstrate that trees and landscape features can be satisfactorily retained due to the extremely close proximity of the proposed residential dwellings, particularly the flats, which is highly likely to lead to pressure to lop, top or fell the trees. The loss of the trees would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policies CS10, CS12 and Policy CS27 of the Adopted Core Strategy.*
- iii The proposal fails to demonstrate that satisfactory amenities can be provided for the occupiers of the new dwellings. The amenity space provided is very small and in close proximity to mature trees. The proposed dwellings would adjoin a timber yard and be very close to a national rail line, but no noise assessment has been undertaken to ensure that occupiers would not suffer from noise and disturbance and therefore it is not clear that further measures are not needed to protect the amenities of future occupiers. The proposal would therefore be contrary to the aims of the NPPF and would be contrary to Policy CS12 of the Adopted Core Strategy and Appendix 3 of the Saved DBLP 1991-2011.*

Design, amount of development, highway impact, parking and impact on neighbouring residents were not reasons for refusal. Therefore these aspects must be considered acceptable.

Further pre-application advice was sought in 2016 with respect to a revised scheme. The planning officer verbally acknowledged the improvements to the scheme whilst consultation responses established the following principles:

- Highways

Swept path analysis required for vehicles

Refuse and Serving details to be provided

Cycle spaces need to be shown

Site is well located for public transport and ideally located for commuting to London due to proximity to station.

- Network rail

Standard response with regards to building close to Network Rail Land.

- Trees and Woodlands

Confirmed previous comments that the trees to the rear of the site are not worthy of a TPO.

Would positively consider a proposal to remove and replace the trees prior to construction.

### Policy and Principle

The site lies within the urban area of Berkhamsted, a market town identified in the Core Strategy wherein, under Policy CS4 residential development is acceptable in principle. Market towns are able to accommodate much of the housing requirement for the Borough after Hemel Hempstead and small scale developments such as this are important to the housing provision in Dacorum. Core Strategy Policy CS18 states that housing developments of any size should provide an appropriate mix of house size.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience, the impact on trees and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58, 99 and 120 of the Local Plan.

### Suitability of the site for residential development

The site is a vacant, overgrown, piece of land, understood to be left over after the construction of the railway. Immediately adjacent to the north western end of the site is a pair of semi-detached Victorian cottages on this side of Station Road (nos. 26 and 27).

The previous application for 8 dwellings was refused, inter alia, because it failed to demonstrate that a satisfactory level of amenity would be provided for occupiers of the new dwellings. The current scheme has been amended to reduce the number of dwellings from 8 to 4.

Although the site would be developed with relatively shallow rear gardens, each plot would remain commensurate in size with others in the immediate area, and indeed due to their wider frontages, larger in area than the aforementioned railway cottages at 26 and 27 Station Road. Concerns have been expressed that the proposal for four dwellings would be an overdevelopment of the site. Nevertheless, the layout would provide sufficient car parking for each dwelling in accordance with standards, good spacing with adjoining properties and sufficient private amenity space to the rear of each dwelling. Although, at between 3 to 6 metres, the rear gardens are shallow when judged against the minimum 11.5 metres set out in Appendix 3, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with 26 and 27 Station Road in the case of Plots 1 and 2. Moreover, in the case of Plots 3 and 4, given their greater width of some 30 metres in the case of Plot 4, and over 15 m in the case of Plot 3, it is considered that the garden space will remain functional and compatible with the surrounding area. The overall density of the scheme at 30 dph is not considered to be excessive or out of keeping with the surrounding context, and is in line with policy make good use of urban land. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

#### Design, layout and effects on appearance and character of Conservation Area

Whilst the application site does provide a green space within the urban area which undoubtedly helps to screen the yard and railway to the north and provides some visual amenity to the surrounding area, the vegetation is not all of high quality and the unmaintained appearance detracts from the character of the area, which is not helped by the informal parking against its southern edge.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies Station Road as falling within the Grand Union Canal Identity Area.

A Conservation Appraisal has been carried out by the applicants with the DAS. This has taken account of the Area Based Policies SPG 2004 and the Berkhamsted Conservation Area Appraisal adopted in 2014. The appraisal explains what has been considered and how they arrived at the submitted proposals.

The Area Based Policies describes the surrounding context as:

*"Original late 19th/early 20th century residential design is of a simple but very high quality. Most dwellings front onto the road; many directly abut the footway on strict building lines. This makes for a very urban feel with little street landscaping. The housing is predominantly two stories. Some infill development has occurred, particularly of flats exploiting the canal side setting. Traffic flows are high on some roads. There is little off-street parking. This creates on street congestion and clutter."*

It sets out a number of principles, the most relevant of which is as follows:

*"Infill proposals are acceptable where the high density pattern of development typical of the area can be maintained, the building line is followed and the bulk and mass is at the scale of adjacent and nearby development."*

The Berkhamsted Conservation Area Appraisal provides more detailed advice regarding this area and notes that although the houses are of brick, reflecting a solidly middle class lifestyle, and present strong building lines, there is nevertheless great variation in design details. The applicant has recognised that the site forms an important edge to the Conservation Area and that there is a need to respect its character by following the strong building line set by the existing pair of former railway cottages (26 and 27) with suitable spacing to maintain an attractive street scene and detailed elevations, materials, heights, fenestration, etc. designed to reference the established pattern within Station Road.

The proposal comprises two pairs of semi-detached two storey houses of traditional brick and pitched tiled form and would follow the building line set by Nos. 26 and 27 Station Road with similar depth front gardens enclosed by walls/railings and landscaping. The proposed development would follow the established character of the semi-detached pair and would provide defensible space within the front gardens together with habitable rooms to the frontages, both providing activity to the street and good surveillance in order to deter crime. Whilst the dwellings opposite exhibit limited gaps between long terraces, the proposed development would provide a greater level of spacing between the units in order to avoid a cramped form of development and reflect the semi-detached pair on this side of the road.

In terms of detailed design, whilst noting the variety in detail of the existing dwellings opposite, the proposal seeks to reflect some of the traditional features they make up the character of the existing dwellings, viz: traditional two storey scale and form, eaves and ridge lines comparable to existing dwellings in the area and the front elevations including features such as bay windows, arched brick headers, painted timber sash windows, materials and chimneys which feature strongly in the area.

The Council's Conservation Officer considers that the layout, scale, form and design of the dwellings are acceptable in principle and is reflective of the surrounding existing development within this part of the Conservation Area. However, he has recommended improvement inter alia to the design and proportions of the bay windows, and amended plans have been requested.

Subject to the satisfactory receipt of these and to control over materials and details, the proposal is considered to preserve, if not enhance, the character and appearance of this part of the Berkhamsted Conservation Area. The proposal would comply with Policies CS12 and 27 of the Core Strategy and saved Policy 120 of the Local plan.

#### Impact on highway safety, access and parking

Residents have raised objections to the development on the grounds that the development would result in a loss of on-street parking availability, displacing cars to surrounding streets and causing residents to have to walk further. Concerns are also raised regarding additional traffic congestion from the development and danger from vehicles reversing onto Station Road from the dwelling accesses and proposed four



public bays.

The majority of houses along Station Road and many in the immediately surrounding area do not have off street parking. There is therefore a considerable amount of on street parking in the area, worsened by the fact that the roads are close to the station (with people choosing to park for free along the adjoining roads rather than pay to park in the station car park) and the area is also close to the shops.

The situation of parking within the area is recognised in the Councils Conservation Appraisal as being dominated by on-street parking. High levels of on-street parking are experienced due to; lack of off-street parking for the historic residential building forms; proximity to the train station and town centre. The existing site is dominated by informal parking, with both resident and commuter parking contributing to the situation. Due to the nature of the parking, straddling the edge of the highway and overlapping the verge, including at points very close to the junction with Gravel Path, the situation is not ideal in terms of highway safety or appearance with regards to the character of the conservation area.

This is an existing situation unrelated to the current planning application and it must be assumed that people who bought properties would have been aware of the potential parking problems, even if it is accepted that people with shopping, children, etc would find it difficult if they have to park some distance from their house.

The planning system does not require new planning applications to solve existing problems in an area, but only to ensure that a new development doesn't worsen the situation.

The proposed development includes two forms of parking; (1) on-site parking for the proposed development, and (2) public parking for the surrounding area.

(1) In terms of on-site parking to serve the development, this should accord with parking standards as assessed against Policy 58 and Appendix 5 of the Borough Plan. As 3-bedroom dwellings a maximum of 2.25 parking spaces per dwelling should be provided. The policy however does state that parking provision can be reduced in locations close to town centres, train stations and sustainable locations. As the site is in a sustainable location, within walking distance of these facilities, and in close proximity of Zone 2 where reduced parking standards of 1.5 spaces per dwelling are accepted, the proposal accords with the policy with the provision of two off-street spaces per dwelling. Provision for cycle parking in accordance with Appendix 5 would be satisfied through the provision of storage sheds on site to serve each dwelling which would provide occupants with a viable sustainable alternative.

(2) In terms of public parking for the surrounding area, this is to be provided in the form of a parking court of four bays at the east end of the site, and in the form of six parallel parking bays on-street, equating to ten parking spaces in total. The applicant has advised that the intention is to provide this area of hard surfacing, marked out as four parking bays with no restriction to access (such as bollard's) allowing any standard vehicle to access the area and park.

To ensure this is made available for public use, the applicant has agreed to accept a condition defining the area as such, and stating that no physical barrier may be

installed and that signage should be agreed and then installed to clearly notify the public that the spaces are for public use.

Whilst the provision of 10 spaces is a reduction in the level of parking available to the public (figures vary from 17 to 22 presumably depending on how closely people park - Google Earth currently shows 17 with space for one more), when viewing the impact of the development in the wider context and with regards to the policy tests, the following points should be noted:

- Improvement to flow of traffic – The proposal would create a number of crossovers located along the highway which would form informal passing places, allowing vehicles to pass and therefore an improvement over the existing situation.
- Benefit to Highway Safety - The proposal would include the provision of a footpath on the northern side of Station Road, thereby improving pedestrian safety and reducing the potential for pedestrian / vehicular conflict.
- Benefit to Highway Safety - Parked cars at the junction with Gravel Path currently reduce the junction area where they overlap the highway. The creation of the four bay parking court would prevent cars being parked on the junction, improving visibility for highway users, and also improving the flow of traffic.
- Capacity within the surrounding area - The applicant's submitted parking beat survey highlighted a small level of capacity within surrounding streets. This has been criticised by objectors as being unrepresentative as it was undertaken on a day when 6th form students were not at school and therefore not parking in Station Road and surrounding streets. The applicant's can't really be criticised for choosing this day as they likely wouldn't have been aware of this situation and it may just be an unfortunate coincidence. The above said, it is likely that on-street parking within the surrounding streets is already largely at capacity as a result of commuters and town centre shoppers. Displacement of parking as a result of the development would therefore be unlikely to make much difference to the availability of parking in surrounding roads, and it is likely that parked cars associated with train station commuters would be displaced into the Station Car Park rather than surrounding streets.

It is acknowledged that the verge along the site is used as informal parking by residents and commuters. This is however an informal arrangement and only the highway authority, which own the land, could insist that it must remain as informal parking. It is noted, as on the previous 8 dwelling scheme, that the highway authority has not objected to the planning application and therefore accepts that sufficient off street parking has been provided for the new properties, that some public off street parking is provided (10 spaces) and that displacement of vehicles to other surrounding roads is not detrimental to highway and pedestrian safety.

Given the site's close location to the station and shops, it is considered that the provision of two parking spaces for each of the houses is an acceptable level of off street parking for the proposed residential dwellings. Comments concerning tandem parking and the need to back into the road are noted, but the fact is that approximately 18 cars currently park on the highway verge and all seen on the officers site visit had driven straight onto the verge and therefore would have to back out into the road; the

current proposal would in fact reduce the number of such manoeuvrers.

Taking account of the above, the proposed development meets the policy requirements for parking; there are some benefits to the highway safety and flow of traffic and the furthermore the Highway Authority has raised no objection to the proposal, subject to conditions seeking further details.

Revised plans seek to address some of the Highway Authority's request for further details as follows:

- Bins would be within 25 m of highway and can be brought to frontage on collection day by the occupants
- Sheds added for cycle storage in addition to fixings for cycles
- Parking space dimensions annotated

The Highway Authority has been reconsulted and an update will be provided at the meeting.

The Highway Authority has raised no objection to the new accesses, noting that swept path diagrams show that vehicles can manoeuvre without conflict with other vehicles or obstructions. With regards to the four parking bays, the Engineer has pointed out that there may be conflict with the existing telegraph pole, signage and double yellow lines and therefore has requested further details. These details have not been received at this stage and the applicant has asked that they be subject to a condition. This is acceptable, but it would be expedient to make any permission subject to a Grampian condition that ensures no development takes place until these details have been submitted to and agreed by the LPA and shown not to be a constraint on the provision of the four parking bays.

Subject to the above, it is considered that the proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

### Impact on Landscape and Trees

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings.

Although there are a number of mature trees on the north eastern boundary of the site (outside the site) that provide a mature setting and green backdrop to this part of Station Road, the site is generally overgrown by scrubby vegetation and tree growth of varying maturity but limited quality. These have been surveyed by the applicant and given a C categorisation (Trees of low quality with an estimated remaining life expectancy of at least 40 years, or young trees with a stem diameter below 150mm.). Contrary to the applicant's DAS, a total of 13 C category trees would be removed from the frontage (not 3) to facilitate the development. However, the Council's Tree Officer does not object to this and has previously advised that trees on the site would not be worthy of a TPO. Two Category C Hornbeam would be retained and protected on the Gravel Path frontage (outside the site) and new tree planting is proposed as part of the development proposal together with generous shrub planting.

To the rear boundary (outside the site) there are some 10 individual trees (mainly category B) together with a group of Sycamore and Elm (category C) which make a significant contribution to the visual amenities of the area by virtue of their height, maturity and quality and help screen views of the timber yard and railway. The Tree Officer has not recommended that they are of TPO quality although they are afforded some protection due to the fact that the site is in a conservation area. Nevertheless the applicant proposes to protect and retain these trees as part of the development, albeit the overhanging canopies are to be pruned back to the retaining wall.

The Tree Officer has advised that, compared with the previous 8 dwelling scheme, the dwellings would be further away from the boundary trees, thereby easing pressure on root damage / soil compaction during construction activity and also easing pressure on the amenity space around the dwellings.

It is worth noting that the boundary trees would still make a contribution to the verdant character of the street scene, being visible between and above the roofs of the dwellings to passers by and residents.

With regards to the tweaks suggested by the Tree Officer, these have been addressed on revised plans and the Tree Officer has confirmed that the tree planting is now more sensible.

A condition securing tree protection in accordance with Section 8 of the Arboricultural and Planning Integration Report, and landscaping details, is recommended.

Subject to the above, the proposal would comply with Development Plan Policies.

#### Impact on Ecology

The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia, that development will contribute towards the conservation and restoration of habitats and species. Given the site does include mature trees, it is considered that there would be a high probability of fauna and flora, including protected species, being affected. A number of residents have raised this as a concern which has not been addressed by any surveys.

In response to this, the applicant has provided two assessment reports:

Habitat and Protected Species Site Assessment Report September 2015  
Badger and Reptile Survey Report September 2015

The Habitat and Protected Species Site Assessment Report notes in the desk study that protected species (bats, Badgers, Great Crested Newts and reptiles) could occur within the proposed development footprint. However, The subsequent site assessment found that there is no suitable habitat present for bats to occur within any part of the proposed footprint and the Great Crested Newt population is located at too great a distance from the site and with a significant barrier to their dispersal. The report therefore recommends that targeted species surveys be undertaken to determine the presence or absence of Badgers and reptiles only.

*In the* Badger and Reptile Survey Report The badger survey did not locate any

evidence of badger presence within the proposed development footprint. The report recommends that no further action is required in respect of this protected species.

With regards to reptiles, the survey identified the presence of a population of common lizards on the site but only a "low population" is present. However, the report nevertheless recommends that these will need to be captured and translocated from the site during the active season (approximately March – early October depending upon prevailing weather conditions) in advance of any development works commencing on the site.

The report recommends that a detailed method statement is prepared to document the protection and mitigation measures required in order to comply with the Wildlife & Countryside Act (1981, as amended).

It is considered that this can be requested and provided by condition.

The HCC Ecology Advisor has considered the reports and advises that there are no fundamental ecological constraints sufficient to object to the development proposals on this site but recommends a condition be attached to any approval requesting a detailed method statement for the translocation of common lizard from the site. An informative regarding badgers is also recommended.

Subject to the above, there are not considered to be any constraints to the development of the site by reason of harm to protected species.

#### Noise impact

The site lies adjacent to railway track and a potential noise nuisance from trains that could impact adversely on the living conditions of the new occupants. NPPF Para 109 states that

*"The planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution."*

Para 123 also states inter alia that:

*"Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."*

The applicants have submitted a BS8233 noise assessment to assess if there would be unacceptable noise issues for the new properties.

The Environmental Health Officer (EHO) has considered the report and has advised that a satisfactory acoustic assessment of noise and vibration has been received and that, with appropriate noise mitigation measures, satisfactory internal noise levels can be achieved.

These have been designed to not exceed an average of 35 dB LAeq in living rooms and 40 dB LAeq in dining rooms during the day, and 35 dBA LAeq and 30 dB LAeq in

bedrooms respectively during the day and night. Maximum noise levels would not exceed 45 dB L<sub>Amax</sub> in bedrooms at night and where possible, average noise levels in external amenity areas during the day would be lower than 50-55 dB L<sub>Aeq</sub>.

The EHO does acknowledge that a small percentage of rear gardens (Plots 1 and 4) exceed the recommended level of 55dBA. However, she considers this to be acceptable. In this respect, BS8233 recognises that these guideline values will not always be achievable in urban areas adjoining main roads or other transport sources. In these cases, BS8233 states that the development should be designed to achieve the lowest practical noise levels in the amenity spaces.

### Impact on Neighbours

There is general concern from residents that the removal of vegetation will create increased railway noise. However, it is well understood that vegetation is a poor noise barrier, and its effect is more perception than actual.

The issue of noise has been considered above and not found to be a reason that could be used to refuse this development.

The matter of increased air pollution from traffic is considered marginal if any, as the increased traffic associated with the new dwellings would in this case be likely to be offset by the reduction in vehicles using Station Road to park.

19 Gravel path has Loss of privacy to 19 Gravel Path

The proposal is not considered likely to cause any significant loss of amenity for surrounding properties.

There are no residential properties located to the north (rear) of the site.

No. 26 Station Road lies adjacent to Plot 1, and given the reasonable separation and orientation is not likely to be impacted through overlooking or loss of light. There are no windows proposed in the side elevations.

Neighbouring properties are located on the south side of Station Road, including No. 23 which has objected on grounds of overlooking. As the development site is due north of these properties the potential for loss of light is very low and would not amount to a negative impact. Similarly, mutual overlooking between windows would be across the public realm of Station Road, and a similar situation to most front to front relationships in other parts of the town. It is not considered to be a matter on which a refusal could be based.

No. 19 Gravel Path which flanks onto Station Road has raised objections on grounds of overlooking of the rear garden. There would be a small element of overlooking from the first floor windows in Plot 4. However, the dwelling on Plot 4 would be offset in relation to the garden 19 Gravel Path such that there would be no direct overlooking. Furthermore, the nearest window in Plot 4 relates to an en-suite bathroom and could be specified to have obscure glazing by condition. Therefore the nearest window from which overlooking could occur would be the dressing room window which is set midway along the elevation to Plot 4. Finally there would be a minimum separation distance of approximately 15 metres to the nearest part of the garden to No. 19,

increasing to some 23 metres at its rear wall and sitting out area. There are no minimum front to side relationships, but typically 12 metres is taken as a rule of thumb in such situations in back to side relationships. Therefore the proposal more than surpasses these distances and is not considered to result in significant overlooking that would warrant refusal.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

### Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A Policy CS29 checklist has been submitted which is considered acceptable and addresses the criteria of the Policy. In particular it is stated, inter alia, that all timber based products will where possible be from sustainable sources; recycled aggregate will be used where available; water consumption on site will be minimised through use of ready mixed materials and concrete; a site waste management plan will be in operation, energy performance will conform with Building Regulations; internal layouts are designed to make best use of southerly aspect; use of permeable paving for parking spaces.

The details are considered acceptable. However, there is concern that surface water drainage is said to be to existing sewers which does not therefore demonstrate a sustainable approach whereby surface water should be disposed on site via soakaways / SUDS. Some concern has been expressed by neighbours to surface water flooding in the area. As no details of SUDS are shown on plan, it is recommended that these be provided and secured by condition.

No solar panels are proposed which is welcomed in conservation terms. However, it is noted that solar panels could be installed to the roofs fronting the highway without planning permission which would be considered detrimental to the appearance of the development and the character and appearance of the Conservation Area. It is therefore recommended that permitted development for Class A, Part 14 be removed by condition to enable proposals to be considered on their merits at the time.

Policy CS29 and Para 18.22 also expects developers to complete a Sustainability Statement which, in accordance with the Sustainable Development Advice Note (March 2011), should be completed online through the carbon compliance toolkit, C-Plan. A C-Plan statement has been provided and is considered to demonstrate compliance with sustainability principles.

A compliance condition is recommended.

### S106 Planning Obligation

There is no requirement for contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document as a result of the following two material changes:

1. The written Ministerial Statement of 28 November 2014 (House of Commons Written Statement - reference HCWS50) which set out proposed changes to national policy with regard to Section 106 planning obligations affecting small developments. This is reflected in an amendment to the National Planning Practice Guidance (NPPG). Paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG was however quashed recently by the High Court following a judicial challenge by Berkshire CC and Reading BC. The Policy therefore reverts to that within the Borough Plan and Affordable Housing SPG, the latter guidance introduces a waiver for units of 4 or less.

2. The above notwithstanding, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

#### Other matters

There is no need for any affordable housing within the development, because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

No information has been provided about potential contamination on the site and no comments have been received from Environmental Health. However, the Council's Scientific Officer previously advised that there may be land contamination issues associated with the former use of the site as a goods shed / works, and given its location adjacent to the railway line and within the vicinity of potentially contaminative former land uses. Consequently she advised that there may be land contamination issues associated with the site and recommended that the standard contamination condition be applied to this development should permission be granted.

There is no reason to think that this situation has changed in the mean-time.

#### **Conclusions**

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The proposal would provide satisfactory private amenity space to serve the dwellings. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve, if not enhance its character and appearance. Some low category vegetation would be removed from the site to enable the development to take place, but the existing backdrop of trees to the rear boundary



would be retained and protected during development and new soft planting is also proposed. Adequate parking and safe access would be provided to the development to which no objection is raised by the Highway Authority. Whilst some existing on-street parking would be displaced to the surrounding roads as a result of the development, the Highway Authority has raised no objection on this ground. The amenity of neighbouring occupiers would not be adversely affected. The proposal is therefore considered acceptable for approval.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 No development shall take place until samples and / or details of the materials proposed to be used on the external walls and roofs of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- **all new windows (including bay windows), roof lights, external doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the opening, depth or reveal, heads, cills and lintels. Glazing bar and moulding details shall be shown at 1:1 scale;**
- **eaves joinery and corbelling detail;**
- **Front boundary wall and railings.**

**The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

**4 Notwithstanding any details submitted, no development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **biodiversity features such as bat boxes;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011

and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement and Policy CS29 Sustainability Checklist.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 6 **Notwithstanding any details submitted, no development shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 7 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.

- 8 **Notwithstanding any details submitted, no development shall take place until a further detailed plan setting out parking dimensions and access arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate access widths in accordance with Roads in Hertfordshire Highway Design Guide 3rd edition. The details approved shall, prior to the occupation of any dwelling, be laid out, demarcated, levelled, surfaced and thereafter retained in the positions approved available for that specific use. Arrangements shall be made for surface water drainage to be**

**intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the details indicated on the approved plan 15066\_AL(0)010 G and 15066\_AL(0)011 G. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **No development shall take place until a completed Stage 1 Road Safety Audit, for the proposed highway improvements and access junction, shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety.

- 11 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction access arrangements;
- wheel washing facilities;
- measures to control dust and dirt during construction;

**The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.

- 12 **No part of the development shall be occupied until such time as a management plan relating to the provision of the 4 public parking spaces identified on approved plan DPL/16/01 - 1B shall have been**

submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details on how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: To ensure the benefits of the proposal are delivered and to ensure that adequate and satisfactory provision of off-street vehicle parking is provided in accordance with Policy CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 13 **The trees shown for retention on the approved Drawing Nos. DPL/16/01-1B and Tree Protection Plan Rev B shall be protected during the whole period of site clearance, excavation and construction in accordance with the details included in Section 8 of the approved Arboricultural and Planning Integration Report: Ref: GHA/DS/13360:161, March 2016.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 14 **The development shall not be occupied until the noise mitigation measures, specifically glazing and ventilation criteria (section 4.18), earth bund and 2m acoustic fence to the western, northern and eastern site boundaries (section 4.26) detailed in Noise and Vibration Assessment, reference RP01-15352, version 2, May 2016 shall have been installed. Once implemented, the measures shall be permanently retained and maintained.**

Reason: To protect the residential amenity of future residents in accordance with Policy CS12 of the Dacorum Borough Local Plan 1991-2011.

- 15 **No development shall take place (including any tree clearance) until a detailed method statement for the translocation of common lizard from the application site shall have been submitted to and approved in writing by the local planning authority. The statement should also describe:**

- **The location of the proposed receptor site;**
- **The receptor site's current condition;**
- **The management required to maintain and enhance the receptor site to ensure it remains in a condition sufficient to support the translocated population for at least the following 5 years, consistent with their otherwise continued presence at the development site.**

Reason: To ensure the protection of badgers/slow worms and their habitats in accordance with saved Policy 102 of the Dacorum Borough Local Plan 1991-2011.

16 **Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

**(a) human health;**

**(b) property (existing or proposed) including buildings, crops, livestock,**

**pets, woodland and service lines and pipes;**

**(c) adjoining land;**

**(d) groundwater and surface waters; and,**

**(e) ecological systems.**

**(f) archeological sites and ancient monuments;**

**(iii) an appraisal of remedial options, and proposal of the preferred option(s).**

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

17 **No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 18 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 19 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 16, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 17. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 18.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 20 **The roof light in Plot 4 serving the en-suite at first floor level on the South West elevation of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 21 **Notwithstanding the provisions of the Town and Country Planning**

**(General Permitted Development) Order 2015 (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 C  
Part 2 Class A  
Part 14 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and preventing overdevelopment of the plots and the enlargement of the individual dwellings, which may result in additional car parking demand and overlooking and loss of privacy to surrounding residential properties, in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

**22 The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan  
DPL/16/01-1B  
DPL/16/01-2**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water



discharge from the site shall not be detrimental to the existing sewerage system.

#### Water comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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 website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on the Road: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Environmental Health

##### 1) Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

2) Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

3) Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

4) Dust

As advised within the application documentation, 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.*

5) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.