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TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0680/93

CGB Partnership
Heatherway
Frithsden Copse
Berkhamsted
Herts
HP4 2RQ

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Kingshill, Kingshill Way, Berkhamsted

SUBMISSION OF DETAILS PURSUANT TO CONDITION 3 (FENCING) CONDITION 4 (UNDERGROUND
PIPES) CONDITION 7 (FENCED COMPOUND) CONDITION 12 (LANDSCAPING) OF PLANNING
PERMISSION 4/1777/89 (4 DWELLINGS)

This application for *the approval of details or reserved matters* dated 12.05.1993
and received on 12.05.1993 was **WITHDRAWN** on 25.10.1993.

Director of Planning

Town Planning
Ref. No. 4/1777/89

Other
Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To M Gilbert Builders C G B Partnership
29 High St Heatherways
Hemel Hempstead Frithsden Copse
Herts Berkhamsted
Herts

.....Four dwellinghouses and widening of access road.....	Brief description and location of proposed development.
at"Kingshill", Kingshill Way, Berkhamsted.....	

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 29.10.89 and received with sufficient particulars on 30.10.89 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
- (2) Prior to the commencement of any works at the site relating to the development hereby permitted, all the protective fencing shown on Drawing No.8911/DP2(a) shall be erected and permanently retained until the full completion of the development.
- (3) Details of the height of protective fencing referred to in Condition 2 shall be submitted and approved by the local planning authority before any work starts on site.
- (4) Prior to the commencement of any works at the site relating to the development hereby permitted, a scheme (including plans) shall be submitted to and approved by the local authority in respect of the siting of all existing and proposed underground pipes, sewers, cables and associated equipment/apparatus within the whole site.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) The boundary hedge and tree to be enclosed by the protective fencing make a very valuable contribution to the visual amenity of the locality. The retention of this boundary vegetation is in the long term interests of maintaining the existing character of the area and the provision of the protective fencing will ensure the tree and hedging are safeguarded during construction work.
- (3) In order to ensure that the protective fencing referred to in Condition 2 is of adequate height to safeguard the boundary tree and hedging during construction work.
- (4) In order to ensure that there is no conflict between the positioning of underground pipes, sewers, cables and associated equipment/apparatus and vegetation within the whole site, in the long term interests of retaining this vegetation which makes a valuable contribution to the visual amenity of the locality.
- (5) In the interests of retaining trees on the site which make a valuable contribution to the visual amenity of the locality.
- (6) The existing boundary hedges make a valuable contribution to the visual amenity of the locality. The retention of this boundary vegetation is in the long term interests of maintaining the existing character of the area.

/Cont'd separate sheet

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NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

CONDITIONS CONTINUED - 4/1777/89

5. All the existing trees that are shown to be retained on Drawing No. 8911/DP2(a) shall not be wilfully damaged or destroyed, uprooted, felled, topped or lopped during the period of the development without the previous written consent of the local planning authority. Any trees removed without such consent or are dying or seriously damaged shall be replaced with trees of such size and species as may be agreed with the local planning authority.
6. All the existing hedges on the south-eastern, south-western and north-western boundaries of the site shall be retained and such part or parts of the hedges as before damaged shall be replaced within the planting season following the completion of the development.
7. Prior to the commencement of any works at the site relating to the development hereby permitted, a scheme (including plans) shall be submitted to and approved by the local planning authority in respect of the provision of a fenced compound for the storage of building materials, stationing of workers accommodation/site offices and a vehicle parking and manoeuvring area.
8. No dwellinghouse hereby permitted shall be occupied until the section of roadway, coloured yellow on Drawing No. 8911/DP2(a) and associated turning area, speed ramp and kerb radii shall have been provided fully in accordance with the details shown on this plan.
9. The widening of the existing accessway, as shown in purple on Drawing No. 8911/DP2(a), shall not be carried out until all the dwellinghouses and the associated roadway and turning area hereby permitted and coloured yellow on this plan have been completed fully in accordance with the details shown on this plan.
10. The accessway referred to in Condition 9 shall be completed fully in accordance with the method of construction shown by the section shown on Drawing No. 8911/DP2(a).
11. The alterations to visibility splays associated with "Old Meadow" and "Holly Corner" (referred to as "Holly Cottage") shall be carried out prior to the first occupation of any of the dwellinghouses hereby permitted.
12. No development shall take place until there has been submitted to and approved by the local planning authority a scheme for landscaping which shall show details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows.
13. All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development,


whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.

14. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (Schedule 2 Part 1 Classes A, C, E and F) or any amendment thereto, there shall be no development under the aforesaid Classes within the residential curtilages of the following plots as labelled on Drawing No. 8911/DP2(a) without the express written permission of the local planning authority:

Plot 1 Part 1 (a)	Front Elevation	-	Classes A & C
(b)	Rear Elevation	-	Classes A, E & F
Plot 2	Front Elevation	-	Class A
Plot 3	Front Elevation	-	Class A
Plot 4	Western Elevation	-	Class A

15. No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority, and the development hereby permitted shall be carried out in the materials so approved.
16. Notwithstanding the details shown on Drawing No. 8911/DP2(a) the front elevation of the garage associated with the dwelling on Plot 3 shall be set back a minimum of 5 m from the back edge of the shared access.
17. Details of the elevations of the garage associated with "Kingshill" shall be submitted to and approved in writing by the local planning authority.

Dated 12th July 1990

Signed: .. 

Designation - Director of Planning

REASONS CONTINUED - 4/1777/89

7. In order to safeguard existing vegetation at the site during construction works, taking into account the important contribution that this vegetation makes to the visual amenity of the locality as referred to in the reasons above.
8. In order to ensure that the development is carried out in accordance with the highway standards of the local planning authority.
9. In order to minimise the impact of the development upon the boundary hedge and tree located on the north western boundary of the site. The boundary vegetation makes a valuable contribution to the visual amenity of the locality. The long term retention of this vegetation is in the interests of the character of the area.
10. (a) In order to minimise the impact of the development upon the hedge and tree located on the north western boundary of the site. The boundary vegetation makes a valuable contribution to the visual amenity of the locality. The long term retention of this vegetation is in the interests of the character of the area.
(b) For the avoidance of doubt given that an alternative method of construction for the accessway would be likely to cause damage to boundary vegetation.
11. In the interests of highways safety.
12. (a) To maintain and enhance visual amenity.
(b) For the avoidance of doubt.
13. To maintain and enhance visual amenity.
14. Plot 1
 - (a) Front elevation: In order to safeguard the privacy of "Kingshill".
 - (b) Rear Elevation: In order to safeguard existing trees at the site.

Plot 2

In order to safeguard the privacy of "Kingshill" and to maintain adequate parking provision in accordance with the Council's standards.

Plot 3

In order to maintain privacy with the dwellings on Plots 3 and 4 and to maintain adequate parking provision in accordance with the Council's standards.

Plot 4

In order to maintain the privacy of the dwelling on Plot 3 and to maintain adequate parking provision in accordance with the Council's standards.

15. To ensure a satisfactory appearance.
16. (a) In the interests of highways safety.
(b) To safeguard the residential amenity of the area.
17. For the avoidance of doubt and in the interests of visual amenity.