



## BERKHAMSTED TOWN COUNCIL

Tel: 01442 800146  
Email: [deputyclerk@berkhamstedtowncouncil.gov.uk](mailto:deputyclerk@berkhamstedtowncouncil.gov.uk)  
Website: [www.berkhamstedtowncouncil.gov.uk](http://www.berkhamstedtowncouncil.gov.uk)

2<sup>nd</sup> Floor, Civic Centre  
161 High Street, Berkhamsted  
Herts HP4 3HD

### MINUTES

#### TOWN PLANNING COMMITTEE MEETING

Monday 19<sup>th</sup> December 2022 at 7.30 pm

Council Chamber, Civic Centre, Berkhamsted

#### MEMBERS PRESENT:

**Councillors:** G. Stevens – Chair  
A. Armytage  
J. Jones  
P. de Hoest  
P. Fisher

#### ALSO PRESENT:

**Officers:** J. Harley – Deputy Town Clerk (minutes)  
**Members of Public:** 5

**TP 199/22** To receive **Apologies for Absence**  
Apologies were **received** and **approved** from Cllr G Corry and Cllr P White.

**TP 200/22** **Declarations of Interest**

- i. Cllr G Stevens declared a personal interest in application 22/03414/TCA as the applicant was known to him;
- ii. No written requests for dispensations for declarable interests were received; and
- iii. No requests for dispensation were granted.

**TP 201/22** To receive **Minutes of the Previous Meeting held on 29<sup>th</sup> November 2022**. The Minutes of the previous meeting held on 29<sup>th</sup> November 2022 (previously circulated) were **received** and **approved** by the Committee as a correct record and, as such, could be duly signed by the Chair.

**TP 202/22** **Chair's Communications**

#### 1. Road Traffic Orders

The following Road Traffic Orders were **noted** by the Committee:

- i. THE HERTFORDSHIRE (TEMPORARY CLOSING OF ELLESMERE ROAD, BERKHAMSTED) ORDER 2023
- ii. THE HERTFORDSHIRE (TEMPORARY CLOSING OF NEW ROAD, BERKHAMSTED) ORDER 2023
- iii. THE HERTFORDSHIRE (TEMPORARY CLOSING OF PIX FARM LANE, HEMEL HEMPSTEAD) ORDER 2023
- iv. THE HERTFORDSHIRE (TEMPORARY CLOSING OF BROWNLOW ROAD, BERKHAMSTED) ORDER 2023

#### 2. Tree Preservation Orders

None had been received.

### 3. Licensing Applications

- i. The following premises licence was noted and discussed:  
Premises Licence received for Shell Budgens.
- ii. No pavement licences had been received.

**TP 203/22**

#### **Public Participation**

Standing Orders were suspended to enable members of the public to speak.

A resident made comment about the proposed roadworks in New Road, Ellesmere, and Brownlow Road, with diversions to Station Road (TP 202/22,1). Diversions via this route result in dangerous congestion and damage to parked cars. It was suggested that it would be preferable for there to be temporary traffic lights in place during the roadworks to resolve these issues.

**Action:** Deputy Clerk to raise with Highways.

Standing Orders were reinstated.

**TP 204/22**

#### **Multi Storey Car Park Update**

No updates had been received.

**TP 205/22**

**To consider, for Resolution, forms and drawings for planning applications relating to the Town of Berkhamsted received from Dacorum Borough Council.**

Details of all planning applications and appeals can be found on Dacorum Borough Council's website:  
<https://planning.dacorum.gov.uk/publicaccess/>

<b>DBC Ref</b>	<b>Proposal</b>	<b>Location</b>	<b>Case Officer</b>
22/02628/ROC	<p><b>AMENDED/ADDITIONAL INFORMATION</b> Variation of condition 2 (approved plans) attached to planning permission 21/03765/FUL (Construction of detached dwelling and associated access.)</p> <p><b>Objection</b></p> <p>The Committee noted the amendments, which include a Juliet balcony, which it was agreed could still lead to overlooking to the neighbour and resulting loss of amenity.</p> <p>In its previous objection, the Committee had an issue about the degree of excavation that had been adopted. The further additional drawings introduce a new aspect to the ground levels to what were originally consented. The slab level as shown on 211L is best part of 2m below the line showing existing ground level: the consented 211A shows depth of less than 40cm.</p> <p>The plan does not detail the nature of the retaining wall that is required to reinstate the boundary or to safeguard the property of the adjacent neighbour.</p>	21A Hall Park	EP

	<p>The proposal materially affects the stability of the structure of the adjacent property.</p> <p>CS12</p>		
22/03419/FHA	<p><b>AMENDED/ADDITIONAL INFORMATION</b> Two storey side extension, single storey rear extension with single storey entrance porch, garage conversion to habitable space and associated landscaping works</p> <p><b>No Objection</b></p>	1 Egerton Road	NQ
22/03645/FHA	<p><b>AMENDED/ADDITIONAL INFORMATION</b> Single storey front and rear extensions. Two storey side and front extension. Extension to front dormer window. (Amended scheme). Previous application: 22/02281/FHA was withdrawn in September 2022.</p> <p><b>No Objection</b></p> <p>The Committee noted the two-metre-high fencing with external planting strip to Haynes Mead. The Committee requested that the case officer add a condition to the planting strip asking for it to be maintained in perpetuity and to be kept completely clear of the public footway.</p>	20 Bridle Way	EP
22/03468/FHA	<p>Side Extension (Construction of ground floor bathroom)</p> <p><b>No Objection</b></p>	20 Verney Close	BC
22/03485/FHA	<p>Two storey rear extension and associated alterations including a new rear rooflight and new side windows.</p> <p><b>No Objection</b></p>	12 Hall Park Hill	NQ
22/03510/FHA	<p>Formation of habitable rooms in roof space with rear dormer and front Velux rooflights.</p> <p><b>No Objection</b></p>	11 Admiral Way	JM
22/03511/FHA	<p>Relay existing drive. Create two parking spots. Lay flat patio, remove decayed decking and replace with stone steps. Replace wooden sleepers with retaining brick wall.</p> <p><b>Objection</b></p> <p>It was noted that both Highways and Conservation and Design require amended plans</p>	36 Kitsbury Road	NQ

	<p>to show a) inward opening gates b) provide more details regarding the driveway and walls.</p> <p>The Committee objected to the application pending amended drawings with details as requested by Highways and Conservation and Design.</p>		
22/03524/FHA	<p>Double storey wraparound extension</p> <p><b>No Objection</b></p>	105 Bridgewater Road	NQ
22/03616/FHA	<p>Two-storey side extension and internal alterations</p> <p><b>No Objection</b></p>	7 Admiral Way	NQ
22/03620/FHA	<p>Single-storey side extension, cellar conversion, internal alterations and retaining wall to parking bay</p> <p><b>No Objection</b></p>	36 Kings Road	LB
22/03637/FHA	<p>Proposed demolition of existing conservatory, two storey side extension, first floor rear extension and loft conversion</p> <p><b>Concern</b></p> <p>The Committee had no objection to the proposal but expressed concern about the lack of parking provision.</p>	74 Upper Hall Park	SR
22/03655/FHA	<p>Rear first floor extension and ground floor side extension.</p> <p><b>No Objection</b></p> <p>The Committee noted the comments made by the Environment Agency regarding invasive weeds.</p>	The Old Rose House, 24 Kings Road	NQ
22/03426/LBC	<p>Removal of existing internal partition walls and insertion of new partition walls. Creation of new internal opening to allow access</p> <p><b>No Objection</b></p> <p>The Committee had no objection to the proposed minor works but referred the application to Conservation and Design.</p>	Fred And Ginger Coffee 125 High Street	JM
22/03608/LBC	<p>Proposed internal alterations to gable end wall of 241 High Street to create ventilated false wall, &amp; external alterations to 235 - 241 High Street</p>	241 High Street	JM

	<p>including increase in gutter size &amp; fitting of security locks to all doors</p> <p><b>No Objection</b></p>		
22/03583/LDP	<p>Single storey rear extension, loft and part garage conversion and internal alterations</p> <p><b>Concern</b></p> <p>The Committee had concern at the loss of the garage. As the loft conversion adds more bedrooms, parking provision in the cul de sac will be put under stress.</p>	10 Connaught Gardens	IBD
22/03425/RET	<p>Removal of existing internal partition walls and insertion of new partition walls. Creation of new internal opening to allow access</p> <p>The Committee noted an objection from the BCA Townscape Group who objected to the application which seeks to regularise extensive, inappropriate work to a Heritage Asset without planning consent.</p> <p><b>No Objection</b></p> <p>The Committee had no objection to the proposed minor works but referred the application to Conservation and Design.</p>	Fred And Ginger Coffee 125 High Street	JM
22/03414/TCA	<p>Works to tree</p> <p><b>Refer to Tree and Woodlands Officer</b></p>	1 New Manor Croft	IBD
22/03465/TCA	<p>Tree felling</p> <p>Standing Orders were suspended to enable members of the public to speak.</p> <p>A resident spoke in objection to the application to comment that there was no justification for the proposed felling of the tree, which was worthy of a TPO and that it was important to retain trees on the rail line.</p> <p>Additionally, it was thought that the timing of the application being submitted so close to Christmas has had a negative impact on the public consultation process.</p> <p>Another resident added that the tree had been mismanaged which pollarding and root management would solve.</p>	The Crystal Palace, Station Road	IBD

A third resident added that Punch Tavern have an obligation to look after the tree.

Standing Orders were reinstated.

The Chair read out a statement which had been sent to the Committee by a case officer at Dacorum, ahead of the meeting, which stated that:

*'Application 22/03465/TCA was received by the Local Planning Authority on 22/11/2022 and is a formal notification application under Section 211 of the Town and Country Planning Act 1990. Section 211 requires people to notify the LPA of their intention to undertake works to a tree within a Conservation Area (TCA application) 6 weeks before they undertake the works.*

*This notice period gives the LPA the chance to consider whether to make an order on the tree (a Tree Preservation Order (TPO)).*

*The authority can deal with a section 211 notice in one of three ways. It may:*

- make a Tree Preservation Order if justified in the interests of amenity.*
- decide not to make a TPO and inform the person who gave notice that the work can go ahead (raise no objection); or*
- decide not to make a TPO and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.*

*An application to do works to a tree in a Conservation Area (a s.211 Notice) is not and should not be treated as, an application for planning permission, or an application to do works to a TPO tree. So, the authority cannot:*

- refuse consent; or*
- grant consent subject to conditions (i.e., restrict the works to be undertaken or require a replacement tree).*

*In assessing the above the authority's main consideration should be the amenity value of the tree, however, even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one.*

*In this case it is acknowledged that this is a large, mature tree which is visible for some distance, has amenity value and adds to the character of the conservation area, however it is located in very close proximity to several buildings including residential properties and the public house. It is*

*also close to the railway line and canal towpath. The tree is causing damage to the adjacent driveway and public footpath and has clearly out grown the site. In addition the tree has several cavities and a pronounced lean such that the Local Planning Authority have significant concerns in relation to its safety, stability and longevity.*

*Based on the above it is not considered expedient to serve a Tree Preservation Order and as such no objection is raised to the proposed felling.'*

The Committee noted the 20+ comments, both on the portal and to the Town Council, from members of the public objecting to the proposed felling.

The Chair read out the following comment made by the Chiltern Society.

*'The Chiltern Society objects to this proposed tree felling, (as we objected on 13.4.22 to the original felling application). That felling idea was withdrawn and an application for pollarding was successful in the summer. This begs the question why there is a fresh felling application. The idea that the tree is "not worthy of a TPO designation" and therefore DBC will not object is irrelevant and misplaced.*

*We at the Chiltern Society have been increasingly alarmed at the number of tree felling applications which have been granted by DBC in Berkhamsted without challenge and without following the council's own guidance requiring a full report and replanting advice etc. The council needs to support its own "green" agenda.*

*In this case, the asserted damage is noted but unproven, and mitigation measures are not investigated.*

*The trees here at the Crystal Palace make a major contribution both to the street scene as well as barriers to pollution etc. They are an attractive amenity too for the pub customers. Please reconsider this proposal'*

The Committee considered this comment to be salient and that it made key worthy points.

Previously in April, the Committee had consented to pollarding of this tree, but not to its felling (see application 22/01022/TCA), previous comment:

*'The Committee noted that there does not appear to be sufficient material within the application to*

	<p><i>support the removal of this tree and requested that the Tree &amp; Woodlands Officer considers whether works to the trees, such as further pollarding, and a root inspection would be more appropriate to ascertain whether the tree could be preserved.'</i></p> <p>It was noted that the landlord wishes the owner (Punch Tavern) to withdraw the application, but this had not happened by the time of the meeting.</p> <p>The Committee rejected the proposal for felling of this large mature tree and requested that a TPO be granted on grounds of amenity, which in this instance, includes, but is not limited to service, wellbeing of community, air quality and biodiversity. There is contradictory evidence presented as to the health of the tree and the Committee requested that the Tree Officer consider pollarding and root management as opposed to felling.</p>		
22/03553/TCA	<p>Works to trees</p> <p><b>Refer to Tree and Woodlands Officer</b></p> <p>The proposal was unclear, and it was hard to gauge what is being removed. A retaining hedge is needed.</p>	Heatherdale, George Street	LMC
22/03605/TCA	<p>Conifer G1 - Fell - Cherry T1 – Fell</p> <p>The Committee noted an objection received from the BCA Townscape Group who were disappointed not to have been notified of the application and noted that there are no plans or justification for felling.</p> <p><b>Refer to Tree and Woodlands Officer</b></p> <p>The Committee requested replacement with a suitable native species.</p>	1 Ravens Wharf	SR
22/03439/TPO	<p>T0071 - Norway maple - reduce crown by 2m on height and 2m on spread T0074 - Holly - fell and treat against regrowth T0077 - Holly - fell and treat against regrowth T0080 - Japanese cherry - fell and treat against regrowth</p> <p><b>Refer to Tree and Woodlands Officer</b></p> <p>The Committee requested replacement with suitable native species.</p>	28 Lincoln Court	LMC



22/03455/TPO	Works to trees  <b>Refer to Tree and Woodlands Officer</b>  The Committee requested a replacement with a suitable native species.	Pinewood, Balcary Gardens	IBD
22/03587/TPO	Works to tree (T1 - Cypress)  <b>Refer to Tree and Woodlands Officer</b>  The Committee requested replacement with a suitable native species.	9 Greystoke Close	SR

**TP 206/22      Planning Appeals**

None had been received.

**TP 207/22      Planning Inspectorate Appeal Decisions**

None had been received.

**TP 208/22      Dacorum Borough Council Planning decisions**

There was a short discussion regarding the recent decisions schedule that had been circulated with the agenda.

**TP 209/22      Close of meeting**

The meeting closed at 20:31 hours.

**Signed:**

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Cllr G. Stevens, Chair

**Dated:**

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**Dates of next meetings:**

Mon 9<sup>th</sup> January 2023

Mon 13<sup>th</sup> February 2023