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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 30 MAY 2024 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Patterson
Councillor Durrant	Councillor Riddick
Councillor Hobson (Vice-Chairman)	Councillor Mitchell
Councillor Maddern	Councillor Smith-Wright
Councillor Stevens (Chairman)	Councillor Walker
Councillor Bristow	Councillor Barry

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

7. **ADDENDUM** (Pages 2 - 53)

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE
30.05.24

ADDENDUM SHEET

Item 5a

24/00330/MFA Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement

Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire, HP4 2SU

Clarifications

Developer Contributions for Education

- Table 4.6 states that contributions in respect of Secondary Education, Special Educational Needs and Disabilities and Youth Services will be index-linked. However, the County Council has requested that the financial contributions are index-linked to the All in Tender Price Index of Building Cost Information Services (BCIS) published by the Royal Institute of Chartered Surveyors (RICS). This is to ensure that the real value of the financial contribution is maintained against cost inflation up to the date of payment.

Table 4.6 is to be updated as follows:

Education	<i>£833,791 contribution towards Secondary Education (index linked to BCIS 1Q2022).</i>
	<i>£100,277 contribution towards Special Educational Needs and Disabilities (SEND) (index linked to BCIS 1Q2022).</i>

	£14,592 contribution to Youth Services (index linked to BCIS 1Q2022).
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Monitoring Fees

For the avoidance of doubt, HCC has requested that the following text form part of the committee report:

*‘HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of **£340** (adjusted for inflation against RPI July 2021).’*

Green Belt

- Although referred to in paragraph 10.103, Paragraph 10.322 did not make it clear that paragraph 153 of the NPPF requires substantial weight to be given to any harm to the Green Belt. The amended version of the paragraph in question, with the additional text highlighted, has been set out below for ease of reference:

*‘10.322 The starting point is that the development of the southern quadrant of the site constitutes inappropriate development in the Green Belt, which, according to paragraph 152 of the NPPF is, by definition, harmful and should not be approved except in very special circumstances. The proposal would cause harm by reason of inappropriateness, moderate harm to visual and spatial openness (of the southern quadrant) and harm to Green Belt purpose (c) - to assist in safeguarding the countryside from encroachment. Paragraph 153 of the NPPF requires substantial weight to be given to any harm to the Green Belt. Accordingly, the harm to the openness and purpose of the Green Belt, in addition to the harm by reason of inappropriateness, each carry substantial weight against the application. Added to this would be **moderate** harm from partial compliance with Policy CS1 of the Core Strategy in terms of the locational sustainability of the site, and **moderate** harm from the loss of employment generating land.’*

- Paragraph 10.119 of the report afforded modest weight to the overall reduction in footprint arising from the proposed development. However, this was not referenced in the table of benefits at paragraph 10.324. The amended table, with the addition highlighted, has been set out below for ease of reference:

Benefits	Weight
Provision of Market Housing	Very Substantial Weight
Provision of Affordable Housing	Very Substantial Weight
Biodiversity Net Gain	Very Substantial Weight
Economic Benefits	Moderate Weight
Provision of Custom and Self-Build Plots	Moderate Weight
Reduction in footprint	Modest Weight

Off-site Highway Works / Improvements	Limited Weight
Increase in Greenspace and Tree Planting	Limited Weight

- It is officers' view that 'Very Substantial Weight' should be afforded to the Biodiversity Net Gain which would arise from this application. This is owing to the substantial increase in Hedgerow Units.

Highway Lighting

- Queries were raised at the Member briefing in relation to whether the off-site highway works along White Hill would include street lighting.

Such matters are typically dealt with at section 278 stage; however, for the avoidance of doubt, it is anticipated that lighting will form part of the off-site highway works. This is confirmed at paragraphs 5.6, 5.36 and 6.32 of the Transport Assessment - set out below for ease of reference:

'It is proposed that a continuous footway route would be installed (or improved) connecting all the way from the site to the Ashlyns secondary school and hence connections to existing infrastructure from then northwards all the way to Berkhamsted. Along White Hill, the proposed footway would have a series of associated street lighting which is currently absent.'

'Installation of footway provision along White Hill, leading onto existing footways on A416. In hand with a series of traffic calming carriageway alternate priorities and with a series of street lighting.'

'Designers response: Street lighting of White Hill has been discussed with the highway authority as part of a pre application process. It is proposed that street lighting would be introduced along White Hill. This will benefit the above identified 'problem' as well as all users of the route.'

Consultee Comments

- As outlined in paragraph 10.256, additional comments were sought from Hertfordshire Fire and Rescue and subsequently received on 28th May 2024:

Regarding your points re height and length; calculations must adhere to HFRS most recent vehicle measurement; dimensions below:

SWEEP AND TURN CIRCLES -	8.1m
APPLIANCES Maximum length	8.3m
Maximum height	3.3m
Maximum width	2.9m (including mirrors)
Laden weight	19 tonnes
Minimum ground clearance	220mm

Regarding point 1 from email 9th May ...

'Access to the garage courts to the rear of Plots 1, 4, 5 and 6 and Plots 81, 83 and 84 would not be possible due to height limitations'

If these are garages only, with no life risk present and assuming separate garages are not classed as dwellings, I refer to ADB v2 Buildings other than dwellings; 2019 edition; Section 15...

15.1 'For small buildings (up to 2000m², with a top storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

a. 15% of the perimeter.

b. Within 45m of every point of the footprint of the building (see Diagram 15.1).'

The garage courts in question do not contain dwellings and appear to comply with the requirements set out above. It is noted, however, that Hertfordshire Fire and Rescue state that the swept path analysis must comply with the relevant vehicle dimensions. With this in mind, it is recommended that a condition requiring new swept path analysis to be undertaken (and which confirms acceptable accessibility within the site) be submitted to and approved in writing by the local planning authority prior to any development above slab level. Alternatively, submission of this information prior to determination of the application is considered to be a suitable alternative.

- The comments from Natural England in the report were truncated; therefore, in the interests of completeness these have been provided below in full.

*'**Planning consultation:** Demolition of existing buildings and redevelopment of the site to provide 86 residential units, construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement.*

***Location:** Land at Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU*

Thank you for your consultation on the above dated 16 February 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE OBJECTION

Natural England objects to this proposal. As submitted, we consider it will:

- have an adverse effect on the integrity of Chilterns Beechwoods Special Area of Conservation [Site Search \(naturalengland.org.uk\)](https://www.naturalengland.org.uk)

- *damage or destroy the interest features for which Ashridge Commons and Woods Site of Special Scientific Interest has been notified.*

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitats Regulation Assessment – Chilterns Beechwoods Special Area of Conservation

The applicant's appropriate assessment relies on the provision of off-site Suitable Alternative Natural Greenspace (SANG) (planning application reference 23/02508/MFA) as mitigation for adverse impacts on the CBSAC, along with a financial contribution to Strategic Access Management and Monitoring (SAMM) measures.

*Whilst Natural England broadly agrees with the applicant's plans for an off-site SANG (though with a number of comments and conditions made in NE's consultation response to 23/02508/MFA), **there is currently no certainty that the SANG is deliverable in advance of first occupation of the new housing proposed as part of this application, as planning application 23/02508/MFA has not yet been determined by Dacorum Borough Council (DBC).***

The applicant has previously sought direct advice from Natural England regarding their plans for an off-site SANG, and the advice letter made it clear that planning permission for change of use for the land proposed as SANG should be obtained prior to any planning application for housing that relies on the SANG provision to mitigate for potential adverse effects on the CBSAC, in order to secure the land as SANG.

Natural England notes that a stand-alone Habitats Regulations Assessment (HRA) has not been produced by your authority, nor by the applicant. Instead, the information to inform the HRA is provided within the Ecological Impact Assessment (CSA Environmental, February 2024).

As competent authority, it is your responsibility to conduct an HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to carry out an HRA based on the information provided in the Ecological Impact Assessment (CSA Environmental, February 2024) to fulfil your duty as competent authority.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

The applicant concludes in paragraph 5.30 (Table 3) of the Ecological Impact Assessment (CSA Environmental, February 2024) that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of Chilterns Beechwoods SAC (CBSAC).

Having considered the applicant's assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that the assessment is not sufficiently robust to justify this conclusion and therefore it is not possible to ascertain

*that the proposal will not result in adverse effects on the integrity of the Chilterns Beechwoods SAC. **We advise that your authority should not grant planning permission at this stage.***

Landscape Advice

The proposed development is for a site within or close to a nationally designated landscape, namely Chilterns National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, [Section 245](#) (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

Conclusion

Natural England should be re-consulted on this planning application once the applicant can demonstrate that the proposed off-site SANG mitigation can be delivered with certainty, i.e. the planning application for change of use of the land proposed for the off-site SANG (planning application 23/02508/MFA) has been granted permission by your authority.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

Annex A – Additional advice Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the

landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped

either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the NPPF glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found [here](#).

The statutory Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met. The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife. Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran

trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate. GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land,

rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the natural environment.

Additions

- Whilst paragraph 4.6 of the report referred to the need for a mechanism to secure SANG provision, this was not elaborated upon. As such, a section has been added to the report addressing this important point (see below).

Chiltern Beechwoods Special Area of Conservation

The Chilterns Beechwoods Special Area of Conservation (SAC) includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (SSSI) and the Tring Woodlands SSSI.

As part of Dacorum's emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to, and increased recreational pressure on, these protected sites and an associated increase in adverse activities - e.g. trampling, dog fouling etc. To limit this impact, a habitat regulations assessment (HRA) is required for any development that results in an additional residential unit within the 'zone of influence'.

General duty

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 imposes a duty on Dacorum to have regard to the requirements of the Habitats Directive so far as those requirements may be affected by the exercise of its functions. This general duty requires Dacorum to have regard to:

- *the need to establish necessary conservation measures (involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans) and appropriate statutory, administrative or contractual measures for the purpose of maintaining or restoring the qualifying habitats and species present at the SAC (Article 6 (1)); and*
- *the need to take appropriate steps to avoid the deterioration of those habitats and species (Article 6 (2)).*

These duties impose a positive obligation on Dacorum to have regard to the need to conserve the features of the SAC, and to prevent the deterioration of the SAC. These general duties are reflected in paragraphs 185 - 188 of the NPPF.

Appropriate assessment

An appropriate assessment is required under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017) provides that all plans and projects which: -

a) are likely to have a significant effect on the SAC (either alone or in combination with other plans or projects); and

b) are not directly connected with or necessary to the management of the SAC;

must be subject to an “appropriate assessment” of their effects on the integrity of the SAC before the Council can grant consent - i.e. planning permission.

For the purposes of carrying out that assessment, the Council must consult Natural England and have regard to any representations which Natural England makes (per Regulation 63(3)). Dacorum should also consult the general public (if it considers it appropriate) (per Regulation 63(4)).

As the proposals involve new residential units, it is likely adverse impacts would arise from the development alone or in combination with other projects from additional recreation pressure harmful to the characteristics of the SAC. Therefore, suitable mitigation is required in-line with the Council’s Mitigation Strategy. The Strategy provides that each new residential unit shall provide a financial contribution to Strategic Access Management and Maintenance (SAMM) (currently measures at the Ashridge Estate and direct provision of Suitable Alternative Natural Green Space (SANG) via a legal agreement.

Natural England raised an objection to the application on the basis that the SANG upon which the applicants are seeking to rely is yet to be granted planning permission and, accordingly, ‘there is currently no certainty that the SANG is deliverable in advance of first occupation of the new housing proposed as part of this application....’.

The Council may only grant consent for a plan or project if it is satisfied that the plan or project will not adversely affect the integrity of the SAC - i.e. that it will not undermine the achievement of the SAC’s conservation objectives in the long-term (per Regulation 63(5)). This is commonly referred to as the “integrity test”. If the integrity test is not satisfied, permission must be refused.

It is important to bear in mind that the integrity test does not offer any scope for normal “planning balance” exercises or similar judgements.

Mitigation

Regulation 63(6) requires Dacorum to have regard to the manner in which the plan or project will be carried out, and to any conditions or restrictions which might be applied to consent for the purpose of avoiding adverse effects. In effect, this allows the council to take into account mitigation measures as part of the appropriate assessment.

Case law has established that mitigation measures must:

- have a high degree of certainty that they will be effective;*
- be secured and certain in their effect; and*

- *be delivered before an adverse effect on integrity is expected to occur.*

Accordingly, this requires that mitigation is both secured (practically going to happen) and certain (in respect of its ecological effects) at the point at which the appropriate assessment is carried out and consent is granted.

The Dutch Nitrogen cases confirm that:

“it is only when it is sufficiently certain that a mitigation measure will make an effective contribution to avoiding harm to the integrity of the [SAC], by guaranteeing beyond all reasonable doubt that the [development project] will not adversely affect the integrity of that site, that such a [mitigation] measure may be taken into consideration in the appropriate assessment“.

In other words, unless mitigation has been both practically secured and the Council is certain as to its effects, it cannot be taken into account in the appropriate assessment and cannot form the basis for granting consent.

Proposed SANG Solution

As discussed above, the land subject to planning application 23/02508/MFA has been identified as a viable SANG solution, it being noted that it is capable of meeting the necessary criteria for it to be classified as a SANG.

The mitigation strategy states that:

- *SANG will need to be provided at a rate of eight hectares per 1,000 new residents (equivalent to 0.0192 ha per dwelling);*
- *SANG needs to be of a scale for it to function properly as space.*
- *SANG catchment will depend on its particular characteristics and location.*

The land proposed as SANG comprises of some 24 hectares and therefore could mitigate up to 1,248 new dwellings. Some of this is to be allocated to the development at Grange Farm, but there would remain ample capacity to mitigate the residential development at Haresfoot Farm. It should be further noted that the SANG has been developed in consultation with Natural England and meets its SANG criteria.

The application site is contiguous with the SANG and the proposed Site Layout Plan shows five points of access, ensuring that future residents would be able to easily access this resource.

It is acknowledged that the necessary physical infrastructure for the SANG to operate as intended is not currently in place. As part of the appropriate assessment, decision makers are obliged to consider the robustness and certainty of proposed mitigation measures. Should there be insufficient certainty over Haresfoot, the application must be refused. Both SAMM contributions and SANG provision is required to ensure sufficient mitigation to address the potential harm to the SAC.

There needs to be scientific certainty that the SANG will be delivered, and an appropriate mechanism in place to ensure its delivery is appropriately monitored and secured.

The fact that Members resolved to grant the Haresfoot SANG application, subject to the completion of a section 106 agreement, adds further certainty of deliverability. Correspondence from Natural England (dated 14th May 2024) sets out their revised approach in light of the resolution to grant planning permission:

'Given that Haresfoot SANG has been approved subject to the S106 agreement, Marc is of the opinion that DBC can now re-consult NE on both the Grange Farm (23/02034/MFA) development proposal and the Haresfoot Farm residential development (24/00330/MFA) . We would remove our objection to both applications, subject to the inclusion of a Grampian or S106 condition to secure the use of the SANG capacity at Haresfoot SANG. Additionally, no dwellings at either development are to be occupied until such time that the Haresfoot SANG is fully open and accessible to the public. This would necessarily require that the Haresfoot SANG Section 106 agreement be signed, detailing the management entity responsible for long-term management (80 years) of the SANG, and including the submission of a detailed SANG management plan.'

Should Members be minded to grant planning permission, the application will need to be referred to Natural England prior to the decision notice being issued. Based on the comments referenced above, there is no reason to believe that Natural England would not be supportive.

- It was not made clear in the report that there was a considerable level of engagement with and by the applicants prior to the submission of the application. Paragraph 137 of the NPPF is of relevance with regard to this matter, stating that:

'...Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.'

Given that the NPPF specifically requires applications to be looked at in a more favourably if they are the result of a genuine collaborative engagement with the community, it is considered appropriate to provide further information and comment:

Background - Community Engagement and Pre-Applications Discussions

The public engagement carried out by the applicants is outlined in the Statement of Community Involvement document prepared by Meeting Place (dated January 2024). In summary, the public engagement included:

- *A meeting with Berkhamsted Town Council in January 2024;*
- *Newsletters sent to local addresses within a 1.5km radius of the site, providing information on the proposal and details of the public consultation event.*
- *A dedicated website (<https://haresfootfarm-consultation.co.uk/>) with an online feedback form;*

- *A consultation event held at the Court House on 14th December (4pm – 8pm) in Berkhamsted.*
- *A dedicated email address, freephone telephone number and freepost address.*

The applicant's Statement of Community Involvement concludes that:

'Engagement with local stakeholders was also undertaken and will continue to take place following the submission of the application.

Haresfoot Limited have taken feedback onboard wherever possible to help evolve the proposals throughout the consultation process and will continue to engage with stakeholders and the local community.'

In addition to the community and stakeholder engagement, there has also been engagement with the Planning Department.

The first stage of engagement comprised of a pre-application submitted in July of 2023, which included a meeting on 13th September. The design was reviewed by both the Council's Conservation and Design Officer and its Principal Urban Design Officer, who were largely supportive, though did raise queries in relation to:

- *The appropriate application of materials across the character areas to ensure coherence across the site as well as a recognisable distinction between character areas; and*
- *The proximity of development to the proposed SANG and the need for advanced planting buffers.*

In terms of the suitability of the site for housing, it was advised that further information would need to be provided in terms of the distances of the site from local amenities, as well as confirmation from the Highway Authority that they are amenable to the proposed highway improvements.

In Green Belt terms, it was advised that the development of the southern quadrant of the site would represent inappropriate development in the Green Belt and would thus need to be supported by 'very special circumstances'.

The pre-application originally proposed the construction of 100 dwellings; however, following concerns raised by the Council in relation to the quantum of development, and Natural England in relation to the proximity of some units to the proposed SANG, this was reduced to 91 units.

The next stage of engagement with the Council was by way of a Planning Performance Agreement (PPA) and included five meetings, three of which took place prior to the submission of the formal planning application. At this stage, the number of units was reduced by a further five in order to limit the spread of built form into non-PDL land.

Further tweaks took place following the initial PPA meeting in response to the following identified issues:

- *Both Plot 66 & Plot 65¹ have blank flank elevations and, as a result, there is no natural surveillance. We discussed the option of utilising a similar layout to that exhibited at Plots 69 and 62² – i.e. front door on side elevation - in order to provide activity and a degree of natural surveillance.*
- *There does not appear to be any amenity space for Plots 70-71³ and 74-75⁴. The open space to the front of Plots 62 – 65⁵ could potentially be used for this purpose, providing a slightly more formalised space – not dissimilar to that shown adjacent to Plots 7-14.*
- *The pathway to the rear of Plots 78 – 80 and 81 – 83⁶ appears to be surplus to requirements. There would be some benefits to making this a no-through path, allowing two of the end units to benefit from slightly longer gardens whilst also providing rear access to the mid-terraced property.*
- *Plots 9, 10, 11 & 12 have relatively deep primary living areas which are only single-aspect. In addition, as a result of the back-to-back arrangement, the span of the roof is excessive and uncharacteristic of traditional barn-like structures. It is also noted that there is no natural surveillance of the communal amenity area. Additional windows could potentially be inserted in the flank wall (at both ground and first floor level).*

This has culminated in the scheme before Members.

Additional Conditions

- There is no reason to believe that a BNG net gain of 15% in relation to Habitat Units and 184% in relation to Hedgerow Units cannot be secured in perpetuity by way of the legal agreement, but it is acknowledged that this is yet to be formally confirmed by the Council's solicitors. Therefore, given the relative newness of BNG and in the interests of obviating the need to bring this application back before the committee should Members resolve to grant the application, it is requested that officers be provided with delegated authority to add such a condition to the decision notice, if necessary.
- A condition requiring additional swept path analysis in relation to a fire tender of the size used by Hertfordshire Fire and Rescue is proposed to be included with any grant of planning permission (unless suitable information is provided prior to determination).

Recommendation

As per the published report.

¹ Plots 61 and 62 on the application plans.

² Plots 65 and 58 on the application plans.

³ Plots 66 – 67 on the application plans.

⁴ Plots 70 - 71 on the application plans.

⁵ Plots 58 – 61 on the application plans.

⁶ Plots 74 – 76 and 77 – 79 on the application plans.

Item 5b

23/02805/FUL Erection of electric vehicle charging station with ancillary dwell facility, together with associated access and landscaping works

Car Park Opposite The Eagle Public House, Hempstead Road Kings Langley Hertfordshire WD4 8AJ

NO UPDATES REQUIRED

Recommendation

As per the published report.

Item 5c

23/02861/FUL Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings.

8 King Street, Markyate, Hertfordshire, AL3 8JY

NO UPDATES REQUIRED

Recommendation

As per the published report.

Item 5d

23/01583/FUL Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

Land Rear Of 38-40 Windmill Way, Tring, Hertfordshire, HP23 4EH

Clarifications:

1. Please note in **Appendix A: Consultee Responses** Tring Town Council's comments were labelled as Bovingdon Parish Council.
2. The following table provides objections received which were omitted from the published report's **Appendix B: Neighbour Responses**. No new points are raised.

<p>17 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>I object to this proposed plan as the house is much too high and too big for the proposed area. The very busy corner is already a dangerous corner on football game day, children congregating after school on that corner to and from the corner shop and hairdressers. This also increases the parking along that area of Christchurch Road, the privacy concerns are also in question if a high second floor was to be built then views into other top floor accommodation would not be acceptable including where my premises are near the entrance to the football field</p>
<p>15 Beaconsfield Road</p>	<p>For the benefit of new Council members, below is the objection to the first planning application on this site in Christchurch Road which fortunately was refused a few weeks ago.</p> <p>Surprisingly there is a new planning application which does not address any of the issues mentioned in the previous refusal; ie the huge size of the building, the closeness to the road and the parking problems. In fact the building seems to be bigger and nearer the road and now there is a mention of the tree on the adjacent land. These beautiful beech trees, which are loved by the residents, are not on the plot in question and any pruning of them would be the responsibility of the council. Our objections are the same as below to the first planning application and this huge dwelling would be contrary to Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way.</p> <p>We are writing to object to the above planning application for building plot in Christchurch Road Tring.</p> <p>Christchurch Road, Windmill Way, Mill View Road and nearby smaller roads have a mixture of semi-detached and detached house, chalet bungalows and bungalows of differing styles built over the years , but they all fit well together. The size and 'grandeur ' of this application will be a complete eyesore among the existing properties at the top of the hill and on a bend next to the two shops. It seems to be far too big for the plot and be badly situated on the plot in relation to the two houses in Windmill Way which could now be faced with a wall of white from their windows, instead of seeing the trees beyond.</p> <p>The plot is best suited for a chalet bungalow similar to the one opposite.</p>

<p>15 Beaconsfield Road</p>	<p>I also have concerns that the property plan appears to show a narrowing of the pavement as pedestrians approach the shop area. This could severely impact on the safety of the many young children walking down Christchurch Road to Goldfield and Bishop Wood schools and children walking to the recreation ground.</p> <p>The plot size seems to have been enlarged to include the grass verge making walking along the pavement dangerous, especially if cars part park on the pavement to visit the shop and during the weekend when cars park on that part of Christchurch Road to access the recreation ground to watch the football matches.</p> <p>We use the footpath to the recreation ground and the pavement to the shop regularly and our young grandchildren live in Mill View Road, so we are concerned about the safety of the area.</p>
<p>15 Beaconsfield Road</p>	<p>I have just received your letter regarding the above planning application XXXXXXX and I would like to object again to the amendment regarding the car parking on the site. This amendment does nothing to address the fact that the building does not fit in with the buildings around it,; it is too big in height and width for the site. The Councils reasons for refusing recommendation have not been addressed and all the reasons for refusal in my previous email are still the same.</p>
<p>15 Beaconsfield Road</p>	<p>We are writing yet again to object to the planning application 23/01583/FUL in Christchurch Road (copies of the two previous objections which are in this email) and our reasons have not changed.</p> <p>However we would like to add that the green sward in front of the fence line which has been included in the planning application and which has already been dug up and is in front of the boundary fence line should be returned to grass, as it has been for many years. Also the line for the footings of the building on the right as you look from Christchurch Road are far too close to the boundary fence of 40 Windmill Way for a building that high, which will ruin their rear aspect and devalue the surrounding area.</p>
<p>15 Beaconsfield Road</p>	<p>This is our third letter concerning the above planning application and we still object to the present application.</p> <p>Another planning application that still does not address any of the problems raised from the previous applications, it is too big for the plot, a visual intrusion height wise at the top of Christchurch Road and far to close to the boundary of 40 Windmill Way and overshadowing</p>

<p>15 Beaconsfield Road</p>	<p>their garden and property, but apparently the planning office has been ignoring objection to any of these comments.</p> <p>The proposed design of the building has no similarities to other buildings in the vicinity and together with the height of the building will be an eyesore at this point in Christchurch Road.</p> <p>According to the map produced the grass which was dug up by the applicant has to be replaced, which is the only satisfactory outcome but it still appears to be part of the applicants land [according to the red line on the map, despite the erection of a picket fence or wall.]</p>
<p>Petra, Christchurch Road</p>	<p>I am writing to object strongly to planning application 23/01583/FUL</p> <p>The proposal is far too large and bulky for the site, and suffers from all the same problems as the previous application which your case officers quite rightly refused.</p> <p>That corner is very dangerous, and having such poor parking provision on such a constrained plot will surely only make this worse.</p> <p>Lastly, I am concerned for the protected beech trees - it is clear that this proposal would cause their future to be in doubt.</p> <p>Please refuse this application.</p> <p>I am writing to express my continued objection to planning application 23/01583/FUL.</p> <p>The recently amended plans do nothing to resolve the problems with this proposal. My objection remains as before:</p> <p>It is far too large and bulky for the site, and it is out of keeping with other properties nearby. An earlier proposal was rightly refused for this same reason.</p> <p>That corner is very dangerous, and having such poor parking provision on such a constrained plot will surely only make this worse. The changes to the parking arrangements will not work in practice and there will continue to be pressures on the protected beech trees.</p> <p>Please reject this amended planning application.</p> <p>I am writing yet again to object to planning application 23/01583/FUL.</p>

	<p>The latest plans have not really changed and do nothing to make it better.</p> <p>My objections remain as before:</p> <p>It is far too large and bulky for the site, and will look out of character there - it should be refused, just like the earlier proposal was. It really needs to be much, much smaller.</p> <p>This is a very dangerous corner, and it is often filled up with parked cars, especially for the football. It is a bad place to have cars coming in and out a large house. The parking arrangements for the house won't work and will only make this worse.</p> <p>Please reject this amended planning application.</p> <p>I write to object yet again to application 23/01583/FUL.</p> <p>I do not understand why you are asking us over and over again about this proposal. It is not a good proposal. All the updates do nothing to address the problems. In fact they only ever seem to make things worse. It is getting beyond a joke.</p> <p>You did the right thing when you rejected a big house on this plot before, and you should refuse this one too. It is just much too big and bulky, and will take over the street. It will be awful for the neighbours living near it. You need to tell them to build something much, much smaller, like the bungalow that was always planned.</p> <p>The road itself is very dangerous and having a big house with lots of cars coming and going on that corner is a very bad idea that will lead to accidents.</p> <p>Enough is enough - please reject this and do not allow it to come back.</p> <p>I write to object again to application 23/01583/FUL.</p> <p>I don't see why this has come around again - it is a WASTE of money to keep going around like this - you should kick it out.</p> <p>My reasons are the same as before - this house is much too big and bulky and something much smaller needs to go in there. You got it right when you rejected a big house here previously, and you should</p>
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	<p>do the same for this one. We need a bungalow or something that won't be so dreadful for all the neighbours around it.</p> <p>I also have worries about road safety - the corner is very busy and often full of parked cars.</p> <p>Please reject this once and for all!</p>
<p>14 Osmington Place</p>	<p>Please could the Planning Department at Tring Town Council and DBC put an end to these time-wasting, continuous, inappropriate proposals. I do not pay my Council Tax for it to be frittered away by Committees having to constantly sit, discuss and produce endless paperwork.</p> <p>I attached below my previous objections, none of which have been addressed, particularly in regard to the acquisition of what has since been discovered to be "Crown Land"; i.e. the grass verge.</p> <p>Additionally, may I politely point out to the Chapel Meadow resident (some streets away so not actually affecting them) that the site was not "derelict" prior to this contractor's purchase: it was fenced and the Crown Land neatly trimmed by the local Council.</p> <p>"REF: 23/00693/FUL - NOW 23/01583/FUL</p> <p>I write in connection with the above planning application; I have examined the plans and I know the site well having lived in Osmington Place for over 30-years.</p> <p>I believe this latest application, which shows the proposed house re-positioned closer to the rear boundary of 40 Windmill Way, is as a result of the Tree Survey and Arboricultural Impact Assessment undertaken on 10th March 2023 Section 6.3 "There is no part of the new structure which will have tree canopies (from trees to be retained) overhanging it and the building works can progress safely without the need for any facilitation pruning." This consideration is commendable.</p> <p>However, in doing so it will have further detrimental impact on the residents of 40 Windmill Way as the north-west elevation will be just six-foot from their boundary. It is therefore clear that the project is excessive to the constraints of the plot. Additionally, as stated many times, it does not subscribe to the pre-established pattern of surrounding buildings and not in-keeping with the local vernacular.</p> <p>Note must also be taken regarding the Root Protection Area of the protected trees as detailed in the Survey, which will affect the Installation of Services - noticeably these have not been made available.</p>

	<p>I must reiterate that the land south-east of the proposed development upon which the four protected beech trees stand is private property. It forms part of the communal area apportioned to the Osmington Place Estate and is maintained at the joint expense of the owners on the Estate. No trespass, particularly of works vehicles, will be tolerated.</p> <p>EXISTING DROPPED KERB</p> <p>There is a lot of history associated with the parcel of land to the rear of 40 Windmill Way.</p> <p>Despite the existing dropped kerb, I understand that accessibility to the garage from Christchurch Road was denied to the previous owner - council records would confirm this. It is therefore untrue for the application to state under Existing Use, "with garage parking accessible from Christchurch Road" as no precedent over the dropped kerb has been set and it has never been in constant use.</p> <p>THIS IS A VERY IMPORTANT POINT and in the intervening years traffic has increased, thus compounding accessibility and safety issues.</p> <p>CROWN LAND</p> <p>Regarding the swathe of grass verge now encompassed within what has become a dumping utility site...</p> <p>(please also note it is remiss of the developer to claim that there has been no Change of Use -</p> <p>this dumping eyesore, clearly visible to the public, is already having a detrimental impact on the area)</p> <p>..... this swathe of grass had hitherto been regarded by myself as council land, but it transpires this is Crown Land which the developer has purchased. There are stringent requirements that the Crown normally impose in order to prove appropriate ownership of the land. A local consultation may be required to ensure that the purchase will be in the best interests of the local area or for public benefit.</p> <p>Disposal of Crown Land is usually subject to restrictions by way of covenants, conditions or restrictions.</p> <p>BEFORE PROCEEDING ANY FURTHER I ask DBC to obtain evidence that all criteria pertaining to this land purchase have been complicit. If not, it must be returned to its original grass-verge state and please can the "Christchurch Road" sign be re-instated in its original position.</p>
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ROAD SAFETY

When buildings and footfall are combined, the term "active frontage" is used. This means that motor traffic can be potentially slowed by interactions with adjacent uses, in our case the two local shops and a leisure amenity which vehicles and pedestrians call at. The function and nature of the road was assessed for, and passed, the criteria for a 20MPH speed limit recently, extending from Western Road to the junction by Icknield Way. At the top of the hill in the vicinity of the proposed houses there are bends and junctions with Little Hoo, Osmington Place, Windmill Way and Mill View Road. It is my opinion that sight-lines would be further restricted should planning for this house be granted.

As the Local Planning Authority you have the right to refuse to validate the repetitive, vexatious applications submitted by this developer - I urge you to act decisively and do so."

The Town Council's previous reasons for recommending refusal have not been addressed in this Reconsultation. Indeed the amendments therein have exacerbated problems, i.e. increased proximity to sightlines (new front elevation being closer to the public verge); impractical parking provision; plot overdevelopment; out-of-keeping with local vernacular.

The Planning Department at DBC continue to fritter away taxpayers money having to digest another application for this site. There are now 37 documents that have been submitted and yet the recent revisions do not address the fundamental problem of building a 4-bed dwelling on this site.

It is about time the majority views of affected neighbours were properly considered. Have members of Planning carried out a site visit? Then I suggest you do so.

Do any of you live in this vicinity to appreciate the impact such a dwelling would have? No, didn't think so.

Additionally, may I politely point out to the resident at XX Christchurch Road, who may be a newcomer, that the site has always been greenfield and was a rear garden to No.XX Windmill Way. Accessibility to the old garage via the existing dropped kerb was denied to the previous owner - council records should confirm this.

	<p>What was the reason for this - ah yes, it was deemed dangerous being on a bend with poor sight-lines.</p> <p>Additionally, the plot was not "untidy" prior to this contractor's purchase: it was neatly fenced and the grassed Crown Land adjoining the pavement neatly trimmed by the Council.</p> <p>As I have stated in lengthy previous objections BEFORE PROCEEDING ANY FURTHER I ask DBC to produce evidence that all criteria pertaining to this land purchase have been complicit.</p> <p>If not, it must be returned to its original grass-verge state and - yet again - can the "Christchurch Road" sign be re-instated in its original position.</p>
1 Mill View Road	<p>Firstly this development is completely out of character with the area. There are no other houses of this size of design locally.</p> <p>Secondly the design does not work. There is not enough space for safe parking, entry and exit - the property is on a bend in the road, close to a school where I have witnessed accidents/ near misses and where cars regularly speed. This design will make road safety worse.</p> <p>Also, the plan puts the existing trees at risk of damage or being removed, to the detriment of the local environment.</p> <p>The large design is very close to properties in Windmill Way so will detriment their light and create a visual impact.</p> <p>Overall it is not a suitable design for the purchasers and for the local residents. In fact it is a very odd proposal in this location which I object to strongly.</p> <p>I continue to object to this development. Having reviewed the latest proposal, I note that it is</p> <ul style="list-style-type: none"> - even closer to surrounding properties in Windmill Way, - closer to the public verge - still bigger than a design that was previously rejected. <p>I continue to raise concerns that this application is out of keeping over development so I object.</p>
46 Christchurch Road	<p>The first reason for objecting is that the proposed building is way too big for the plot size. The building would consume too much of the plot, would dominate the surrounding areas and is totally out of keeping with surrounding houses.</p>

	<p>The proposed down does not integrate well with other buildings in the area and is out of character for the area. The proposal also has the house far too forward in the plot compared to other nearby properties and the design is completely overdeveloped and bulky for the plot size.</p> <p>The proposed house is also overbearing and overlooks neighbours, as the design is so big and overbearing. This is in addition to its close amenity to the pavement, which illustrates that the house design is too big for the plot.</p> <p>Parking is a major issue on the road bend the proposed house would be built on. We have seen recently the dangers of over parking on this stretch of road, where a single lane of traffic is created on a blind corner. It's terrible to have to drive through. This house development would increase the danger for both drivers and people walking on the pavement.</p> <p>The property would overlook neighbours which would cause a reduction of privacy and visual intrusion.</p> <p>It seems that from your previous rejections for planning on this plot, the council's reasons for refusing have not been addressed at all.</p> <p>Having seen the amended drawings for this planning application, we wanted to express our continued objection.</p> <p>The amended plans do not address any of the concerns and problems with the previous plans.</p> <ul style="list-style-type: none">- The plans are still way too overdeveloped for the plot size.- The development comes way too close to the public verge, so is overbearing, completely out of keeping with the street scene and is a big safety concern. This area is a popular walkway for the nearby schools.- The parking spaces do not work practically and therefore are unlikely to be utilised. <p>The plans are bigger than the ones already rejected, so these new designs don't do anything to address any of the concerns raised by the council previously.</p> <p>The development proposed for this site is no different to the design that was turned down in May 2023.</p> <p>The house is way too overbearing, big and high, and therefore too substantial for a plot of this size.</p>
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	<p>This results in a loss of privacy for neighbouring properties and it is simply too close to adjoining properties. This is a classic case of overdevelopment.</p> <p>The property is also totally out of keeping to surrounding properties, and is out of keeping with the character of the area.</p>
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3 Additional Documents have been received from No.40 Windmill Way

(1) Executive Summary Reject 23/01583/FUL

DMC 30 May - EXECUTIVE SUMMARY – Why you should reject 23/01583/FUL

Dear DMC Councillors,

Permission for this application was **never granted** in November 2023, contrary to the assertion in the case officer's report. A large number of technical problems were discovered after the DMC which **invalidated** the decision. These included failures in the consultation process, land-ownership inaccuracies and serious errors in the approved drawings.

On a policy level, the application was presented in a misleading and partial way in November, seemingly to minimise significant problems on material planning considerations. A couple of the many examples include that councillors were incorrectly told there was no policy on separation distance (there is), and outlook and loss of a view were wrongly conflated in order to dismiss valid concerns about outlook.

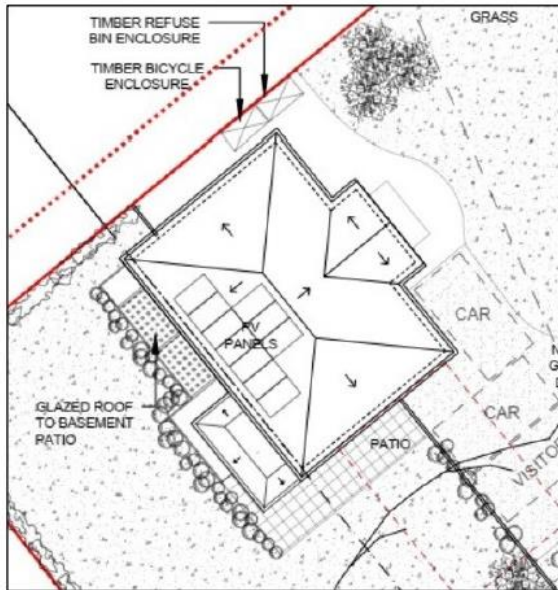
Now, the technical problems have been resolved (mostly due to our work – we got it right when others didn't). But the application **remains extremely problematic on a policy level**. We ask you to scrutinise this with fuller and better information, and with fresh eyes and an open mind.

It would be **unsafe** to simply go along with the case officer's recommendation here. These proposals are clearly against DBC's own policies, guidance, and pre-application advice. They are opposed by Tring Town Council and large numbers of local residents – see the Community Letter to Councillors.

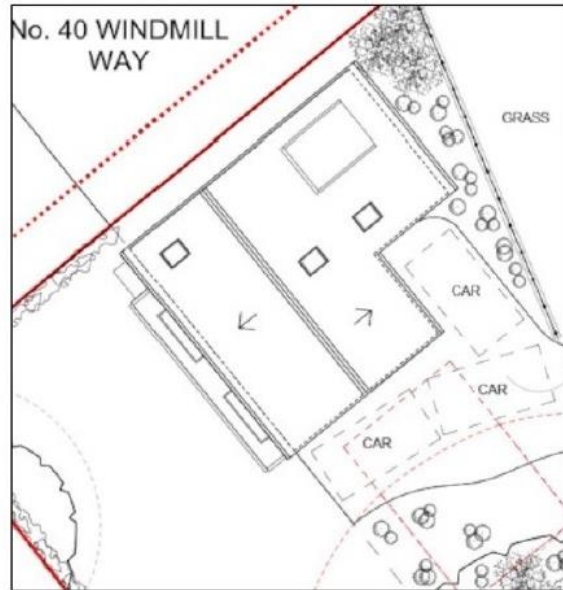
Instead, you should reject this proposal. You may do so **safely**, as there are many solid grounds in policy. We have set these out in emails dated 18 May to 24 May, and provide an executive summary below:

Overdevelopment – it is too big, too cramped, in a constrained plot

- A previous proposal (23/00693/FUL) was refused on grounds including "siting, layout, site coverage ... scale, height, bulk, landscaping" and "overdevelopment"
- This new proposal is bigger than the one that was refused; and large by national standards – see figure 1 below for a comparison
- It goes against pre-app advice for **"a single bungalow, chalet bungalow or perhaps a scaled down version of the nearby dwellings with cat-slide roofs"** – *this is not scaled-down*
- The change to a cat-slide made the situation worse – the **height was not reduced** but **extra depth was added**. The loss of roof-hipping means **more bulk on the upper floor**, and the front projection makes the **layout more cramped**



Refused:
 Footprint 97m²
 Gross Internal Area 205m²
 Cramped due to limited setback



Proposed:
 Larger footprint 108m²
 Larger Gross Internal Area 219m²
 Less setback, even more cramped

Figure 1 – side-by-side comparison shows that the proposed layout is bigger and less well set back than the one that was refused (Note: for comparison purposes, solid red line shows boundary as it was drawn in the refused application. Dotted red line shows indicative location of real-life boundary fence)

Figure 1 – side-by-side comparison shows that the proposed layout is bigger and less well set back than the one that was refused (Note: for comparison purposes, solid red line shows boundary as it was drawn in the refused application. Dotted red line shows indicative location of real-life boundary fence)

Insufficient separation distance – it is too close to neighbouring properties, esp 40 Windmill Way

- The distance from No 40 Windmill Way to the new dwelling is **20.5m**
- This is **well below the minimum separation distance of 23m**, dictated by policy (Local Plan A3.6iii)
- This policy **does** apply to rear-to-side layouts like ours (Development in Residential Areas 2.7.15)
- **The scheme also fails on garden depth**, which is below the 11.5m dictated by policy (Local Plan A3.6ii)
- Recent corrections to the plans should not be presented as improvements to the scheme – they are not: correcting a falsehood does not somehow 'improve the truth'
- The officer argues that the below-standard separation distances are necessary to minimise impact on the TPO'd trees. **But both these harms could be avoided with a smaller property.**

Impact on residential amenity due to negative affects on privacy, esp for 40 Windmill Way

- The 23m minimum separation policy **exists to ensure privacy**, so contravening it is automatically a privacy problem.
- Policy says this minimum may be **increased** for other factors, e.g. change of level, which apply here.
- Officer's reliance on obscured glass windows is **not enough** – like a sticking plaster on a bad wound.
- Overlooking ground and first floor windows, and a side door, square-on, at close range, create an inescapable sense of surveillance – see figure 2 below – **would you find this intrusive?**

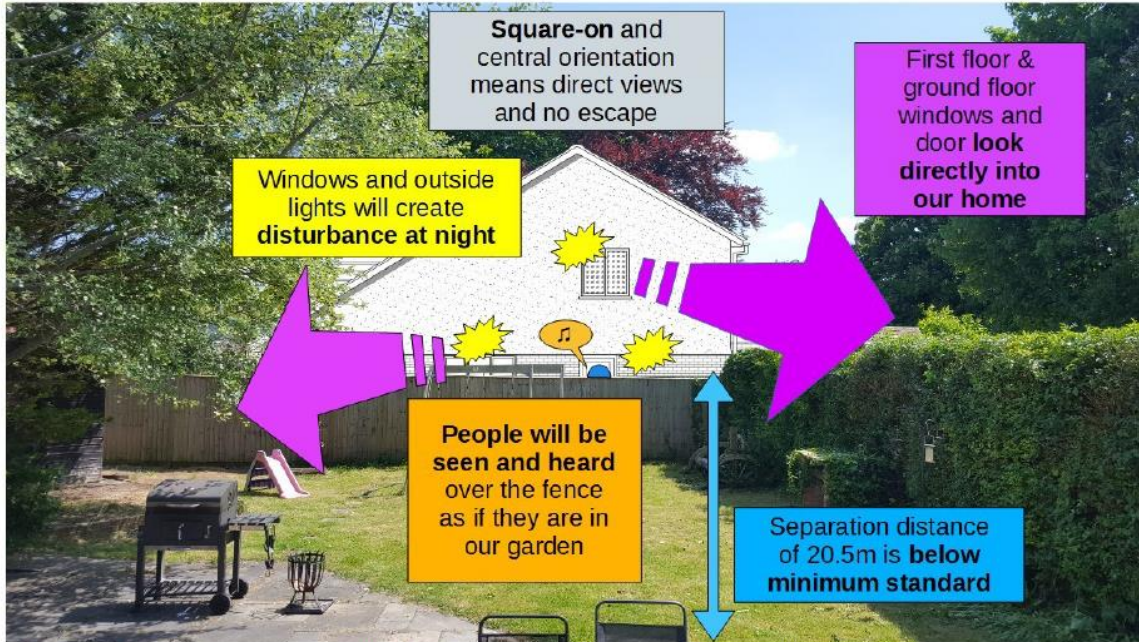


Figure 2 – Image of our garden with the proposed dwelling super-imposed (to scale), showing how it sits square-on, across the entire width of our garden, and highlighting some of the ways in which our privacy would be horribly affected.

Impact on residential amenity due to visual intrusion, impact on outlook, esp for 40 Windmill Way

- Due to its size, shape and closeness, the proposed dwelling would be very visually intrusive.
- The flank wall extends the entire width of our garden, creating an overbearing sense of enclosure.
- The peak of roof is central to our outlook, square on to us, and on our sunlit side, making it completely inescapable.
- It is four times the height of our rear fence, and would tower over us.
- The pre-app advice warned against insensitive development, describing our outlook as a “*pleasant, tranquil, natural environment*”
- Figures 3a & 3b (below) show a before and after comparison – **could you accept this for yourself?**
- Case officer argues that the cat-slide roof design minimises impact on us – but figure 4 below shows that this is objectively untrue – **the cat-slide has a greater extent of flank wall and no roof hipping.**



Figure 3a BEFORE - showing the outlook across our garden today, with single-storey garage building in the background. The pre-application advice rightly describes this as a "*pleasant, tranquil, natural environment*".



Figure 3b AFTER – showing the proposed dwelling super-imposed to scale. It would completely dominate our outlook, enclosing our environment with an overbearing artificial form.



Figure 4 – the refused dwelling (left) vs proposed dwelling (right), showing the extent of the flank walls highlighted in yellow, with dashed outline – the change to a cat-slide roof is objectively worse for our outlook

Conclusion

- The arguments above show that this application causes great harm, and contravenes policy, guidance and pre-application advice.
- The case officer's arguments in favour are full of logical inconsistencies, omissions or misapplications of policy, circular reasoning, and post-hoc justifications.
- They are utterly insufficient to justify the harm this proposal would cause, especially as a smaller property on the same plot could resolve most of these issues and *has already been approved*.
- **It is therefore safe and right for you to reject the case officers recommendation and vote to refuse this application.**

(2) Information Emails Reject 23/01583/FUL

DMC 30 May: problematic application 23/01583/FUL

Dear DMC Councillors,

We are writing to draw your attention to the highly controversial and heavily-contested planning application **23/01583/FUL**, which seems likely to be heard at DMC on 30 May 2024.

Summary

We are the owner-occupiers of 40 Windmill Way, Tring, and the nearest neighbours to this proposed development. We are not planners, but our analysis of this application has identified many serious problems. In particular, we saved the Council from issuing an incorrect Decision Notice after the November 2023 DMC, which could have led to unlawful development and expensive legal challenges. Neither the Planning Department nor the applicant's agent spotted any of the errors, and the agent subsequently tried to hide them. It took a lot of our time and effort to make them see reason. **As such, we feel that our many other objections to this application deserve to be taken seriously.**

Unfortunately the Planning Department still seems determined to push through this proposal, which is clearly against policy, and despite massive local opposition. **We are mystified as to why the goals of one applicant seem to count more than the rights and concerns of everyone else. We are hopeful that Councillors will look again at this application and, with fuller information, will conclude that it should be refused.**

Detail

This site has a long and convoluted history, with **seven** previous applications on this plot. Multiple attempts at inappropriately large dwellings have been vigorously opposed by residents and have all either been withdrawn or refused. **Permission for a much more suitable, modest dwelling was granted in 2021 and remains extant.**

This current application, **23/01583/FUL**, already in its *fifth revision*, is the latest attempt at an **inappropriately large dwelling**. It has again been **strongly opposed by over 35 local families, and by Tring Town Council**, on grounds of **overdevelopment, privacy, overbearing, outlook, residential amenity and road safety**, amongst many others.

As referenced above, a previous revision of 23/01583/FUL came to DMC back in Nov 2023, where a vote was made narrowly in favour, by 5-4. However, the Decision Notice was never issued, because a large number of problems were discovered after the DMC, which invalidated the decision. These included **failures in the consultation process, land-ownership inaccuracies, and serious errors in the approved drawings**, which showed plot boundaries in the wrong place.

We believe that these failings are symptomatic of a case that has been handled improperly from the outset. In particular, we believe that the way this case was presented to Councillors at DMC (Nov 23) was misleading and deeply unfair. We have evidence obtained under FOI that the case officer was aware of serious errors in the drawings before the DMC, and colluded with the agent to hide that information from Councillors (to quote her from an email to the agent, "*I would only raise it if they do (...) I can also keep the information in my back pocket in case it is raised*"). **Further, we can show that her reports and conclusions are riddled with inconsistencies and go against policy, guidance and advice.**

Two subsequent attempts were made to bring the application back to DMC, but both had to be struck from the agenda because of further serious errors in the drawings, including the agent's bizarre attempts to 'move' existing buildings to hide the inconsistencies in his plans.

After months of persistence by us, the latest plans finally show plot boundaries (including our garden fence) in the right place. **This should not be seen as a merit for the scheme, although we suspect the case officer will attempt to sell it as such: accurate plans are the very least that should be expected. Indeed, in every other respect the proposal is as inappropriate and unacceptable as it ever was.**

The entire history of this case is one of errors and confusion, and an unwillingness to listen. Sadly, the case officer is *still* manifestly ignoring local voices, and neighbours' concerns, which deserve proper

attention. She has disregarded DBC's own policies, guidance and advice. Her reports have been full of errors, inconsistencies, obfuscations, and post-hoc justifications and she has given incorrect information at committee.

Why is she still trying everything she can to push this proposal through? **It seems as if the Planning Department have walked themselves up a hill that they now cannot walk down.**

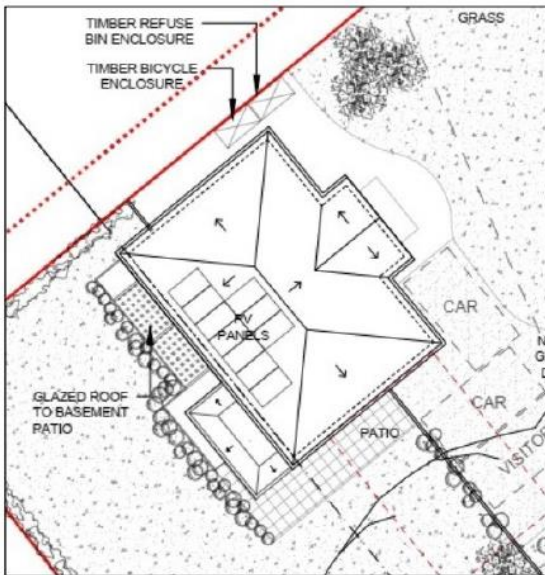
We are therefore looking to Councillors to help. We are asking you to revisit this case in its entirety, looking again at all the information, and to draw your own conclusions. We are hopeful that should you do this, you will find that it is both right and entirely safe to overturn the case officer's recommendation, and refuse this application.

DMC 30 May: problems with 23/01583/FUL - (1) Size, scale, site coverage, layout & overdevelopment

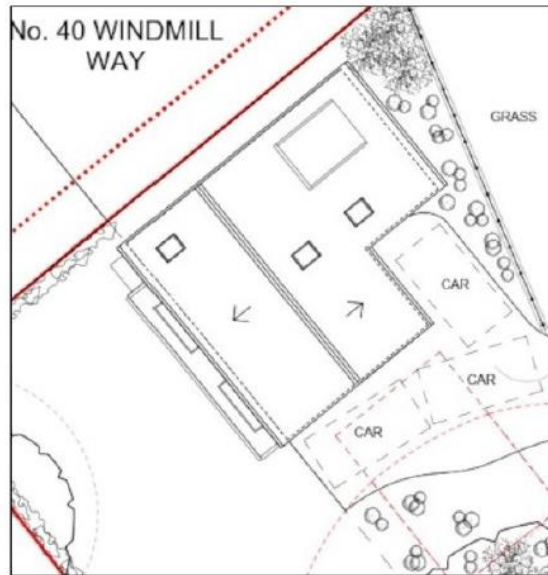
Dear DMC members,

Further to our previous email, we want to draw your attention to some specific problems about application **23/01583/FUL**, and point out where we feel the case officer and Planning Department have got things wrong.

In particular, it is easy to show that the proposed development **is bigger than the one that was previously refused on this site**. The design has changed and the case officer attempts to argue that this somehow makes it acceptable. **But by all other metrics the new proposal is either the same or worse**. It therefore makes no sense to allow it. The conclusion must be that the officer is trying to justify her decision after the fact.



Refused:
Footprint 97m²
Gross Internal Area 205m²
Cramped due to limited setback



Proposed:
Larger footprint 108m²
Larger Gross Internal Area 219m²
Less setback, even more cramped

Figure 1 – side-by-side comparison shows that the proposed layout is bigger and less well set back than the one that was refused (Note: for comparison purposes, solid red line shows boundary as it was drawn in the refused application. Dotted red line shows indicative location of real-life boundary fence)

Problems with size, scale, site coverage, layout & overdevelopment

- The case officer previously refused **a smaller building on the same site** (23/00693/FUL). She (rightly!) called the site "constrained", citing problems with "siting, layout, site coverage ... scale, height, bulk, landscaping"
- In the refusal notice, she said:
 - "the resultant cramped nature would result in overdevelopment of this site"
 - "Large scale, bulky buildings ... will not normally be permitted"
 - (quoting the pre-application advice, verbatim) **"a single bungalow, chalet bungalow or perhaps a scaled down version of the nearby dwellings with cat-slide roofs would be more appropriate"**
- The latest dwelling is unchanged from the one considered in the case officer's Nov 23 report, where she confirms that it is indeed **large**: "The proposal seeks permission for a **large** two storey detached dwelling with 4 bedrooms and a basement area for a home cinema/gym, games room and patio area."
- The new proposal is certainly NOT **"scaled down"**, either compared to the refused scheme, or to nearby dwellings. The applicant is trying to build a **2350sqft detached house**. This is over **50% larger than the UK average** for that kind of dwelling, and **much bigger than other houses on this road, on a smaller plot**.
- Figure 1 (above) shows that the new scheme (right) actually has **a larger footprint and more GIA than the one that was refused** (left). It covers more of the site. It is set much further forward in the site, thus it is clearly more 'cramped'.
- The case officer argues that the change of roof & window design has somehow resolved all the previous problems with "siting, layout, site coverage ... scale, height, bulk, landscaping". This is clearly not the case, as any objective observer can see for themselves. **This is still clearly overdevelopment of a constrained plot**.
- As such, any recommendation to approve lacks all credibility. To approve this proposal would fly in the face of the Pre-Application Advice, the previous refusal notice, the opinion of Tring Town Council, guidance TCA5 and Policy CS12(g), among others.
- **It would therefore be right and safe for the DMC to overturn such a recommendation and reject this application on all of the above grounds.**

Yours,
Philip & Rachel Moore
40 Windmill Way
Tring
HP23 4HH

DMC 30 May: further problems with 23/01583/FUL - (2) inadequate separation distances

Dear DMC Members,

Summary

The separation distances between the proposed new dwelling and neighbouring houses are completely inadequate. At 20.4m, the distance from this proposal to 40 Windmill Way falls well short of the minimum 23m separation specified by Saved Local Plan Appendix 3. In combination with its inappropriate size (see email of 20 May) this would lead to appalling **impacts on privacy and outlook**.

Appendix 3 also states that gardens should have a **minimum depth of 11.5m**. This new proposal does not meet this policy either, again indicative of inadequate separation.

A more modest dwelling on this site could meet both these standards.

Detail

Errors and obfuscations over fence position and separation distances: all previous plan iterations, including the one that came to the November DMC and has been invalidated, had boundary errors. In particular, the boundary fence between the plot and No40 Windmill Way (our house) was drawn approximately 2.5m too far South.

This was important as it would have led to the applicant *not* building according to approved plans – i.e in reality, building *even closer* than the 20.5m separation shown on the plans. We know he was going to do this, because he started, without permission, digging out the house footprint much closer than that. We also know that the case officer and agent were aware of this problem and decided to hide it from Councillors before the November DMC (see FOI email reference in our email of 18 May).

Nothing has improved on the ground: for the DMC on 30 May, the case officer is now trying to argue that, with corrected plans, the application plot is bigger. **This is untrue**. Nothing has changed on the site in real life. The plans for the DMC on 30 May show the proposed development in the exact same position relative to our house as before – **the separation distance has not improved**.

Not meeting minimum separation standards: in her report just published for the 30 May DMC, the case officer states that the separation distance between the dwelling and our home is approximately **20.379m**. This is immediately contrary to the **23m minimum separation** that is mandated by Saved Local Plan Appendix 3.

Case officer's incorrect and circular arguments to try to dismiss this issue: at the DMC in November 2023, the case officer claimed that the 23m rule did not apply to us because "[DBC] do not have a policy which dictates rear-to-side distance". This is **untrue**: DBC's guidance in "Development in Residential Areas" makes it clear that our case should be treated the same as "rear-to-rear":

"2.7.15 Rear separation is most commonly the back-to-back distance between houses, although depending upon dwelling configuration (particularly on corners of residential roads), this may [be] the distance from the rear of one dwelling to the side of another."

In her latest report, for the 30 May DMC, the case officer agrees that there is actually a policy, but tries to argue that it should not apply in our case because there is no loss of privacy. This is manifestly untrue – the negative impact on our privacy would be huge, with windows and a door facing directly into our garden, main family room and children's bedroom. **And it is a circular argument which makes a mockery of the purpose of the 23m policy**, which is "to ensure privacy".

So at first there "is no policy"; now there "is a policy but it does not apply". **This is post-hoc moving of the goal posts, and is completely unfair.**

Likely further incorrect post-hoc justifications by case officer: given that the case officer seems inexplicably invested in selling a poor scheme, we anticipate that at the DMC on 30 May she will attempt to take this further.

She might argue that the separation has 'improved' because it is 'now' 20.5m rather than 18.25m – which is a distance she verbally slipped in at the last minute at the November DMC. But it was *never* 18.25m on the plans, and this distance only arose because of the fence errors: it was a fiction, and so this cannot possibly be a real improvement. (Notably however, when she believed it was real, she attempted to hide its importance – again, underlining how she has made an inexplicable decision, and the facts are a side-show!)

At the 30 May DMC the case officer might also attempt to pivot to arguing ("gotcha" style) that our extension somehow should not count when measuring separation distance, and so now the 23m rule (which previously didn't even apply, according to her!) is met. But our extension runs the entire width of our house and contains our main family room, including where we eat as a family right by our bifold doors. It is not merely a small 'add-on': the extension is the main rear wall of the house.

We ask Councillors to be wary of such existing and likely post-hoc justifications and question why the reasoning appears to be flowing from the decision, rather than the other way around.

Garden well below standard: paragraph 9.34 of the case officer's report recognises that the proposal's garden is "below the accepted standard of 11.5 and not ideal". When a proposal is failing to meet any of the separation distance standards, what actual merit is there in allowing it?

False choice between two harms: in her report to the November DMC, annexed to the report now for 30 May, the case officer attempted to justify allowing short separation distances (par 9.33) "The proposed dwelling has been located close to the boundary with Nos. 38 and 40 Windmill Way to minimise the impact on the TPO'd trees." **The officer has found herself forced to 'choose' between two harms: damaging trees vs breaching policy on separation distances and causing immense harm to us. This is a false choice, the solution to which is to *allow neither harm* and insist instead on a more appropriately sized dwelling.**

In light of all of the above, it would be **entirely right and safe for the DMC to refuse this application on grounds of inadequate separation distances.**

Yours,

Philip & Rachel Moore
40 Windmill Way
Tring
HP23 4HH

DMC 30 May: further problems with 23/01583/FUL – (3) residential amenity: impact on privacy

Dear DMC members,

Summary

This proposed dwelling is too big, and too close to neighbouring properties, contrary to DBC's own policies and guidance (see our email of 22 May). As a result it would have a terrible impact on our privacy, and that of neighbouring houses.

The case officer tries to argue that a few panes of obscured glass can solve all the privacy problems. They do not and cannot:

- we would still be able to see, and be seen through these (figure 2 below);
- we would still be disturbed by movement, or by lights at night time, seen square on from our main family room and children's bedroom;
- we will still be overheard and be able to hear others clearly when windows and doors are open, because of the square on relationship between the proposed property and ours;
- it would not prevent us from being overlooked from the side door, or seeing people's heads over the low fence.

See figure 1 below: would you would find this intrusive to your privacy?

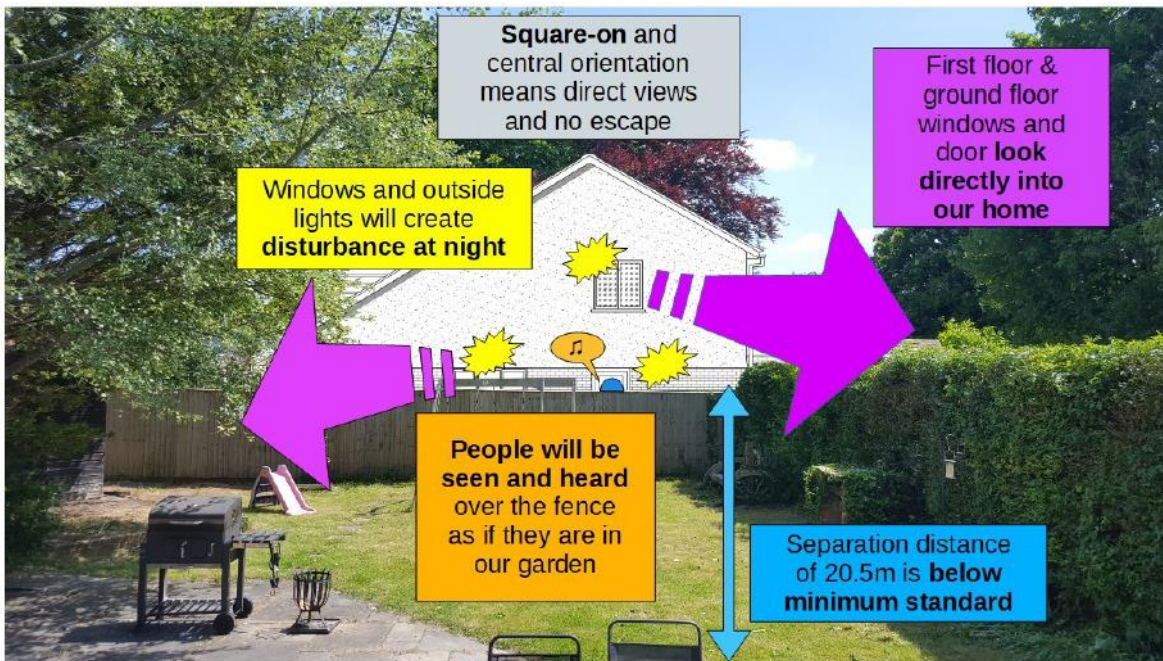


Figure 1 – Image of our garden with the proposed dwelling super-imposed (to scale), showing how it sits square-on, across the entire width of our garden, and highlighting some of the ways in which our privacy would be horribly affected.

Detail

DBC's own policies suggest that separation distance in our case should actually be increased beyond the minimum, for privacy: the Local Plan Appendix 3 states that the minimum separation distance of 23m "**may be increased depending on character, level and other factors.**" Such factors apply in our case. This proposal would be central to our rear aspect, square on to us, with no staggering or oblique angles to mitigate the sense of intrusion; and our house is actually higher than the plot because of the crest of the hill. The case officer herself admits in her November DMC report that our "raised patio" (which is level of the whole house, so actually the step-change in level of the hill) *increases* overlooking. **So an objective case officer should be looking for a separation distance beyond the minimum here, in accordance**

with DBC's own policies - and yet she is prepared to allow a scheme which doesn't even meet the minimum.

Instead, case officer tries to pretend that even the policy-led minimum distance for privacy is somehow not applicable to us asserting that 'there is no privacy issue' in our case: arguing that the use of obscured glass excuses the need for proper separation. This is an illogical argument, because going below the 23m minimum **creates privacy issues, which is precisely why the 23m policy exists in the first place.** The case officer should not be relying on secondary safeguards such as obscured glass when correct application of policy *is to ensure privacy through spacing*, by way of proper separation distances.

Obscured glass is completely insufficient in these conditions anyway: Fig.2 shows what can really be expected from the case officer's proposed "privacy level three" obscured glass:



Figure 2 - "Privacy level three" obscured glass (from Pilkington)

This shows that even with obscured glass, the short separation distances mean there would be obvious intrusion. The upper windows would have a direct view into our main family room and into our children's bedroom. They would look directly into the garden, down onto where our small children play, at very short distance indeed. Even if fine details such as facial expressions were partially obscured, our and our children's movements and activities would be plainly visible **at all times**, and the sense of surveillance and intrusion would be inescapable.

This sense of surveillance and intrusion would be made even worse by the fact that the flank of the proposed house takes up our entire width of garden and field of view. **The windows and door would feel specifically directed at us: what else is there for them to look at?**

Door looking directly in: the lower window and the side door would also look over our fence and into our garden and main family room. Obviously doors cannot be obscured when they are open, and given the square-on relationship, the view from this door would be able to look directly into family room and our downstairs cloakroom.

People visible walking backwards and forwards along our garden fence: our house is raised on a terrace, which increases the visibility over the back fence. In practice we would see (and hear) people's heads bobbing around when walking to and from their side door, as if they were walking across the full width of our own garden.

Noise and overhearing: there would also be problems with noise disturbance, overhearing and being overheard. Obscured glass can do nothing about these problems when windows and doors are open or when people are outside.

Light disturbance straight at our house: as with all houses in the area, our garden and outlook is currently characterised by its tranquil setting, as recognised by the pre-application advice. It has low light levels during the hours of darkness. In this proposal, obscured glass would do nothing to help with intrusion caused by lights turning on and off at night, pointing directly into our family room and children's bedroom at short distance.

Again, their impact would be even worse because the proposed house takes up our entire garden width and field of view. With nothing to 'break up' this view of sheer wall and windows with lights – no off-setting, no oblique angles – the effect would be akin to spotlights.

Screening effect of landscaping: it is possible that the case officer will point out at the DMC that this proposal now seems to include landscaping vegetation along the border fence, which she may argue would mitigate privacy problems at the lower level. This would be ironic, given that she has previously claimed there were no privacy problems! Furthermore, the Head of Planning told us that " Planning Officers should not insist on planting to screen unacceptable development. Such planting can fail to become established ... thereby losing its screening effect."

Case officer also dismisses other neighbours on Windmill Way: in her report the case officer assesses (and attempts to dismiss) privacy concerns for 32 and 34 Windmill Way, but has made no effort to make an assessment for 36 and 38 Windmill Way. This simply is not good enough – she should be considering the amenity of ALL residents, whether they make an inquiry about it or otherwise. We suspect the reason for this omission is that both 36 and 38 are also well within the 23m minimum separation distance, and this would weaken her case.

In conclusion, the case officer has ignored DBC's own policy on separation distances, and instead attempts to rely on obscured glass to claim that there will be no privacy concerns, despite the fact this is demonstrably untrue. There are very strong privacy grounds, in line with DBC's own policies, to reject this application.

Yours,

Philip & Rachel Moore
40 Windmill Way
Tring
HP23 4HH

DMC 30 May: outlook and visual intrusion problems with 23/01583/FUL

Dear DMC Councillors,

Summary

Beyond its damaging effects on our privacy (see our email dated 23 May), this proposal would also have a **devastating impact on our outlook.**

The case officer has spent very little time discussing this issue, probably because it is extremely problematic for her recommendation. She has consistently and deliberately conflated impact on outlook with “loss of a view”, and has ignored the massive visual intrusion that would occur. **This new dwelling would tower over us, and be completely overbearing. The entire width of our garden would be enclosed, and our outlook would be dominated by built form** (see figure 1b below).

She has argued that the change of design to a cat-slide roof is somehow good for us, when, as an objective observer can see, this is clearly not the case (see figure 2).

Once again her reasoning is flowing from her decision, rather than the other way around. This proposal would clearly go against DBC policies, guidance and pre-application advice, and so it would be right and proper for you to reject it.

Detail

Is this truly acceptable? Please take a look at figures 1a & 1b below and ask yourself, **“could I accept this for myself?”**



Figure 1a BEFORE - showing the outlook across our garden today, with single-storey garage building in the background. The pre-application advice rightly describes this as a *“pleasant, tranquil, natural environment”*.



Figure 1b AFTER – showing the proposed dwelling super-imposed to scale. It would completely dominate our outlook, enclosing our environment with an overbearing artificial form.

Massive, negative impacts:

- the proposed dwelling is located near to our rear fence and would tower over it, being four times its height;
- the flank wall extends the entire width of our garden, creating an overbearing sense of enclosure;
- the peak of the gable end (and thus full height of the roof) is central to our outlook, square on to our property, and on our sunlit Southern aspect, making it completely inescapable.

The case officer's arguments for the acceptability of this situation have been consistently weak, effectively relying on obfuscations:

- in her report for the November DMC (annexed in her report for the DMC on 30 May) she makes it sound as if the proposal passing the "25 degree rule of thumb" is the only thing that matters. The Head of Planning subsequently conceded, in response to our complaint, that this was misleading: it is clearly not a full analysis of visual intrusion into outlook, nor is it intended to be.
- in the same report she falsely conflates "outlook" with "loss of a view", which unfairly misrepresents our concerns. This is not about a view – it is about the total change of essential character that would be brought about by being hemmed-in by a gigantic, overbearing wall, towering over us and stretching the full width of our garden. Again, the Head of Planning subsequently noted that this conflation is wrong (but it remains present in the annexed report).

Disregarding of pre-application advice, which should be a material consideration according to government planning guidance: in making these arguments, the case officer has disregarded DBC's own pre-application advice, which quite clearly echoes our concerns:

"It is noted that the current outlook for the occupiers of no. 40 Windmill Way is a pleasant, tranquil, natural environment, the nearest dwelling along Christchurch Road (Midway) being unlikely to be visible. What this means in practice is that no. 40 will be particularly sensitive to the type of change proposed... the proposed dwelling would extend across almost the entire width of no. 40's rear garden. This is a level of development far in excess of what previously granted."

Cat-slide roof does NOT solve any problems with outlook, contrary to case officer's assertion (the 'trunk on the elephant' problem): the case officer tries to argue that the "cat-slide" roof design is somehow beneficial to us, when this is clearly not the case. It is like sticking an extra-long trunk on a large elephant, and arguing that the elephant is therefore smaller. See figure 2, below.



Figure 2 – the **refused** dwelling (left) vs **proposed** dwelling (right), showing the extent of the flank walls highlighted in yellow, with dashed outline – the change to a cat-slide roof is objectively worse for our outlook

Figure 2 shows quite clearly that the cat-slide roof design is **objectively worse for us than the proposal that was previously refused**. The point of a cat-slide roof is to swap height for width. But this proposal does not do this: instead, it uses the cat-slide to **add extra width, without taking away any height**. All it does is extend the flank wall across the entire width of our garden.

Even worse, **since it removes the roof-hipping**, the catslide means that the **full ridge height now towers over us at the closest distance**, rather than being sloped away from us. Our natural environment would be starkly and completely truncated by artificial form.

This is gas-lighting: telling us that something bigger, more enclosing and closer is a better design. The case officer should be ashamed of such treatment of ordinary voters and taxpayers: it is only through luck and hard work that we have the technical skills to call out her false arguments. Many other residents would not, and this is not the level of service the Council should surely seek to be providing to all.

We believe that any objective observer can see how harmful this proposal would be to our outlook, and we feel that this has been deliberately downplayed by the case officer. As such we call on the DMC to reject this proposal on grounds of residential amenity.

Yours,

Philip & Rachel Moore
 40 Windmill Way
 Tring
 HP23 4HH

Residents, voters and
taxpayers of Windmill Way,
Christchurch Road, and
neighbouring streets

To: All Members of the Development Management Committee: Cllr Fiona Guest, Cllr Colette Wyatt-Lowe, Cllr Nigel Durrant, Cllr Claire Hobson, Cllr Jan Maddern, Cllr Garrick Stevens, Cllr Ian Bristow, Cllr Toni Cox, Cllr Brian Patterson, Cllr Stewart Riddick, Cllr Angela Mitchell, Cllr Caroline Smith-Wright, Cllr Philip Walker, Cllr Sammy Barry-Mears
Cc: Leader of the Council, Cllr Adrian England; Deputy Leader, Cllr Simy Dhyani; Portfolio Holder for Place, Cllr Sheron Wilkie

Date: 27/05/2024

Dear Councillors,

We, the undersigned, are writing to collectively call for the refusal of planning application 23/01583/FUL, and for steps to be taken to prevent any further inappropriate applications on this site.

The Planning Department has failed utterly in its duty to properly critique this application, and to apply relevant policy. It has failed to heed its own pre-application advice. The Planning Department has ignored numerous, vociferous and well-argued objections from both the Town Council and local residents, and has instead pressed on with illogical and inconsistent arguments, which do not stand up to scrutiny.

As a result, the Planning Department has failed to protect us all from a development which is clearly inappropriate and will greatly harm our neighbourhood. It has consequently tied itself in knots trying to pretend otherwise.










Time and again, we have raised the concerns that we have with this proposal. In summary, it is much too big, much too cramped, much too close to nearby properties, creates serious problems with privacy, outlook and visual intrusion for the neighbours, and is located on a road bend with worrying safety issues.

The application would cause great harm and has no merits that could not be achieved with a small, single storey property, as has been consistently pointed out by residents and by the Council's own pre-application advice.

To grant this application would go against DBC's policies and guidance, including CS11, CS12, Pre-Application Advice, Saved Appendix 3, Supplementary Planning Guidance, TCA5 and the NPPF, amongst others. **Therefore, it is clearly safe, and far more in line with policy, for Councillors to reject the case officer's recommendation.**

As residents, voters and taxpayers we call on you to intervene on our behalf. Please refuse this application, and insist that measures are put in place to prevent any future inappropriate proposals on this plot.

(Officer comment: Please note that signatures have been truncated to ensure compliance with data protection regulations, but to evidence that these have all been signed)

Name and Address	Signed
S. Rawlings 68 Christchurch Road TRING TRING HP23 4EL	
M. Rawlings 68 Christchurch Road TRING HP23 4EL	
L. Rawlings FLAT 6, CONVENT COURT COBBETTS RIDE, TRING, HP23 4BU	
P Baker 52 Mill View Road Tring, HP23 4EW	
R. SHADDOCK 54 CHRISTCHURCH ROAD TRING HP.23 4EJ	RL
J. SHADDOCK 54 CHRISTCHURCH ROAD TRING HP23 4EJ	
D. MORRIS 52 CHRISTCHURCH ROAD TRING HP23 4EJ	
K. MILLER 41 WINDMILL WAY. TRING HP23 4HH.	
S MILLER 41 WINDMILL WAY TRING HP23 4HH	
R STEEL 32 WINDMILL WAY TRING HP23 4HH	

Name and Address	Signed
Kate Steel 32 Windmill Way HP23 4HH	/
Derek Grant 10A Windmill Way HP23 4HA	
Rosemary Rouse 15, Beaconsfield Rd Tring. HP23 4DP	/
JONATHAN ROUSE 15 BEACONSFIELD ROAD TRING HERTS HP234DP	/
Robert Turnbull 19 CHURCHURCH RD TRING HP234EE	/
John Stuges 2 Oxford Close TRING HP23 4AJ	/
J. B. SPRINGETT PEETA, CHRISTCHURCH RD	/
MARGARET PEETA CHRISTCHURCH RD	/
Mark Taylor The Gables, Christchurch Rd Elizabeth Taylor	M E
COLIN BRIDGE 110WAY Christchurch Rd	

Name and Address	Signed
JANET BRIANT, MIDWAY, CHRISTCHURCH RD, TRING.	JG
Lorraine McGREGOR 17 OSMINGTON Place TRING HP23 4EG	J
ALAN LOKY 34 WINDMILL WAY HP23 4HH	A
JANE LOKY 34 WINDMILL WAY TRING HP23 4HH	J
PAUL VINNICOMBE 5, WINDMILL WAY TRING HP23 4HD	P
CHRIS VINNICOMBE 5, WINDMILL WAY HP23 4HD.	C
Ruth Hart. 23 Okeley Lane TRING HERTS HP23 4HD	R
Tony Hart 25 Okeley Lane Tring HERTS HP23 4HD	T
Richard Baggy 1 Mill View Road Tring HP23 4ER	R
Peter Muel 20 Mill View Rd HP23 4ER	P

Name and Address	Signed
Chris Dear 33 Windmill Way Tring HP23 4HH	-
Chris Dear 33 Windmill Way Tring HP23 4HH	/
Elaine Grant 10A Windmill Way Tring HP23 4HQ	E
Thomas Lynch 1 Windmill Way Tring HP23 4HQ	/
Joanne Lynch 1 Windmill Way Tring HP23 4HQ	P
Deborah Turnbull 19 Christchurch Road Tring HP23 4EE	D
Joanne Bailey 7 Sandon Close Tring HP23 4HX	/
Paul Bailey 7 Sandon Close Tring HP23 4HX	
Richard Llewellyn 5 Sandon Close Tring, HP23 4HX.	/
Richard Abel Lygate Christchurch Road Tring HP23 4EF	

Name and Address	Signed
Ruth Sidwell Foxelous Christchurch Rd Tring HP23 4EF	A
David Sidwell Foxelous Christchurch Rd. Tring HP23 4EF	D
CHRISTIAN THOMAS HILLTOP, CHRISTCHURCH RD. TRING, HERTS. HP23 4EF	C
YVONNE THOMAS HILLTOP CHRISTCHURCH RD TRING HERTS HP23 4EF	Y
RACHEL MOORE 40, WINDMILL WAY TRING HP23 4HH	
PHILIP MOORE 40 WINDMILL WAY TRING HP23 4HH	P
MARIA STURGES 2, Oxford Close Tring, Herts HP23 4AJ	M
James Fawcus-Robinson 2 Oxford Close Tring, Herts. HP23 4AJ	J
Lucy Fawcus-Robinson 2 Oxford Close Tring, Herts. HP23 4AJ	L
Peter & Jane Ashman 18 Christchurch Rd HP23 4EE	P

Recommendation

As per the published report.

Item 5e

**23/02934/FUL Demolition of existing garage and rear/side extensions.
Addition of new rear/side extension and conversion from one dwelling to two.**

Greymantle, Hempstead Road, Bovington, Hertfordshire, HP3 0HF

NO UPDATES REQUIRED

Recommendation

As per the published report.

Item 5f

**23/02235/FUL Demolition of existing stable buildings. Construction of 1 no.
residential dwelling and alterations to vehicular access.**

The Stables, 11 Piccotts End Lane, Hemel Hempstead, Hertfordshire, HP2 6JH

NO UPDATES REQUIRED

Recommendation

As per the published report.

Item 5g

**24/00368/FHA Reinstatement of existing 3.5m wide gated access to western
end of rear garden. New 5 rail timber field gate.**

**Spring Lodge, Hollybush Close, Potten End, Berkhamsted, Hertfordshire, HP4
2SN**

Update to condition 2 to reflect revised drawing numbers. These drawings now include the correct annotation for the gate setback from the highway (i.e. 5.5 metres). Drawings 103 B and 104 A have been replaced with 103 C and 104 B.

Recommendation

As per the published report.
