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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 30 JANUARY 2025 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

Membership

Councillor Garrick Stevens (Chairman)	Councillor Jan Maddern
Councillor Fiona Guest (Vice-Chairman)	Councillor Angela Mitchell
Councillor Ian Bristow	Councillor Brian Patterson
Councillor Toni Cox	Councillor Stewart Riddick
Councillor David Deacon	Councillor Caroline Smith-Wright
Councillor Nigel Durrant	Councillor Philip Walker
Councillor Claire Hobson	Councillor Colette Wyatt-Lowe

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

AGENDA

8 ADDENDUM

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Agenda Item 8



DEVELOPMENT MANAGEMENT COMMITTEE

30.01.25

ADDENDUM SHEET

Item 5a

23/01998/FUL Construction of 9 new dwellings, comprising a mix of 3-bed, and 4-bed units. New pedestrian link and nature trail connecting Astrope Lane to Long Marston Primary School. Hard standing for school bus stop.

Land Off Astrope Lane, Long Marston, Tring, Hertfordshire

Additional Representations:

1) *Conservation Officer*

The application site is a field located to the south-east of the core of the village of Long Marston, within the Rural Area. Astrope Lane runs past the southern edge of the site, Marston Court is to the north-east, the school is to the north, Loxley stables to the north-west and there are fields to the west.

The Long Marston Conservation Area follows the north / north-eastern edge of the site along the boundary with Marston Court, so the development would be in the setting in the Long Marston Conservation Area. The grade II listed Loxley Farmhouse lies to the north-west, beyond the farm buildings, and there are listed buildings along the east side of Tring Road / Station Road.

The application proposes the construction of 9 dwellings upon the plot, these have a contemporary design which is considered appropriate – the Urban Design officer has had considerable input, and has suggested the use of a red brick, rather than a paler brick would better reflect the local use of red brick. Enhancing the soft landscaping / screening along the west boundary of the site was also recommended to soften the visual impact of the new development in the view from Astrope Lane.

The retention and enhancement of the public footpath across the north edge of the site is welcomed.

In relation to the setting of listed buildings in the locality, the development site is not within their immediate setting, and due to the intervening presence of Marston Court and the landscaped north, east and south boundaries of the site the development (which is of a reasonably modest scale) will preserve the setting of listed buildings in Long Marston village.

The introduction of new development upon this plot, along with associated works will change the character of the site from rural to urban / village. If the existing well planted boundaries of the site are retained (as proposed) and the proposed landscaping and materials of the development sensitively handled, any impact upon the setting of the Long Marston Conservation Area is considered to be neutral to a low level of less than substantial harm.

Summary

Any harm to the setting of the Long Marston Conservation Area will be at a low level of 'less than substantial' harm and NPPF para. 208 would be engaged in the decision-making process.

Officer Response

Please refer to paragraph 8.23 of the Officer Report which details the level of any heritage harm and public benefit balance.

2) Price and Myers (Drainage Consultant to the Applicants)

This short statement has been produced to respond to the comments recently received by a neighbour in relation to the submission of LiDAR data attached to the planning application at Astrope Lane (Ref.: 23/01998/FUL).

LiDAR data levels, relevant to this application, have been assessed by the design team and the LLFA (Lead Local Flood Authority - Hertfordshire County Council). They are shown to provide the necessary falls to reinstate functioning ditches.

'LiDAR' is an airborne mapping technique that measures the height of the terrain and surface objects on the ground, allowing highly detailed terrain models to be generated at spatial resolutions of between 25cm and 2 metres. It also removes surface objects from the Digital Surface Model to produce a terrain model of just the surface. The vertical accuracy of the LIDAR dataset is +/-15cm RMSE, however this can be affected by dense vegetation, which means that the bottom level of the ditch is not able to be measured.

LiDAR data is considered a reliable and sufficiently accurate form of modelling to inform terrain conditions, associated flood risk and the proposed drainage strategy at this stage. However, we would still expect a conservative approach is taken and that additional on-site surveying and site modelling will be undertaken in order to discharge the proposed conditions recommended to be applied to this planning application by the LLFA.

There is also a topographical survey which was produced which includes information on levels for the site, and the ditch immediately to the south of the site and north of Astrope Lane.

Due to the vegetation in the ditch the LiDAR levels recorded represent general levels in the area of the ditch. It can be seen that the ground surrounding the ditch which runs along the north of Astrope Lane and adjacent to the site is marked as approximately 86.20 m in the south west corner of the site, and near the entrance to Loxley Stables. The levels at the other end of Astrope land near the proposed connection point to the Gudgeon Stream is shown at 85.20 m, leading into the Gudgeon Stream which has a recorded level of 84.80m. Whilst the ditches between these points have a number of locations where silt has heavily built up and levels have overtime been affected, it can be seen that there is a general fall in levels, sufficient for carrying water and can be and indeed should be reinstated. This will require some extensive regrading by machine and forms part of the agreed works with the relevant landowners. This will be looked at in more detail during the next stages, however the level of information is suitable at present to show that a suitable method of disposal exists. The LLFA have proposed a condition which means that the full detail of this route must be provided prior to construction.

The blockages that do exist along the Astrope Lane ditch need removing and have been identified with the relevant landowners and will be cleared as part of the proposed works. Whilst there are a number of trees growing next to and in some cases almost in the ditch these healthy trees do not appear to need to be removed to reinstate the flows of the ditches. The ditch immediately next to the site, which is owned by the applicant, also has silt built up especially near the culverts. This has built up over time due to flows having been restricted and blocked downstream. This will continue to happen until the ditches downstream are cleared. Some clearing was understood to have been carried out by the council in the Autumn which has helped to remove some of the high-level vegetation, but the ditches still require extensive silt being removed and regrading to re-establish the fall. Some further vegetation clearance will be required first. New larger piped culverts will also be required and installed in specific locations were outlined and already agreed.

The LiDAR data also shows that the ditch which runs north west of the site and adjacent to the access road to Loxley Stables has a clear fall from Astrope lane (86.00 m) to the other end (85.10m), before it turns 90 degrees south west in the corner. However, in recent years there have been some alterations made to the area of this ditch adjacent to no. 3 Loxley Stables with it having been significantly raised with soil and blocking the flow of water. Whilst this ditch is not the proposed outfall, we would still recommend that localized levels along the length of this ditch should be surveyed, and ensure a fall reinstated to avoid the heavy ponding or flooding that is happening at the footpath gate.

We have also recommended that this also forms part of the conditioning and actioned before any works are undertaken.

The LiDAR levels and topographical data show that Marston Court (85.80m) is lower than part of the site and that the Astrope Lane road levels (86.40m) fall towards this car parking area, making it prone to flooding due to surface water and overland flows. As part of the SuDS (Sustainable Drainage Systems) strategy for the site, a swale has been proposed along the eastern boundary of the site with Marston Court which will pick up the existing surface water run-off from the soft landscaping and drain it back towards the proposed developments below ground drainage network. Therefore, the proposed development does not increase the surface water run-off towards this area. Due to a positive drainage system being constructed it will in fact have an even further positive impact as surface water run-off from hardstanding areas will be positively drained reducing the overland flows towards the court, and now the proposed swale.

This most recent objection ends with:

'In conclusion, the water from the proposed development without considerable deepening of the ditches and ongoing maintenance would flow as it does now towards Marston Court and the crossroads'.

In response:

- Maintenance of ditches will always be required.
- As proposed, the ditches will require silt clearing to reinstate the fall.
- However, the ditches will not fall towards Marston Court, but instead the opposite direction and the proposals will reduce the amount of water currently falling towards Marston Court.
- The LiDAR data, demonstrates that with the proposed works properly implemented, the falls can be reinstated and ditches working effectively again.

One of the objections again from a neighbour states that by allowing this development, it would make other properties more vulnerable. This is not the case as the proposals are not built on an area which itself is at risk of flooding. A detailed SuDS strategy has been detailed which positively drains the site, attenuates run-off, discharges to ditches of which part of the site already discharges to and improves on the existing surface water run-off to the neighbouring Marston Court. Furthermore, this application has been reviewed by the LLFA, who are satisfied with the proposals

3) *3 Loxley Stables*

There is a procedural flaw as neither I nor anybody else (including the Parish Council) have had the opportunity to scrutinise the latest comments of the LLFA (October 2024).

The PC submissions early last year made it clear that the only reason it was no longer considering obtaining its own drainage report was because the LLFA objected to the application. Obviously, therefore, once the LLFA no longer objected (as was the situation following their October 2024 comments) that the PC would wish to reconsider this. I believe the drainage proposals are flawed but I am not competent to give the proposals the sort of scrutiny that a drainage engineer could. I would suggest that this application is taken off the agenda from next week's meeting so that there can be proper consultation.

I remain of the view that the failure to publish online the October 2024 comments by the LLFA renders the planning process procedurally flawed and therefore unfair which can only be rectified by deferring the application being considered by the Development Management Committee. This would give me and others the opportunity to obtain advice from a drainage engineer. Of course, I understand the statutory targets for dealing with planning applications but these are commonly extended by many months. Indeed, in your email to me of 20 June 2024 you indicated that there was no hurry to determine this application and you allowed the applicants from March to September 2024 (6 months) to come up with their revised drainage proposals following the LLFA's objections.

You have also not responded to my formal information request for evidence of the third-party consents to carry out the drainage works. If, as I suspect, those consents are no more than an informal exchange of emails which could be rescinded at any time then this does not constitute the control over third party land required by planning law to impose the conditions which you recommend. As such those conditions would be potentially ultra vires. In March 2024 the LLFA opposed this application upon the basis that adequate drainage would necessitate engineering works over third-party land. Nothing has changed.

Officer Response

All parties have had sufficient time to provide their respective position in respect of flood risk and as such this application should be determined without further delay. There is no requirement for the LPA to provide time for third parties to respond to technical consultation responses. To do so (in this application and therefore in all others) would create significant delays in decision making and would put the Council of increased risk of appeals on the grounds of non-determination of the planning application within the statutory time limits.

The comments received by the planning authority are in respect of amended proposals that have been subject to public consultation. The latest comments of the LLFA are published within the committee report and have been available to this neighbouring party since 10th January 2025 (as they were included within an FOI response).

Recommendation

As per the published report.

Item 5b

24/01541/FUL New build 4 bedroom house with associated landscaping.

Little Farm, Rucklers Lane, Kings Langley, Hertfordshire

No update required.

Recommendation

As per the published report.