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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 10 APRIL 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 William Allen	Councillor Brian Patterson
Councillor Ian Bristow	Councillor Stewart Riddick
Councillor Toni Cox	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**

**7      ADDENDUM**

(Pages 2 - 10)

# Agenda Item 7



## DEVELOPMENT MANAGEMENT COMMITTEE

10th April 2025

### ADDENDUM SHEET

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#### Item 5a

**24/02214/MFA Construction of 19 dwellings, including car parking, landscaping, drainage and associated works.**

**Land Off Tring Road Wilstone Hertfordshire**

Huckvale, 13 New Road

Comments 4<sup>th</sup> April 2025

There is also a lot of activity that seems to be the start of the 19 homes for which planning permission has yet to be granted. I would be grateful if you could explain to me how the system works. I thought there was a requirement for planning permission before work started? I think it is true that this development has only been allowed because of a lack of housing supply. No one claims that it complies with local planning policies. Is it fair to blatantly let developers do what they like? Is it a policy to wear people down so they stop commenting on planning applications because they know they are wasting their time?

Why is it that any objections from eg the flooding authority get passed back and forth until they finally give in? If they were happy they would say so in the first place. It seems as though the phrase 'presumption in favour of development' translates to 'push it through at all costs' in this area. At what stage does 'limited development' become exceeded?

#### *Response*

*The developers have commenced work on the 19 unit scheme at their own risk pending the approval or otherwise of planning permission.*

*The Council is under a duty to work positively and proactively with developers as set out in the NPPF and under Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The comments of the LLFA include commentary as to how objections to development may be overcome and often highlight*

*where relevant data is missing. It is therefore appropriate and indeed expected that we allow developers to provide this information under Article 35*

#### Further Comments – 4<sup>th</sup> April 2025

It is true that the planning inspectorate granted the Rectory Homes appeal against DBC's original refusal of planning permission. This decision is now out of date. Why else is planning permission required?

Since then there has been another canal Tside development in the village and planning consent has been granted for an additional 9 homes opposite this site. In addition this site falls within the Chiltern Beechwoods Conservation Area, for which protection measures are now in place (although these too seem to be token in this case and will have no protective impact whatsoever). These changes are in addition to the limited changes you mention. Are they not relevant?

I agree that there is a local and national housing shortage. However, by Rectory Homes own admission these house are directed at the London market. This development will do nothing to help local people find a home.

I understand there are constraints on development in the Chilterns and the Green Belt. There are also constraints on development of rural areas. These apply in this case and are the reason DBC originally refused this development and the new Chiltern Beechwoods regulations add further constraint

#### *Response*

*The cumulative impact of this development and those comprising the initial phase of nine homes by Rectory Homes and those opposite the site on behalf of the Canal and River Trust has been considered by the highway authority and there are no objections on highways safety grounds.*

*The applicants are progressing this scheme given the emergence of a SANG solution.*

#### Further Comment – 4<sup>th</sup> April 2025

I do not think this development should be considered appropriate. I can see that the flooding authority and highways seem to be satisfied. However all I can find from Natural England is an objection and request to be consulted when a solution is proposed.

I have seen the proposed solution and have to ask if it is really a serious conclusion to accept a contribution to a SANG for a large development in Buckinghamshire that does not exist yet and if and when it does will have no impact in the effect of this development?

I can't find a response from Natural England to the proposed solution. Are they now satisfied?

#### *Response*

*The Kingsbrook SANG is currently subject to a planning application with Buckinghamshire County Council but we are advised that there are no objections in principle to this proposal which is shown within the wider landscaping proposals for the Kingsbrook housing site. A legal agreement for the management and maintenance of the SANG is expected to be completed in due course. The SANG is sufficient in size and has a catchment area that could be utilised by the developers in this case. The use of such SANG is a recognised solution by Natural England who will be requested to remove their objection to the development in the event of the SANG being completed. The use of a planning condition to secure SANG is considered to be appropriate where there is a realistic prospect of the SANG being delivered within the life time of the planning permission.*

Recommendation

As per the published report.

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**Item 5b**

**25/00248/FUL            Construction of new substation and access road**

**Rectory Homes Development Site Land South Of Canal Wilstone Bridge Tring Road  
Wilstone Tring  
Hertfordshire**

Representations

90 Tring Road

I continue to object to this proposal.

Response to Consultee Environmental and Community Protection (DBC) 27th March 2025

Prior to commencement a noise assessment should be carried out to ensure that the noise does not affect the local amenity of residents. The assessment shall be determined by measurement and prediction in accordance with the guidance and methodology set out in BS4142: 2014 No use shall be permitted until approval.

Firstly the position of the industrial generator there has been no prior noise assessment carried out on the impact to our property. We have been unable to use our garden or open our windows for over five weeks due to the noise from the generator 24/7 and diesel fumes which is mostly very strong. This week the developer agreed with environmental health to turn it off at 5pm and restart at 8am.

The last paragraph of this Consultee Environmental Community protection comment is:

I am however aware that the substation has been constructed without consent, and after speaking to the developers due to space and flooding considerations, there is no alternative location to be considered. As such we would suggest that the approval is

conditioned that the developer provide a scheme for reducing potential impacts of low noise associated with substations (fencing or similar) prior to first use.

If the developer is concerned regarding flooding considerations why is the application for 19 new homes application 24/02214/MFA being considered at this committee meeting?

In the Granville report dated 13th January 2025 it shows the site plan in response to LLFA proposed level plans, Diagram page 112..This Granville report actually contradicts the developers comments that due to space and flooding considerations there is no alternative location to be considered.

The Granville report actually shows where the substation is sited, under parking spaces for properties 3, 4, 5, & 6 that geocellular, attenuation tank lined with impermeable membrane to prevent groundwater intrusion, shown in blue on the report (like egg box structure to collect ground water) This is the only area on the plan where this membrane is used so obviously there is a risk near the substation of groundwater, other areas on the site are far more suitable.

This substation could have been sited on other green space on this site, but would mean that it would have been sited by homes currently on sale between £795k and £1.3m, instead it has been sited by the most congested part of the site where lower cost housing is to be erected. They are also erecting beside the substation on planning application for 19 homes 24/02214/MFA to site a communal bin and bike store which will sit feet away from our kitchen door in a very hot part of the garden.

Meeting the developer he has said it was the most convenient place to erect the substation from where the utility pole was situated. I also dispute this as the utility pole had previously run from the middle of the site at the entrance to the development, and ran across the middle of the field which now has a road running the length to the next field, which was approved on planning for 9 homes. The utility pole at the entrance stops at the entrance to the development and the utility pole in the field behind this development is in the middle of this field, so you can see where the poles were originally erected and overhead cables across the site.

We visited another site by this developer and the substation was also sited near the lower value homes, but the substation was much lower in height to the one we have beside our property.

If this substation is approved we are going to lose partial amenity to our garden. The ventilation grills are all exposed over our fence, and also every time we enter and exit our garage where we keep our logs and chest freezer we will be in the magnetic field.

Our garage is detached situated at the back of our bungalow and was originally build with the property. It is more than a garage it is the size of a large workshop with a ridged roof. Its width and depth subject to planning permission could easily be converted into a one bed self-contained annexe, which we have always earmarked if we needed care in the future, as a family member could move into our bungalow to care for us, bearing in mind we are currently in our seventies and eighties.

This substation can be seen from all our living area and dining table, and the depth of the building can be seen from every point alongside our drive which runs the length of our bungalow. This substation is very imposing.

*Response*

*All of the properties within the scheme are elevated above current ground level to ensure that there is no risk of flooding associated with groundwater to the properties.*

Huckvale, 13 New Road

Comments 4th April 2025

I assume you are aware of the current issues due to the Rectory Homes development in Wilstone?

Several homes are suffering from the noxious fumes from the generator being used. This does not have planning permission. Several residents have complained and not received an answer and no action has been taken. They are left unable to go into the garden because of fumes.

*Response*

*The use of a generator at the site is not subject to the applications before the Council. The Environmental Health team are working with the developers to resolve this matter without the need for any formal enforcement action.*

Further Comments – 4<sup>th</sup> April 2025

Concerning the substation, I am disappointed that the wellbeing and health of residents of Wilstone rate so poorly against the rights of developers. I wonder how much it is costing us to allow the Environmental Health team to tick a few boxes.

Hepworth Acoustics

This Technical Note has been prepared to provide an initial statement with regard to potential noise emissions and consequent impacts relating to a planning application for a proposed electrical substation to serve a new residential development at Tring Road, Wilstone.

The substation is proposed to be located to the south of the site, in relative proximity to some proposed new dwellings to the north of the unit, and also in relative proximity to some existing residences, notably No. 90 Tring Road.

The proposed substation is relatively small in size, of dimensions understood to be about 1.7m x 1.1m in footprint and 1.7m high, and is to be located within a GRP housing measuring about 2.4m x 2.4m in footprint and 2.6m high. The housing will feature solid double doors to the front, facing northeast, with some areas of open louvres for ventilation to all other sides.

We have reviewed manufacturers' technical data for the substation, provided by the applicant, and this states a sound power level for the item of 56dB LwA. This equates to a reference sound pressure level at 1m of 48dB LpA. This is the situation for the unit itself, excluding the mitigating effects of the proposed housing or any other form of noise mitigation.

This is a low level of noise, which confirms that the proposed unit is commensurate with the type of small substation routinely installed in residential areas, close to dwellings. We have experience of similar units at numerous sites and usually have found that noise emissions are virtually inaudible any more than a few paces from the unit, and that typically the noise emissions are not measurable above the ambient noise of the area.

The nearest potential future residential building is understood to be about 8m from the substation, with a suitable assessment location within the associated garden about 5m away. The nearest existing residential building (No. 90 Tring Road) is understood to be about 15m from the substation, with a suitable assessment location within the associated garden about 10m away.

Based on the reference sound pressure level for the unit (without housing / mitigation), substation noise levels will be about 30dB LpA incident at the nearest potential future residential building and about 24dB LpA incident at the nearest existing residential building (No. 90 Tring Road).

Even based on a most conservative estimate for noise reduction via an open window, internal noise levels will be no more than about 20dB LpA at the nearest potential future residential building and about 14dB LpA. These are very low levels of internal noise such that the substation noise is very unlikely to be appreciable.

Indeed, the noise levels will be lower still when accounting for the mitigating effects of the proposed housing, however at this stage no detailed assessment has been made to quantify this. To note, noise levels at suitable receiver locations in gardens are likely to be about 4dB higher than external noise levels incident at the buildings, however higher daytime ambient noise levels (compared to those at night) would be expected to comfortably offset this. It is noted also that this takes no account at this stage of any intervening garden boundary fencing etc.

Notwithstanding the foregoing, we understand that the Environmental Health Officer at the Local Authority has recommended the following noise-related condition be attached to any planning consent for the substation:

Within 3 months of the approval of this application, a noise impact assessment shall be submitted to the Local Planning Authority considering the baseline noise level at the application site and the impact of any noise associated with the use of the substation. If the noise impact assessment identifies an unacceptable level of noise\* arising from the substation, the noise impact assessment shall incorporate mitigation measures to reduce the noise to an acceptable level.

Within 1 month of the Local Planning Authority approval of the noise impact assessment (and associated noise mitigation measures, if applicable), any noise mitigation measures shall be implemented in full and thereafter maintained and retained

In the event that:

1. no noise impact assessment is submitted within 3 months of the approval of this application;
2. the noise impact assessment and (and associated noise mitigation measures, if applicable) is not approved within 6 months of the approval of this application; or
3. any noise mitigation measures required are not implemented within one month of the approval of the noise impact assessment and (and associated noise mitigation measures, if applicable) the substation shall be turned off so that it is not operational / does not emit any noise until the relevant step (a – c above) has been completed.

(\*The noise from any external plant utilised by the development in a noise sensitive location to be a minimum of 5dB(A) below the existing background level of noise, with no significant tonal characteristics).

Reason: To ensure that there is no significant adverse impact upon the residential amenities of neighbouring properties in accordance with Policies CS12 and CS32 of the Core Strategy.

Our view is that the above suggested condition represents a very robust approach to ensuring that any potential for noise impact attributable to the substation is controlled. The condition appears to draw on the provisions of the 'initial estimate of impact' method set out in BS 4142: 2014 +A1:2019. This is the appropriate Standard in this case, although it is noted that the Standard also encourages appropriate contextual assessment of the noise.

It is also noted that the standard does not require/recommend that noise from new plant/equipment be controlled to a level as low as 5 dB below the background noise level. Instead, it simply describes rating level of noise being controlled to be no more than the background will be of low impact, depending on context.

We agree that the condition as drafted will hence ensure that there is no significant adverse impact upon the residential amenities of neighbouring properties, in accordance with Policies CS12 and CS32 of the Core Strategy.

It is noted that the noise threshold set out on the condition is to be relative to the background noise level at the noise-sensitive location. Following granting of consent with this condition attached, it will therefore be necessary to visit the site to carry out background noise level measurements using fully calibrated Class 1 instrumentation.

It is suggested that this may be carried out for a representative period of the early night-time only (i.e. for a period commencing after 2300hrs) as the substation will operate with the same noise output at all times, and the background noise levels will be lowest at this time, such that this will define the 'period of interest' for the assessment.

Prior to carrying out the survey work, the background noise level is not known, and hence the need for any additional noise mitigation measures cannot be known. However, drawing on the whole of the foregoing, there is no reason to anticipate that this will be problematic.



It is noted that a requirement of the suggested condition is that the noise should have no significant tonal characteristics. Although the substation noise levels are expected to be very low at noise sensitive locations, it is inherent to this type of equipment that a tonal component is present, typically centred at 50Hz and harmonics thereof. Nonetheless, the presence of a tonal component at source does not by necessity confer that this will be significant. Additional steps to account for tonality are outlined in BS 4142, and also in BS7445, and hence it will be possible at the stage of carrying out the assessment to draw on those provisions to ensure a robust assessment

### Recommendation

As per the published report.

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### Item 5c

**24/02359/FUL      Removal of tower mast and associated cabins, relocation of two storage containers to one single storey building and one two storey building with accommodation facilities in loft, construction of single storey buildings for a swimming pool.**

### **Chiltern Young Riders Motocross Track Shootersway Berkhamsted Hertfordshire HP4 3TY**

The wording of condition 7(ii) has been altered to refer specifically to the swimming pool building, as this is the element of the proposal that has not yet been constructed.

The wording is now as below:

*i.) Demolition of the telecommunications compound and the development of the swimming pool building shall take place in accordance with the Written Scheme of Investigation approved under Condition 6.*

*ii) The **swimming pool** building shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6.*

*The final phase of development (the swimming pool building) shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.*

*Reason: To ensure that the development does not adversely affect scheduled ancient monuments or other nationally important sites and monuments; in accordance with Saved Policy 118 of the Local Plan (2004).*

Recommendation

As per the published report.

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**Item 5d**

**25/00053/FUL      Garden room and pergola.**

**9A New Park Drive Hemel Hempstead Hertfordshire HP2 4QQ**

Recommendation

As per the published report.

There are no updates regarding this application.