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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 8 JULY 2021 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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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 (Chairman)  
Councillor C Wyatt-Lowe (Vice-  
Chairman)  
Councillor Beauchamp  
Councillor Durrant  
Councillor Hobson  
Councillor Maddern  
Councillor McDowell

Councillor Oguchi  
Councillor Uttley  
Councillor Woolner  
Councillor Douris  
Councillor Williams  
Councillor Hollinghurst

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

## **AGENDA**

### **1. MINUTES**

To confirm the minutes of the previous meeting (these are circulated separately)

### **2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

#### **4. PUBLIC PARTICIPATION**

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@dacorum.gov.uk)

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

**Please note:** If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

## 5. INDEX TO PLANNING APPLICATIONS (Pages 5 - 6)

- (a) 21/01517/RES - Reserved matters application with details of Appearance, Landscaping, Layout and Scale comprising of 276 dwellings and associated works relating to application 4/02539/16/MOA - Spencer's Park Phase 2 Land Between Three Cherry Trees Lane And Cherry Tree Lane Hemel Hempstead (Pages 7 - 64)
- (b) 4/00024/19/MFA - Construction of 15 residential units with associated access, parking and landscaping - Land off Tring Road, Wilstone (Pages 65 - 140)
- (c) 21/00854/FUL - Demolition of existing storage yard buildings and construction of six dwellings - Land to the south east of Loch View, Tring Road, Wilstone (Pages 141 - 172)
- (d) 21/00365/FUL -Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen- Barn A Birch Lane Flaunden Hertfordshire HP3 0PT (Pages 173 - 194)
- (e) 20/02125/RES- Submission of reserved matters on appearance, Landscaping, Layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access, parking and amenity Space -Land For Development Love Lane Kings Langley Hertfordshire (Pages 195 - 212)
- (f) 21/01261/FUL - Demolition of Garage/Outbuildings and the construction of a detached bungalow and carport (amended scheme). - 93-95 High Street Markyate St Albans Hertfordshire AL3 8JG (Pages 213 - 232)
- (g) 21/00142/FUL - Demolition of existing dwelling and construction of a pair of semi-detached dwellings - Woodley, 37 Chesham Road, Bovingdon (Pages 233 - 244)
- (h) 21/01335/FUL - Construction of two new semi-detached cottages and new boundary wall. - 64 High Street Markyate St Albans Hertfordshire AL3 8HZ (Pages 245 - 264)
- (i) 21/01336/LBC - Construction of two new semi-detached cottages and new boundary wall - 64 High Street Markyate St Albans Hertfordshire AL3 8HZ (Pages 265 - 271)
- (j) 21/00956/FHA - Proposed open porch, attached single garage with new driveway, two storey side extension and single storey rear extension - 3 Bulstrode Close Chipperfield Kings Langley Hertfordshire WD4 9LT (Pages 272 - 278)
- (k) 21/01337/FHA - A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights (amended scheme - 36 Victoria Road Berkhamsted Hertfordshire HP4 2JT (Pages 279 - 293)

**6. QUARTERLY APPEALS REPORT (Pages 294 - 315)**

## INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	21/01517/RES	Reserved matters application with details of Appearance, Landscaping, Layout and Scale comprising of 276 dwellings and associated works relating to application 4/02539/16/MOA (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved) Spencer's Park Phase 2, Land Between Three Cherry Trees Lane And Cherry Tree Lane, Hemel Hempstead,	
5b.	4/00024/19/MFA	Construction of 15 new two-storey dwellings, (including two and three bed dwellings).new access off tring road, parking, landscaping and all associated works. Land Off Tring Road, Wilstone, HP23 4PD,	
5c.	21/00854/FUL	Demolish existing storage yard, change of use to residential and construction of 6 dwellings. Development Site Southeast Of Loch View, Wilstone Bridge, Tring Road, Wilstone	
5d.	21/00365/FUL	Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen. Barn A, Birch Lane, Flaunden, Hertfordshire	
5e.	20/02125/RES	Submission of reserved matters on appearance, Landscaping, Layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access , parking and amenity Space. Land For Development, Love Lane, Kings Langley, Hertfordshire	
5f.	21/01261/FUL	Demolition of Garage/Outbuildings and the construction of a detached bungalow and carport (amended scheme). 93-95 High Street, Markyate, St Albans, Hertfordshire	
5g.	21/00142/FUL	Demolition of existing detached dwelling. Construction of 2 semi detached dwellings. Woodley, 37 Chesham Road, Bovingdon, Hertfordshire	
5h.	21/01335/FUL	Construction of two new semi-detached cottages and	

- new boundary wall.  
64 High Street, Markyate, St Albans, Hertfordshire
- 5i.**            21/01336/LBC            Construction of two new semi-detached cottages and new boundary wall.  
64 High Street, Markyate, St Albans, Hertfordshire
- 5j.**            21/00956/FHA            Proposed open porch, attached garage with new driveway, two storey side extension and single storey rear extension.  
3 Bulstrode Close, Chipperfield, Kings Langley, Hertfordshire
- 5k.**            21/01337/FHA            A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights (amended scheme).  
36 Victoria Road, Berkhamsted, Hertfordshire, HP4 2JT

**ITEM NUMBER: 5a**

<b>21/01517/RES</b>	<b>Reserved matters application with details of Appearance, Landscaping, Layout and Scale comprising of 276 dwellings and associated works relating to application 4/02539/16/MOA (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved)</b>	
<b>Site Address:</b>	<b>Spencer's Park Phase 2 Land Between Three Cherry Trees Lane And Cherry Tree Lane Hemel Hempstead</b>	
<b>Applicant/Agent:</b>	<b>Miss Lucy Aspden</b>	<b>Miss Lucy Aspden</b>
<b>Case Officer:</b>	<b>Andrew Parrish</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead (No Parish)</b>	<b>Woodhall Farm</b>
<b>Referral to Committee:</b>	<b>Large scale major development linked to Section 106</b>	

**1. RECOMMENDATION**

1.1 That planning permission be granted.

**2. SUMMARY**

2.1 The application is recommended for approval. Outline permission 4/01749/16/OUT was granted in September 2016 for up to 600 dwellings across the two authority areas of Dacorum Borough and St. Albans City and District. All matters were reserved apart from access. Condition 4 allows the site to come forward in phases.

2.2 Approval is sought in respect of the reserved matters (RM) comprising appearance, layout, scale and landscaping in relation to Phase 2 West (an area entirely within the administrative area of Dacorum).

2.3 The RM proposal is for 276 dwellings of which 35% would be classed as affordable housing, and the proposals would comprise a mix of 1, 2, 3 and 4 bed properties and include car parking, open space, children's play, landscaping, SUD's, segregated foot and cycleways, and provision for future bus services.

2.4 The proposals have been subject to extensive pre-application discussions with DBC, SADC and HCC officers, were presented to the Community Review Panel in November 2020, and have been subject to public engagement in December 2020.

2.5 The outline permission included land for a primary school, employment area, local centre uses and other uses as set out on the approved Parameters Plan. The phase being considered here does not include the school, employment area or local centre uses.

2.6 The proposed residential mix for approval is considered acceptable and would ensure a sustainable and balanced community with all dwellings exceeding National Minimum Space Standards.

2.7 The layout is dictated by a number of constraints including trees, extensive drainage and power easements and the location of the access on Three Cherry Trees Lane. The layout responds to these in a positive way including retention of the tree belt to the eastern boundary, creation of a linear park, sustainable travel connections with the wider area and the creation of a series of spatial typologies across the site imparting variation in built form, clear and legible routes that prioritise pedestrian and cycle movement, and a significant network of green spaces and landscaping.

2.8 The proposals respond appropriately in height and density terms in accordance with the approved parameters plan and would not cause harm to the street scene or surrounding area.

2.9 The details of design and appearance to the various house typologies is to a high standard. Whilst the architectural detailing is fairly simple and unembellished, the contemporary approach would not be materially harmful to the area.

2.10 Other than some additional planting that is being sought to soften private domain areas from street vistas, the hard and soft landscaping is to a high standard and the Trees and Woodlands Officer has raised no concerns. The proposals include a significant amount of well landscaped public open space and equipped children's play areas.

2.11 The highway authority has been party to pre-application discussions and raises no objection on highway safety grounds. Whilst the quantum of car parking is below that sought by the recently adopted SPD, it is nevertheless greater than that agreed at outline stage, and the reductions overall are considered to be justified on grounds that the site is sustainably located and the development includes significant enhancements to infrastructure that will encourage modal shift from car use. The proposals include EV charging and cycle storage per dwelling.

2.13 There are no nearby residential properties whose amenity would be materially harmed. Minimum back to back distances would be satisfied other than in a handful of cases where subject to further mitigation, the proposals are acceptable. Private communal amenity space for the flats is lacking in cases but balanced by balconies and availability of nearby well-designed open space. The Environmental Health Officer raises no objection subject to further noise mitigation and compliance conditions in respect of the introduction of an acoustic barrier along the western boundary of the site.

2.14 The proposals will be highly sustainable in terms of the energy and drainage strategies adopted and the development will be a Homes England showcase site in terms of MMC (Modern methods of construction). The site will provide an overall net gain in biodiversity.

2.15 A Statement of Compliance in terms of the EIA submitted at outline stage indicates that the conclusions of the EIA stand in respect of there being no on-balance harm to the environment. The Historic Environment Officer raises no objection subject to continuing archaeological investigations.

2.16 In terms of the overall planning balance, taking the 'tilted balance' in favour of sustainable development accordance with Para. 11 of the NPPF, when assessed against the policies in the Framework taken as a whole the benefits are considered to significantly and demonstrably outweigh the adverse effects of the proposal.

2.17 The details are acceptable for approval subject to the conditions set out.

### **3. SITE DESCRIPTION**

3.1 The site comprises the western part of the Spencer's Park Phase 2 site between Three Cherry Trees Lane and Cherry Tree Lane in north east Hemel Hempstead. The site is located immediately to the south of the Spencer's Park Phase 1 development, which has recently been completed by David Wilson Homes. The site is located within the built up area of Hemel Hempstead, within the Maylands General Employment Area (GEA).



3.2 The site currently comprises of rolling arable fields, with field access points off both Three Cherry Trees Lane and Cherry Tree Lane. A variety of employment uses are located to the west and south of the site within the Maylands General Employment Area, including Buncefield Oil Depot site to the south of the site. A Gypsy and Traveller site (Cherry Tree Caravan Park) is located to the west of the site.

3.3 The eastern edge of the site is defined by a north-south running over-mature hedgerow formed of a thick line of trees. To the southern edge with Three Cherry Trees Lane is a further mature hedgerow. The western border of the site comprises a woodland copse with drainage pond and a mature hedgerow extending north alongside the G&T site. The northern edge with Spencer's Park Phase 1 is open apart from a metal palisade fence that forms the boundary and which is to be removed and reused along the western boundary of the site.

3.4 Detailed access arrangements to the site were approved under the Outline permission with the main access into the site to be provided to the south, via a new roundabout from Three Cherry Trees Lane.

3.5 The site is part of the wider Spencer's Park Phase 2 site that crosses the administrative boundaries of Dacorum and St Albans City and District Councils and which is owned by Homes England. The red line site the subject of the current RM application extends to approximately 9ha and comprises the western half of the wider Spencer's Park Phase 2 site. The eastern part is not the subject of the current application and is to come forward as a separate RM application.

3.6 The application site does not fall within a Conservation Area, nor are there any listed buildings within its boundary or in the vicinity. The site is not subject to any other environmental designations. The site is located in Flood Zone 1, the lowest risk flood zone.

#### **4. PROPOSAL**

4.1 Outline permission 4/01749/16/OUT was granted in September 2016 for UP TO 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1,A3,A4,A5,D1,D2), land for up to 7,500 square metres of employment uses (B1,B2,B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane.

4.2 All matters were reserved apart from access. The site was split across the two authorities of Dacorum Borough Council and St. Albans City and District Council. Condition 4 allows the site to come forward in phases, details of which have recently been approved.

4.3 Approval is now sought in respect of the reserved matters (RM) comprising appearance, layout, scale and landscaping in relation to Phase 2 West (an area entirely within the administrative area of Dacorum).

4.4 The proposed RM scheme is for 276 dwellings, comprising of a mix of 2, 3 and 4-bedroom houses, and 1 and 2 bedroom flats. The new homes will comprise a range of tenures to suit a variety of needs, including private sale, shared ownership and affordable rent properties. The distribution of the affordable dwellings reflects the requirements set out in approved Outline planning permission comprising 35% affordable provision in this phase.

4.5 Most pre-commencement conditions remain to be discharged and will form separate applications.

## **5. REFERRAL TO COMMITTEE**

5.1 The application is referred to the Development Management Committee under s.2.3.2 (4) of Part 3 of the Council's Constitution as the application is a large scale major development which is linked to an existing planning obligation under s.106 of the Town and Country Planning Act 1990 (as substituted by s.12 of the Planning and Compensation Act 1991).

## **5. PLANNING HISTORY**

Planning Applications (If Any):

20/03238/DRC - Details as Required by Condition 22 (Archaeological Written Scheme of Investigation - Parts 1 and 6 only) attached to Planning Permission 4/02539/16/MOA (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane.

*GRA - 3rd December 2020*

20/03249/FUL - Relocation of existing 5 bar gate on Hudnall Lane to create wider vehicle entrance bay

*GRA - 6th April 2021*

20/03982/NMA - Non Material Amendment to Planning Permission 4/02539/16/MOA (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved)

*GRA - 20th January 2021*

21/01350/DRC - Details as required by condition 4 (phasing plan) attached to planning permission 4/02539/16/MOA (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved).

*GRA - 25th May 2021*

21/01713/DRC - Details required by condition 14 (Surface water drainage strategy) attached to planning permission 4/02539/MOA (Amended by 20/03982/NMA) (Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved)

*PCO -*

4/01385/19/NMA - Non material amendment to planning permission 4/01477/09/moa (residential development of 357 dwellings (outline) with associated amenity space, vehicular access, pedestrian access from nicky line and emergency access. Community facilities including local  
*GRA - 27th June 2019*

4/02539/16/MOA - Outline planning application to include up to 600 dwellings (c3), land for primary school (d1), land for local centre uses (a1,a3,a4,a5,d1,d2), land for up to 7,500 square metres of employment uses (b1,b2,b8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off three cherry trees lane, new priority junction off three cherry trees lane, new vehicular access to spencer's park phase 1 and an emergency access to the employment land off cherry tree lane. Detailed approval is sought for access arrangement only, with all other matters reserved  
*GRA - 30th April 2019*

4/01477/09/MOA - Residential development of 357 dwellings (outline) with associated amenity space, vehicular access, pedestrian access from nicky line and emergency access. Community facilities including local park, social/community building and small retail building (ame  
*GRA - 29th October 2012*

4/01892/08/MOA - Residential development of 372 dwellings with associated amenity space and vehicular access. Community facilities including local park, social/community building and small retail building  
*WDN - 9th December 2008*

Appeals (If Any):

## **6. CONSTRAINTS**

Area Action Plan Boundary: East Hemel Hempstead AAP  
Area of Archaeological Significance: 63  
CIL Zone: CIL3  
CIL Zone: CIL4  
Former Land Use (Risk Zone):  
HSE Consultation Zone: Haz. Subst. Buffer  
Oil Pipe Buffer: 100  
Parish: Hemel Hempstead Non-Parish  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)  
Smoke Control Order  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Town: Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS17 – New Housing  
CS18 – Mix of Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 10 - Optimising the Use of Urban Land  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 63 - Cyclists  
Policy 76 – Leisure space in New Residential Developments  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100 – Tree and Woodland Planting  
Policy 108 – High Quality Agricultural Land  
Policy 111 – Height of Buildings  
Policy 118 – Important Archaeological Remains  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision (layout guidelines)

Supplementary Planning Guidance/Documents:

Environmental Guidelines SPD (May 2004)  
Strategic Design Guide SPD (February 2021)  
Parking Standards SPD (Nov 2020)  
Affordable Housing SPD (September 2013)  
Affordable Housing SPD - Clarification Note (August 2019)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

Water Conservation SPD (July 2005)  
Energy Efficiency and Conservation SPD (July 2005)  
Sustainable Development Advice Note (December 2016)  
Policy Statement Sustainable Drainage (February 2015)  
Refuse Storage Guidance Note (Feb 2015)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- Background history
- Pre-app discussion and engagement
- Policy and principle
- Residential mix
- Impact on street scene and character of area
- Landscaping and open space
- Impact on highway safety and car parking
- Impact on residential amenity
- Sustainable design and construction
- Other material planning considerations
- The planning balance
- Response to neighbour comments
- Community infrastructure levy (CIL)

### Background history

9.2 The application site was previously allocated for employment uses under the County Structure Plan 1991-2011 (adopted in 1998).

9.3 The Dacorum Borough Local Plan 1991-2011 retained this allocation (E4) in April 2004 with the Spencer's Park Phase 1 site to the north allocated for housing.

9.4 Despite the employment allocation, the site has long been identified as a potential housing site. The Core Strategy 2013 identified the potential for around 1000 dwellings here (including 350 on Phase 1) and reference was made to this potential throughout the Core Strategy (including Hemel Hempstead Place Strategy). Moreover, the housing programme assumed a contribution from Phase 2 and the AMRs acknowledged its contribution towards the Council's 5-year housing supply figure.

9.5 It was not formally allocated either through the Core Strategy or subsequent DPD. The intention was that the East Hemel Area Action Plan (referred to in the CS) would define further detailed requirements. Despite limited progress being made on this document, due to uncertainties surrounding the St. Albans plan-making programme, it is clear that the policy approach has for nearly a decade been that residential development should come forward on this land.

9.6 The policy position, whilst not formally allocating the site, implicitly accepts that residential development would take place on Spencer's Park Phase 2.

### Pre-application engagement and community involvement

9.7 NPPF advises that early discussion between applicants, the local planning authority and the local community is important and that applications that demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

9.8 The proposals the subject of this RM application have been subject to extensive pre-application engagement with officers at Dacorum Borough, St. Albans City and District Councils and Hertfordshire County Council, the latter covering Highways and Lead Local Flood Authorities. There has been extensive input from the two district authorities from a design and landscape perspective over a period of some 10 months. The input has played an important role in ensured the layout and design of the scheme is to the highest standards and creates a sustainable community.

9.9 The emerging masterplan scheme was presented to the Dacorum Community Review Panel in November 2020. The feedback was largely positive but with some concerns around the role the land adjoining Phase 1 could play in contributing to the heart at the centre of the two phases, concerns around the relationship of construction vehicle routing in relation to existing traffic needing to be carefully considered, the need for further consideration regarding phasing in relation to infrastructure such as education needing to be available early on, and a desire that a greater aspiration for the environmental sustainability strategy was required such as integrating biodiversity.

9.10 The CRP comments have been used to inform and update the design and layout of the development, including incorporation of biodiversity measures across the site.

9.11 The applicants also sought to engage the public in December 2020 by holding two virtual webinar sessions, virtual stakeholder briefings, a community consultation newsletter, a dedicated website and a social media advertising campaign. Key issues for residents concerned impacts on traffic and parking in the area, the provision of non-residential uses and the impact on existing community facilities.

9.12 Details of the public consultation and stakeholder engagement are contained within the submitted Statement of Community Involvement.

#### Policy and Principle

9.13 The principle of residential development on this site has been established by virtue of the grant of outline permission in April 2019 (4/02539/16/MOA). This agreed the principle of up to 600 dwellings plus the points of vehicular access. All other matters were reserved.

9.14 The outline proposals included land for a primary school, employment area, local centre uses and other uses as set out on the approved Parameters Plan. The former three are not in the phase being considered here. It also set out approximate housing densities and the general structure of movement corridors, open space and SUDS. It should be noted that there are significant on site constraints that dictate the general layout.

9.15 As part of the permission, a Framework Parameter Masterplan, Dacorum, was approved which fixed certain principles including the location of development parcels, density and building height, location of open space and provision of play space as well as the primary, and secondary accesses into the site and key routes. This RM application has been designed to comply with this Drawing No. TP003, and officers are satisfied that it does.

#### Residential mix

9.16 Policy CS18 states that new housing will provide a range of housing types, tenures and sizes, housing for special needs and affordable housing in accordance with Policy CS19, the mix in any specific case being guided by SHMAs, housing needs surveys and site-specific circumstances. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged and units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites. The Outline PP did not set any parameters for the mix of housing which hence is for agreement here.

9.17 Phase 2 West is entirely residential and does not propose any commercial or education floorspace, which will form part of later phases. The proposals do however include community uses comprising open space provision, children’s play areas and a multi-use games area (MUGA).

9.18 The proposals will deliver 276 dwellings, comprising a mix of unit sizes and tenures as follows:

<b>Dwelling Size</b>	<b>AF Rent</b>	<b>SO</b>	<b>Private</b>	<b>TOTAL</b>
1-bed flat / FOG	15	5	28	<b>48</b>
2-bed flat / FOG	20	6	39	<b>65</b>
2-bed house	13	8	27	<b>48</b>
3-bed house	25	5	68	<b>98</b>
4-bed house	-	-	17	<b>17</b>
<b>TOTAL</b>	<b>73</b>	<b>24</b>	<b>179</b>	<b>276</b>

9.19 The proposals include 35% affordable housing, comprising mainly affordable rent with some shared ownership. There is a high proportion of 1 and 2 bed dwellings (58%) and in addition 10% of the dwellings have been designed to be accessible and adaptable for wheelchair use if required. The proposals are considered acceptable with the mix ensuring a sustainable and balanced community and all dwellings exceeding National Minimum Space Standards.

9.20 The proposals accord with the above policies.

Impact on Street scene and Surrounding Area

9.21 The NPPF places emphasis on achieving good quality design. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

9.22 Policies CS10, 11, 12 and 13 of the CS are overarching policies applicable to all development which seek a high quality of design in all development proposals. It sets out a number of considerations at the settlement, neighbourhood, and site levels, and also in terms of the public realm. These policies are supported by the Strategic Design Guide SPD which was adopted in February 2021.

*Layout*

9.23 Policy CS10 of the Dacorum Core Strategy sets out a number of broad settlement level considerations. These include respecting defined countryside borders, reinforcing soft edges to towns and villages, delivering landmark buildings at movement gateways, preserving and enhancing green gateways and protecting and enhancing wildlife.

9.24 There are a number of constraints that have dictated the general layout. The key ones comprise the extensive drainage and underground power easements along the western edge of the site, and the strong field boundary to the east, marked by a mature hedgerow and line of trees with root protection areas for retained category A and B trees.

9.25 The layout has sought to respond to key opportunities including the retention of the line of trees and hedgerow along the eastern boundary, the relationship with the existing Spencer’s Park Phase 1 dwellings and open space to the north, sustainable travel connections in particular to the Nickey Line, the approved vehicular access location off Three Cherry Trees Lane and general connectivity to the wider area including Land East of Hemel Hempstead. The detailed layout for Phase 2 West has also been designed to link to Phase 2 East, with the design principles established to be carried

across to this later phase, to ensure a comprehensive masterplan and delivery of a place that reads as a whole.

9.26 From the above, a series of key spatial typologies has emerged for the site as follows:

#### Green Spine

- The Gateway – 3 and 4 storey flatted development at the entrance to the site off Three Cherry Trees Lane providing a strong landmark gateway feature, and featuring extensive landscaping.
- The Green Spine – mainly detached houses fronting a linear park of retained trees and open space, including SUDs, and providing a movement corridor for pedestrians and cyclists, and featuring gable fronted typologies.

#### The Avenue

- The Avenue – a rectilinear pattern of houses fronting a key vehicular route through the site giving access to side roads and based around a planned wide avenue road with street planting, shared pedestrian / cycleway and SUDs catchment rain gardens.
- The Oval – A formal crescent of semi-detached homes fronting an open space defined largely by the existing oval shaped area of public open space within Spencer's Park Phase 1 area and completing the interface with that phase.
- The Green Courts – An area of mainly 2 and 3 storey apartment blocks focused around an informal landscaped MUGA and set within landscaped open space.

#### Local Streets

- The Lanes – An area of smaller, more informal street houses and terraces in a series of linear streets situated between the Avenue and the Green Spine and focused around a home zone concept of shared surfaces with informal planting giving pedestrian priority.

9.27 .The layout is considered to provide good variation in built form across the site which is both clear and legible whilst also prioritising ease of pedestrian and cycle movement through the site and providing good opportunity for introducing soft landscaping and street planting into the streets together with significant public open space that will establish a green setting to the wider development.

9.28 The proposals are considered to accord with Policy CS10.

#### *Scale and density*

9.29 Policy CS11 seeks to ensure that development respects the typical density intended in an area and enhances spaces between buildings and general character. Saved Policy 10 encourages the effective use of urban land, although not at the expense of the character of the area and other environmental standards in the Plan. Saved Policy 21 states that densities should generally be in the range of 30 to 50 dph but that higher densities will be encouraged in locations where services and workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centres. It goes on to say that for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views.



9.30 It should be noted that in considering the outline application, consideration will have been given to the above. In this respect, the approved Parameter Plan permits a maximum height of up to 4 storeys and a maximum density of 60+ dph in certain locations, such as the southern and northern boundaries. These locations are not considered to adversely impact on open countryside views. Furthermore, given the close proximity to existing and proposed employment land and noting the proposals to improve pedestrian and cycle connections, and public transport connections that will link with the future creation of Hemel Garden Communities to the east, the site is considered to be in a sustainable location that can justify increased densities.

9.31 The proposals are considered to accord with these basic parameters with the southern Gateway providing a series of 3 and 4 storey apartment blocks at the upper density limit whilst also helping to provide marker buildings at the entrance to the site and an appropriate response to Three Cherry Trees Lane and proposed open space. The Green Courts area towards the north west of the site will also provide an area of slightly higher density with 3 storey apartment blocks whilst the houses facing the Oval would be 2 ½ storey with 3 storey corner units.

9.32 The remainder of the site will provide a mix of 2 and some 3 storey houses at lower density with the middle section of the site having a density of 32-40 dph and the Green Spine a density of 25-32 dph.

9.33 The proposals are considered an appropriate response in height and density and would not be considered to cause harm to the street scene or surrounding area, noting that Three Cherry Trees Lane otherwise serves an industrial area. The proposals would accord with Policy CS11 and saved Policy 21.

#### *Appearance and typologies*

9.34 Policy CS12 requires that development should integrate with the streetscape character and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, and amenity space.

9.35 The outline permission did not stipulate any particular design code ethos or design parameters and therefore the detailed design, character and appearance of the development has evolved as part of the work of the applicant's architectural team as informed by pre-application discussions.

9.36 As noted above, the layout is based around a number of different character areas and in response to this, and following Dacorum's Strategic Design Guide, a series of different spatial typologies has been created for the different house types to help define these character areas.

9.37 The detailed house types have evolved from local new town and wider precedent forms, which are shown to be unified by a base material of brick, with occasional infill panels of cladding, a variety of window sizes and proportions, and a mixture of roof forms. Each of the three main masterplan zones has adopted a specific architectural approach with some aspects such as materiality, door and window framing, remaining constant.

1. The Green Spine area is characterised by a regular rhythm of 2 storey gable fronted detached forms (3 storey to corner plots) suited to the sinuosity of the zone, with the concept of large windows developed into a distinctive asymmetric pattern of picture windows and small opening lights with an overall vertical emphasis. A variety of brick and tile materials is proposed here to emphasise the informality of the zone.
2. The Avenue has a more formally organised balance of composed detached and semi-detached houses with occasional short terraces, and corners emphasised with more elaborate door treatment, masonry sills. The roof form is characterised by a mix of eaves and gables at key points. The arrangement of windows is regular and overall has a squarer sense of proportion.

3. The Local Streets comprise longer groups of two storey houses with a cottage influence, simple facades, hipped grey tile roofs and the use of horizontal boarding. Overall the proportion is more horizontal, related to the vernacular precedent.

9.38 It is worth noting that solar panels will be a feature of this development, but have been arranged where possible to sit to the rear of any gabled roof to minimise visual impact from the street. It is understood that the positions and exact design have not been finalised, therefore it would be recommended that details be sought by condition.

9.39 The details of design and appearance to the various house typologies is considered acceptable and to a high standard. The applicants made a number of detailed changes following the most recent officer feedback on the pre-application material of March 2021. These have focused on changes relating to the dwelling type / spatial typology enrichment as follows:

1. Enrichment of Oval – elevations developed from “typical” windows to large framed “picture window” aesthetic. Shared surface treatment also upgraded from tarmac to block paving.
2. Enhancement of the Lanes area - Rather than amend the roofscape, whose relative simplicity is important to character, the architects focussed on introducing large size (1.8 x 1.35m) windows extensively across the spatial typology. A more refined clipped eaves detail was introduced, along with a string course and projecting brick detail below areas of boarding. Finally a more harmonious brick tone was selected, and shared surfaces upgraded and articulated with a tumbled block to non-carriageway areas.
3. Gable details – these were refined across the whole Gateway and Avenue areas to harmonise better between spatial typology areas.

9.40 Whilst the architectural detailing is fairly simple and unembellished, characterised by clipped eaves, slim-line door frames and plain rooflines, the contemporary approach is not considered to be materially harmful given the interest provided by the use of gabled forms, in particular along the Green Spine that will help articulate the roofscape and noting also that windows are to be set back into their reveals which will help provide relief and interest to the facades.

9.41 The interest provided by facing materials and brick detailing will be particularly important to ensuring a high quality appearance to the development and public realm. The distribution of various types of facing brick throughout the development has been submitted and is generally considered acceptable, and appears well related to the different spatial typology areas. However, details of the actual brick materials will still be required in accordance with Condition 5 of the outline permission for approval. Similarly with regards to the roof materials, the distribution of tile types has been submitted and an indicative palette provided. However, there may need to be some adjustment of the tile colours as recommended by the Design and Conservation Officer to help minimise the visual impact of solar panels.

9.42 The Principle Urban Design Officer has raised no objections on design grounds noting that the development offers a high level of design quality, a sensitive approach to townscape and improved connectivity. She recommends that building materials should be subject to conditions along with hard landscaping to maintain the design intent of proposed typologies and character areas, together with details of external thresholds and balconies.

9.43 Hard landscaping materials are shown on the Hard Landscape plan and Detailed Area Plans but samples / details of the actual materials would need to be submitted. Condition 5 of the outline approval seeks details of all materials which would include hard surfacing. Thresholds and balconies detailed in this RM application are considered acceptable as shown on the individual flat block and

house type elevations to be metal powder coated. Subject to details of solar panels the proposals are considered to accord with Policy CS12 of the Core Strategy.

### Landscaping and Open Space

9.44 CS12 of Core Strategy (2013) states that development should seek to retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges. Core Strategy Policy CS29 states new development should seek to incorporate at least one new tree per dwelling for climate mitigation purposes.

9.45 Core Strategy Policy CS13 seeks to ensure that new development provides natural surveillance over areas of public realm, promotes pedestrian friendly, shared spaces in appropriate places, and incorporate coherent palette of sustainable surface materials, planting and street furniture and soft landscaping. Saved Local Plan (2004) Policy 99 seeks to retain and protect visually important trees and requires accurate tree surveys and details of proposed underground works and tree protection measures. Saved Policy 100 encourages the provision of trees, woodland and hedge planting in appropriate locations particularly as part of development landscaping schemes. All tree planting should, wherever possible, be with appropriate native broad-leaved species.

### *Trees and Landscaping*

9.46 The submitted Arboriculture Impact Assessment indicates that there are no TPOs on or immediately adjacent the site and it is not within a Conservation Area. There are no ancient woodlands, wood pasture, parkland or veteran trees on or in close proximity to the site. However seven individual trees, three tree groups, a section from a further three tree groups and one hedgerow are to be removed to enable the development. However these losses have been kept to a minimum.

9.47 The proposals have been developed to respect and retain the existing tree structure as far as possible. The central Green Spine of existing trees will be retained as a strong green network. The proposal seeks to plant 374 trees which will provide both compensation for the trees that are to be lost to enable the site to be developed for housing and appropriate softening to help integrate the built development into the surroundings whilst ensuring a pleasant future living environment.

9.48 The landscaping plans illustrate planting of street trees throughout the application site which will comprise a variety of indigenous trees. The tree planting would accord with the climate policy requirement for the provision of 1 tree per dwelling. These trees will be planted within different parts of the site in order to both help legibility, and also to help to define the different character areas that are being created. In addition, the soft landscaping scheme includes various types of shrub, hedge, grass and ground cover planting to the various parts of the development to help soften the public realms, including to the dwelling frontages, the rain garden verges to the Avenue, and to the open spaces and SUDs features.

9.49 The Councils Trees and Woodlands Officer has raised no objections to the proposal noting that it would appear no existing trees will be detrimentally affected by the development and confirms the submitted 5 year Maintenance Schedule for hard and soft landscaping to be acceptable.

9.50 The proposed planting is confined largely to the public realm areas and dwelling frontages which will complement the scheme and is appropriate for a development of this size and scale and the proposed quality of public realm landscaping is welcomed. However, officers have raised concerns that the private rear garden areas by contrast will appear relatively bereft of structural planting elements. The applicants have argued that they do not generally provide landscaping to the private domains and that the occupants will provide planting over time. However, we do not feel it is

right to rely solely on the occupants providing the landscaping here which could not necessarily be relied upon to be of an appropriate scale or siting.

9.51 There are key vistas from various points within the street scenes notably looking across corner plots to the rear garden areas which would be considered to benefit from structural tree planting (and which could include fruit and other trees that would benefit the occupants and wildlife). This has been discussed with the applicants, who are strongly opposed to providing tree planting within the private gardens. However, it has been agreed that a compromise would be to strengthen the street planting at corner plots to help gap up obvious exposed vistas through to the interior built parts of the site that would be visible from the street scene.

9.52 Subject to a condition seeking further details on this, and to compliance with the tree protection measures in the Arboricultural Impact Assessment and Method Statement, the proposals would be considered to accord with Policies CS12 and 13, and saved Policies 99 and 100.

### *Public Open Space*

9.53 The reserved matters proposals include the delivery of a significant amount of public open space. This will deliver a range of open spaces on the application site which provide opportunity for sport, recreation and leisure.

9.54 The proposed scheme follows the approach to the delivery of play space approved as part of the OPP. With reference to the Fields in Trust guidance, for developments of 200-500 units there is provision for 3 x Local Areas for Play (LAP), 1 x Local Equipped Area of Play (LEAP), and 1 x informal Multi-Functional Games and Open Space area. The masterplan shows a LAP situated near residential blocks with lack of access to private back gardens. The LEAP would be adjacent to the green spine of existing trees and an informal MUGA is located in the north-western corner of the site, well overlooked by the apartment blocks in this location.

9.55 The scheme will deliver a total of 8,373 m<sup>2</sup> of public open space, predominately comprising the central green spine which is considered accessible, as well as 2,041 m<sup>2</sup> of formal and informal play space located across the application site.

9.56 The Oval which is located at the southern boundary of the Spencer's Park Phase 1 development will provide an area of public open space. This area of open space will be improved and accessible to both existing and future residents. The proposed dwellings have been designed to front the Oval and complete the interface with Phase 1.

9.57 The Green Courts apartments blocks located to the north-western side of the site will benefit from landscape open space and also an informal games area (MUGA). The orientation of the apartment blocks seeks to improve pedestrian permeability and connectivity to the wider area.

9.58 Regarding the Gateway area, a new LEAP is proposed and will be well integrated within the landscape capitalising on its location adjacent to the existing tree belt and new SUDs wildlife pond. The LEAP will be separated from the shared pedestrian footpath and cycleway by a mixed native species and hedgerows.

9.59 The layout of the masterplan ensures the creation of a significant amount of public open space across the site which provides a variety of functions and helps to establish a green setting for the wider development and will encourage active use of the open space, as well as helping to secure biodiversity improvements.

9.60 Whilst the Parks and Opens Spaces Officer has said the Oval seems to be a well thought out space, he criticised the LEAP on grounds that there is nothing for the older age groups such as a

pump track or skate park and also that the open spaces are very narrow and cramped at the edge of the site having to cater for a variety of functions in one small space. This is accepted. However, the basic layout was agreed at outline stage. It is worth noting that there will be another LEAP on Phase 2 East where perhaps there is greater opportunity for a bigger area with pump track.

9.61 On balance, we consider the provision acceptable and in accordance with saved Policy 76 and Appendix 6.

#### *Boundary treatments*

9.62 The Boundary Treatment Plan shows the extent of boundary treatments including brick walls provide to all rear gardens facing the public realm. The western boundary and rear court boundary to apartments along Three Cherry Lane will feature close board fencing and brickwork. The need to achieve a high level of security abutting land to the west will be met with robust palisade fencing, against which is placed close-boarded timber fencing with trellis over to provide an appropriate rear garden condition. This will also provide sound attenuation benefits as set out in the Noise report for Plots 113 to 119. The private rear gardens throughout will have timber privacy fencing.

9.63 Detailed discussion has taken place with regards to the boundary to the rear court of the apartments at the western end of Three Cherry Trees Lane close to the upgraded bus stop. In order to combine security with a sense of visual permeability, the boundary will comprise a 1m brick wall with railings above this between brickwork piers to an overall height of 1.8 m, with the frontage softened by natural hedge planting. This is considered an acceptable compromise between the need for security and the need to maintain a continuity of frontage appearance between the woodland to the west and the broad landscaped margin to the east.

9.64 The proposals are considered acceptable and are considered to comply with Policy CS12.

#### Impact on Highway Safety and Parking

9.65 Core Strategy Policy CS8 states all new development should contribute a well-connected and accessible transport system which priorities movement by sustainable modes of travel, i.e. walking and cycling, over private car use. Development should ensure create safe and continuous footpath and cycle networks.

9.66 Policy CS12 of the Core Strategy requires a satisfactory means of access and sufficient parking provision for new development. The Council has recently adopted a new Parking Standards SPD Nov 2020 which were adopted after the approval of the outline permission which is now a material consideration.

#### *Access and circulation*

9.67 Details of the main access into the site from Three Cherry Trees Lane were approved as part of the outline permission. The access comprises a four arm roundabout, the details of which are subject to approval under an s278 agreement with HCC Highways. The proposals include a combined foot/cycleway along the frontage of the site with Three Cherry Trees Lane, entering into the site and then continuing via a "Tiger Crossing" northwards along the eastern side of the spine road through the site.

9.68 Connectivity across the site and with adjoining areas is a key part of the proposals which was extensively discussed during the pre-application process. Pedestrian and cycle permeability is comprehensive across the site and includes a segregated shared cycle/footpath 4 m wide running north south and east west along the Green Spine and The Avenue and providing links with Spencer's Park Phase 1 to the north, the Nickey Line to the north east, Spencer's Park Phase 2 East to the east, as well as Three Cherry Trees Lane to the south.

9.69 The main Avenue also provides an appropriate width for bus services, allowing for both north south connections with Phase 1 and easterly connections with East Hemel Hempstead proposals. New and upgraded bus stops along Three Cherry Trees Lane would be provided secured by the s106 agreement.

9.70 The proposed road network allows for private vehicles to access all dwellings, but through routes are only offered in appropriate areas of the layout.

9.71 A street hierarchy is proposed that includes a main boulevard running north-south through the site, with a series of secondary roads stemming from this which connect into the residential parcels. Shared surface streets provide access into the residential lanes and side streets with shared private drives and individual drives below this. The street layout and hierarchy has been discussed with HCC and agreed as acceptable. However, it is proposed that HCC will adopt only The Avenue which will accommodate buses.

9.72 The Highway Authority has reviewed the information submitted with the application and combined its comments with comments in regards to Conditions 18 (details of roads, footways, drainage, access arrangements, visibility, parking, cycle parking, servicing, loading and turning areas) and 21 (details of swept paths). It has advised that it is content with the details submitted which are consistent with pre-application workshops, and that HCC's SUDS and Watercourses Team (LLFA) has indicated that it finds the drainage arrangement broadly acceptable, subject to discharge of Condition 14 (SUDs).

9.73 HCC Highways note that there is no mention of EV charging and that the LPA may want to consider this.

#### *Car Parking*

9.74 As part of the outline planning permission, the illustrative masterplan showed parking that equated to a ratio of 1.5 spaces per dwelling. In granting permission, this was accepted by the Council, albeit it was agreed that the exact number of spaces would be determined at reserved matters stage, once the exact number and mix of different dwelling types and sizes was established. This was based on the old Appendix 5 standards which suggested overall that new development is expected to provide on average 1.5 spaces per dwelling.

9.75 Recently, Appendix 5 has been superseded by the Parking Standards SPD. On-site parking provision should now accord with parking standards as set down in the SPD. The parking standard is as follows for Zone 3, all allocated:

	<b>No. Units</b>	<b>SPD Standard</b>	<b>Appendix 5 Standard</b>	<b>Provision</b>
1 bed FOG / Flat	48	60	60	48
2 bed Flat / FOG	65	97.5	97.5	65
2 bed House	48	72	72	62
3 bed House	98	220.5	220.5	196
4 bed House	17	51	51	51
Visitor	20% of total dwellings where more than 50% of	56	0	56

	spaces allocated			
<b>Total</b>	<b>276</b>	<b>557</b>	<b>501</b>	<b>478</b>

9.76 HCC Highways note that car parking is below standard, but above that of the outline permission and in the interests of promoting sustainability is willing to accept this but acknowledges that Dacorum Borough Council will determine this aspect. It is standard advice from the Highway Authority that the amount of parking provision is a matter for the LPA.

9.77 The provision of 478 spaces equates to 1.73 spaces / dwelling overall which is below that of the SPD that would require 2 spaces / dwelling but above that agreed as part of the O/L Parameter plan of 1.5 spaces.

9.78 It is worth noting that the SPD standards have increased in relation to the old Appendix 5 standards only in relation to the visitor component, the basic standard remaining the same for allocated parking but reduced for unallocated parking. Against the previous standards, on which basis the O/L application was assessed, the proposal would only be short by 22 spaces.

9.79 The proposed parking ratio of 1.73 spaces per dwelling seeks to establish an appropriate compromise between the agreed 1.5 spaces per dwelling and the SPD. It is noted that the visitor component is compliant with the SPD. We would consider the provision to be there or thereabouts with respect to the houses, and the marginal reductions acceptable, although note the flats are proportionately much more sub-standard at 1 to 1 provision. During the pre-application discussions, officers were open to accepting reductions on the basis not only of the agreed reductions at outline stage but also on the basis that the site and development is sustainably located and the proposed development would incorporate measures to help make it more sustainable. It is noted in this respect that the SPD does allow reductions if robustly justified.

9.80 The applicants have noted in their submission that the Parking Standards SPD provides a blanket Accessibility Zone 3 designation to all land within the Borough that is outside of the immediate Hemel Hempstead town centre boundary but that this approach doesn't necessarily take into account the sustainability of different locations. The applicants argue that the site is in a sustainable location and as part of the Outline permission there was a commitment to enhancing the sustainability of the site. The following points are noted:

- a) The site is in close proximity to the largest employment area in the County which should reduce the need for residents to rely on private cars as much. The area will see significant growth through developments such as Maylands Gateway and Prologis developments along with other growth such as Herts IQ. With 42% of people living and working in Hemel Hempstead, locating new homes adjacent to such a significant employment opportunity provides a good basis for creating a sustainable community.
- b) The scheme will provide enhanced connectivity to existing and proposed pedestrian and cycle routes along key desire lines, including the Nickey Line to the north and the proposed Quietway along Cherry Tree Lane to the east. The proposals include an extensive network of 4.5 m wide segregated footpath / cycleways through the site which should encourage a higher modal share by non-car based transport.
- c) The site has also been designed to accommodate a new two way bus route to run through this phase and the later Spencer's Park Phase 2 East stage of the development, also enabling connections to land at East Hemel Hempstead Garden Communities and then into the wider Hemel Hempstead area in future. In the initial phase the bus stop on Three Cherry Trees Lane immediately adjacent to the site will be upgraded and the route along the Avenue will be

delivered from end of August 2021 through March 2022 and will provide key pedestrian, cycle and public transport linkages early in the process.

- d) The scheme will link into future sustainable travel initiatives being brought forward in respect of the wider Hemel Gardens Community proposals. This will bring substantial benefits in terms of active travel and sustainable travel and will have some benefits to the residents of Spencer's Park including future changes like the Quietway Network and improvements to the Nickey Line and A414.
- e) The proposal will be in close walking proximity of existing and proposed services and facilities. There is a local convenience store in close walking distance in the already completed Phase 1 of Spencer's Park. Furthermore, there will be an employment area, school, shops and community facilities provided as part of the later phases of the Spencer' Park development which will further reduce reliance on car travel / ownership in future.
- f) The s106 secures a contribution of £600k towards sustainable transport including bus services and this will enable passenger transport services to be improved and contribute towards residents using public transport for journeys where they cannot walk or cycle instead of using the car.
- g) In addition, it should be noted that a Travel Plan is required under condition 20 of the outline permission to which Countryside is committed and will enable modal shift by residents for journeys which can be undertaken by sustainable modes of transport. As part of the Travel Plan incentives will be offered to encourage residents to try bus services in order to embed behaviour early in new residents.

9.81 Based on the above, it is considered that the site is sustainably located and that with the enhancements to sustainable transport, therefore justifies car parking provision below the SPD standards in this case and complies with Policy CS8, CS12 and the SPD. Condition 18 of the outline permission requires compliance with the details so approved

#### *Electric vehicle charging*

9.82 The SPD requires provision of one active EV charging point per new house, and at least 50% of all parking spaces to have active charging points for parking associated with apartments. The Planning Statement notes that the proposals will provide one active EV charge point per house and 50% active / 50% passive EV charge points for flatted communal car parks. An advantage of passive provision is that the future owner / management company can install a brand that best suites the car to be charged.

9.83 The details are considered acceptable as part of the car parking provision. However, it would be recommended that details of the provision and appearance of the infrastructure (in particular within the communal car parks serving the flats) should be provided and secured by condition.

#### *Cycle parking*

9.84 Secure cycle parking is required at the rate of 1 space / dwelling in accordance with the SPD. As none of the dwellings have garages, storage sheds are required. For the houses, this will comprise safe and secure cycle stores within the rear gardens or to the side of all dwellings. For the apartment blocks, secure communal cycle stores are proposed within the ground floor of the relevant block. Visitor cycle parking is also proposed across the site on street but integrated into the landscape. There are one or two concerns around the location of cycle stores for some of the mid terraced units which are inconveniently located and may deter use due to security concerns, and would also likely result in the occupants erecting a further shed within the garden. We have asked for



the layout to be reviewed and subject to this being satisfactorily resolved, the cycle storage arrangements would be considered acceptable.

#### *Refuse strategy*

9.85 In accordance with the Refuse Storage Guidance Note, appropriate refuse storage facilities are required for each dwelling and the overall layout needs to ensure refuse vehicles and their operatives can gain suitable access in accordance with maximum drag distances. Each house is to be provided with a private bin store to the rear or side of the dwelling, avoiding the need for additional structures within the streetscene. Collection is proposed to be from the street outside each house except for 10 houses on the Green Spine and 5 in the NW corner of the site which have shared bin-day collection points located nearby and within drag distance of the refuse lorry.

9.86 For the apartments communal bin stores will be provided at ground floor level. One of the apartment blocks (Flat Block 3) will have an external bin store, details of which have been submitted with this application. All the bin stores are considered appropriately located in terms of drag distance and access for collection. Swept path analysis has been undertaken on the basis of a vehicle which is 12.1 m in length and 2.5 m body width which is longer than the DBC vehicle (11 m) and the same width. The details submitted are considered acceptable and satisfy Highways in terms of the swept path assessment for the refuse lorry.

9.87 The concerns raised by the Waste Services Manager in terms of drag distances for someone who becomes incapacitated are noted, but in the absence of details of plots affected, the proposals are considered to accord with the standards in the guidance note.

#### *Design and layout of parking*

9.88 The parking has been designed so that vehicles do not dominate the street scene or cause inconvenience to pedestrians and cyclists. This has been achieved by providing on plot parking for the dwellings and well screened parking courts for the apartment blocks. On plot parking has been designed in all cases to be located to the sides of dwellings and behind the building line to minimise its visual impact. Visitor parking is provided on street and takes the form of parallel or perpendicular bays integrated into the streetscene through landscaping.

9.90 The above notwithstanding, officers did raise some concerns around the layout and dominance of the car parking courts in the southern Gateway area and the need to break these up with some additional planting, in particular in relation to the parking court on the frontage of the Gateway flats which projects forward into the street scene, and in relation to the parking court to the rear of the flats where it was noted that the proposed substation would appear as an intrusive feature and would benefit from screen planting that would also assist in breaking up the long run of parking bays here and integrating better into the surrounding area.

9.91 The applicants have reviewed and amended the plans to address the above concerns to officers' satisfaction. One of the allocated parking bays adjacent to the sub-station has been relocated and replaced with landscaping / tree planting. The parking court on the frontage to Three Cherry Trees Lane in front of Block 6 has also been reconfigured so that it intrudes less into the street scene, providing more opportunity for landscaping to the front of the parking court. One of the visitor bays is relocated to the Green Spine Road, opposite Plot 196, so overall the number of parking spaces remains as before. This minor change is not considered to impact on highway safety according to the applicants' consultants. The proposals are considered to accord with Appendix 5 of the Dacorum Local Plan states that the *"Achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking or excessive hard surfacing areas at building frontages are undesirable. All parking must be adequately screened and landscaped."*

9.92 In regards to the houses, there is the potential given the tandem and triple arrangement of parking spaces that people may be tempted to park on street or on pavement / verge. This is recognised as a potential issue, notably along the Green Spine where parking could be particularly intrusive and there is a need to avoid casual parking detracting from the landscape. To this end, the treatment either side of the shared private driveways has been designed in order to dissuade errant parking through the following measures: the driveways will be only 4 m wide giving limited opportunity to park on street without blocking other vehicles; upstand kerbs are proposed to front garden planted areas that will make bumping up the kerb undesirable, and the landscape edge to the open space will take the form of a swale with mixed planting and occasional other natural features that will restrict the desirability of parking and alighting from vehicles in this area. These proposals are considered to be acceptable subject to details by condition and an appropriate compliance requirement.

9.93 The proposed parking arrangements are considered acceptable in design and street scene terms and would accord with Policy CS12 and Appendix 5 guidelines.

#### Impact on Residential Amenity

9.94 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.95 The potential impact of the proposed development on the surrounding properties has been carefully considered from the early stages of the pre-application process. The need to effectively minimise the impact of the proposals on the amenity of the neighbouring properties was identified by officers at an early stage in the pre-application process, and was also raised at the public consultation event.

9.96 Given the distance from neighbouring residential properties, the proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants.

#### *Private Amenity Space*

9.97 Saved Appendix 3 of the Dacorum Local Plan 2004 states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum of 11.5 metres. For two storey flatted schemes an area equal to the footprint of the building plus additional space for each floor above this should be provided.

9.98 The proposed scheme provides private amenity space to all dwellings, including private balconies and terraces for the apartments and balconies for the flat over garage units. All dwellings have access to private gardens and are designed in regard to the Appendix 3 - 11.5 metre depth

9.99 All of the apartments will have access to good sized, useable private amenity space in the form of balconies and terraces, as detailed below:

- 1 beds: minimum – 5 m<sup>2</sup>
  - 1B2P-A: 5.3 m<sup>2</sup>
  - 1B2P-B: 5 m<sup>2</sup>
  - 1B2P-C: 6 m<sup>2</sup>

- 2 beds: minimum – 6 m<sup>2</sup> for 2b3p, 7 m<sup>2</sup> for 2b4p;
  - 2B3P-A: 6 m<sup>2</sup>
  - 2B3P-B: 6 m<sup>2</sup>
  - 2B4P-A: 7 m<sup>2</sup>
  - 2B4P-B: 13.5 m<sup>2</sup>
  - 2B4P-C: 9.4 + 5.3 m<sup>2</sup>
  - 2B4P-D: 7.2 m<sup>2</sup>

9.100 The apartment blocks will also have access to the areas of communal amenity space across the application site. In total, the scheme will deliver 8,373 m<sup>2</sup> of public open space, predominantly comprising the central green spine that has been designed to be easily accessible and useable to all residents, as well as 2,041 m<sup>2</sup> of formal and informal playspace located across the site that is suitable for a range of ages

9.101 The apartment blocks to the north will have access to 1,949 m<sup>2</sup> of communal space in the form of informal wildflower meadow and lawn area with seating, the more formal doorstep playspace, buffer planting and lawn space adjacent to the apartment blocks. They will also have access to The Oval, which comprises formal open space largely defined by the existing oval shaped area of public open space at the southern boundary of the Spencer's Park Phase 1 development. In addition there is the MUGA.

9.102 The southern gateway apartment blocks will have access to circa. 3,765 m<sup>2</sup> of communal amenity space and landscaping to the frontage, as well as communal garden with playspace to the rear. They will also have access to the Green Spine open space and the LEAP therein.

9.103 On balance, with the generous balconies, this provision is considered to acceptably compensate for any sub-standard communal provision to each flat block.

### *Privacy*

9.104 In terms of privacy, Saved Appendix 3 of the Dacorum Local Plan (2004) states that a minimum distance of 23 metres should be maintained between the main rear wall of a dwelling and the main wall (front or rear) of another to ensure privacy is met.

9.105 The proposed scheme provides a minimum privacy distance of 23 metres between facing properties across the scheme and in many cases the privacy distance is far greater than 23 metres. However, it is identified in the masterplan that in 12 or so instances involving some 28 or so dwellings the 23 metre back to back distance is marginally not met, ranging from 20-22 metres in conflict with Saved Appendix 3.

9.106 With regards to the instances identified to the north of the site, in all but a couple of cases these are considered acceptable and not materially harmful to future occupants' residential amenities. However, the relationship of Plots 4 and 5 with Plot 34 is much less than ideal and not fully mitigated by the very marginal oblique angles of overlooking, nor by the difference in levels.

9.107 Furthermore, with regards to those identified near the southern part of the site, the relationship of Plots 180 / 189, 243 / 172, and Plots 241 / 173 and 240 / 173 where the reduction is circa 1 m or less, would on balance be considered acceptable and not materially harmful. However, in a number of cases between 20 and 22 m distance, there is not a clear design or layout case to suggest that overlooking would be adequately mitigated.

9.108 In the circumstances, whilst not objecting to the layout, Officers would nevertheless recommend that some form of further mitigation should be provided to demonstrate that there will be

an acceptable future relationship between these dwellings such as the provision of appropriate screen planting and / or taller fencing / trellis or similar. This has been discussed with the applicants and it has been agreed that final details should be agreed as a condition of approval.

9.109 Subject to the above being acceptable, the proposals would accord with Policy CS12, noting that the level changes between dwellings in the northern part with the retaining walls will help ensure a sense of separation is achieved between the dwellings.

#### *Internal living space*

9.110 All proposed dwellings are close to or meet the Nationally Described Space Standards (DCLG 2015). All of the units across the site have been designed to be dual aspect, however it is identified that a limited number of the 1-bed FOG units will be single aspect. There are no north facing single aspect units, and the FOGs have been located within close proximity and overlook areas of communal open space to maximise the quality of outlook. Given the Council has no current adopted policy on minimum internal space provision in new development, the proposed provision is welcomed.

#### Sustainable Design and Construction

9.111 The NPPF states that the planning system should support the transition to a low carbon future and in determining applications (Para. 154) ensure that new development complies with development plan policies on local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Para. 163 seeks to ensure that new development does not increase flood risk elsewhere and that major development should incorporate sustainable drainage systems (Para. 165).

9.112 All new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 and saved Policy 129 of the Local Plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

9.113 Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note. The proposals should seek to follow the 3 step energy hierarchy of Figure 16 in the Core Strategy. Applications should be accompanied by a Sustainability Statement as required by Para 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement.

9.114 The application is supported by a CS29 Sustainability checklist, a SUDS statement, together with an Energy Statement and a Drainage Statement which are considered acceptable. There are no specific requirements for decentralised energy supply in current policy. However, emerging policy includes requirements for a proportion of renewable energy in residential schemes. The proposed layout and building orientation has been designed with consideration to solar panels whilst the use of flatted forms and terraces will ensure good prospects of energy conservation.

9.115 As well as energy conservation and renewable energy generation, the proposals will include a comprehensive SUDs strategy, tree planting, biodiversity net gain enhancement, and will incorporate and promote sustainable travel measures, prioritising pedestrians and cyclists and providing green connections across the site and allowing for future bus services.

#### *MMC*

9.116 It should be noted that Spencer's Park Phase 2 is being showcased by Homes England as one of the largest MMC (Modern Methods of Construction) programmes in the country. All 176 proposed houses at Spencer's Park Phase 2 West will be delivered in the Sigma® II closed-panel

building system, manufactured by Stewart Milne Timber Systems, in Witney, Oxfordshire. This is an offsite pre-assembly method which will help reduce 'unregulated' energy consumption in the building process ensuring the scheme is even more energy efficient. The Sigma® II Build System is also designed to achieve superior levels of fabric performance, suitable for projects which are seeking to achieve the very highest fabric efficiency standards that will lead to enhanced 'regulated' energy efficiency in ongoing use of the buildings.

9.117 Whilst the panels will be delivered using articulated haulage vehicles, use of MMC should ensure a faster build, less disruption, fewer lorry movements overall, less noise and less pollution in the surrounding area. The outline permission pre-commencement condition 19 requires a Construction Traffic Management Plan to be approved which will ensure safeguards over lorry movements. It is understood that Stewart Milne Timber Systems have previously enquired about a regional spoke manufacturing facility in Hertfordshire, through the Herts LEP, or alternatively the potential of one in Essex, but nothing is planned for either currently. Countryside are believed to be looking at their options for Phase 2 East and the 10% volumetric product proposed and how it is delivered as part of their MMC research.

### *Energy strategy*

9.118 As part of the outline permission a commitment was made in the completed C-Plan sustainability toolkit to build to Code Level 4 of the Code for Sustainable Homes, equivalent to the then Buildings Regulations requirement. DBC no longer subscribes to C-Plan and since January 2021 the Government confirmed its intention that Part L 2021 of the Building Regulations will apply a 31% emissions reductions target over Part L 2013 for residential development in accordance with the Future Homes Standards.

9.119 Whilst not in legislation yet, the applicants embrace the target 31% CO<sub>2</sub> emissions reductions over the current Part L and the development has been designed to achieve this which is supported. The Energy Statement actually concludes that in most cases the 31% reduction will be exceeded.

9.120 The primary source of energy relies on high efficiency gas boilers. However, the Energy Strategy uses Solar PV as the primary means of reducing emissions, along with the improved fabric efficiency and WWHR (Waste water heat recovery). ASHPs (Air-source heat pumps) will be required on 11 units which have been determined to be unsuitable for solar PV.

9.121 It is proposed that ongoing monitoring will take place through periodic inspection of energy use statistics with cooperative residents and in the event that regulated energy use is not as expected, remedial action will be taken to ensure minimum standards are reached through snagging improvements or upgrade measures. This is welcome and is anticipatory of policy within the Regulation 18 Local Plan.

9.122 The proposal accords with Policy CS29. A compliance condition would be recommended in respect of the submitted Checklist and Energy Statement.

### *Flood risk and SUDS*

9.123 The site falls within Flood Zone 1, an area considered to be at the lowest risk of flooding from all sources and most suitable for residential development. Based on the FRA (Flood Risk Assessment) submitted with the outline application, the flood risk to the development is considered to be low overall.

9.124 The updated Drainage Strategy submitted with the RM application details the proposed measures to minimise flood risk from surface water runoff from the development. The strategy relies on SUDs features that form part of the 'blue' network for the site. The SUDs features include a range of cascading storage features as follows:

**Ponds** - Most of the attenuation storage proposed within the scheme will be derived from open SUDs features, including strategic ponds within the development which will cater for this and future phases of the development.

**Swales** - Additional open features within the scheme will include cascading throttled swales along the eastern boundary of the phase within the green spine, and a southern swale profile to gather any exceedance low risk flooding.

**Raingardens** - A series of rain gardens integrated into the highway network will provide a direct source of treatment and water-based enhancement to the streetscape, through kerb edged landscaping alongside The Avenue.

**Permeable Paving** - Permeable paving within paving areas and driveways will provide further treatment enhancements to the residential vehicular areas of the scheme at source. Tanking of these cells will also mitigate the risks of localised contaminants entering the underlying soils.

**Brown Roof Systems** - Brown roof systems within apartments further the at source treatment for the runoff from the development to maximise the opportunities for biodiversity and treatment within the scheme.

9.125 The ponds and swales have been carefully designed to ensure they are attractive, gently shelving features that are not a danger to persons ensuring that there will not be a requirement to introduce intrusive barriers and notices. The SUDs features will form an integral part of the landscaping of the site, as part of the highway design and streetscene that will reinforce the green connections across the site. The proposals will also provide wildlife / habitat benefits to the development that will contribute to overall biodiversity net gain.

9.126 The flood risk has been modelled to demonstrate that there are no impacts from on-site surface water flooding at the 1:100 year plus 40% climate change event. The SUDs proposals have been agreed with the LLFA in consort with HCC Highways during the pre-application negotiations. It should be noted that some of the dwellings in this RM application rely on drainage into an offsite swale to the north east of the site in Phase 2 East. However, whilst the Drainage Statement has been submitted for completeness with this RM application, it should be noted that full technical approval will still be required under Condition 14 (currently under consideration) before commencement of development.

9.127 The Environment Agency raises no objection.

9.128 The proposed development is considered to accord with the principles outlined in the NPPF, together with Policy CS31 and the approved FRA. The final details to be approved under Condition 14 include the appropriate compliance requirements.

### Other Material Planning Considerations

#### *Affordable Housing*

9.129 Core Strategy Policy CS19 seeks affordable housing at 35% of the total number of units. As set out in the Council's Affordable Housing SPD (2013) the Council's expected tenure split is 75% affordable rent and 25% shared ownership.

9.130 The proposed scheme provides for 276 dwellings, comprising of 2, 3 and 4 bedroom houses, and 1 and 2 bedroom flats. 97 units will be classed as affordable housing which accords with the 35% requirement of which the majority will be affordable rent, with 24 shared ownership in

accordance with the expected tenure split. The geographic distribution of the affordable dwellings is considered acceptable and will not result in any large concentrations.

9.131 The affordable housing is secured in the s106 legal agreement attached to the outline consent. The affordable dwellings are located evenly across the site and will be indistinguishable from the market dwellings. In accordance with the validation requirements, and Schedule 3 Part 2 of the s106 agreement, an Affordable Housing Plan has been submitted with this RM application.

9.132 DBC Strategic Housing has been consulted and require consideration of accessible units in any future schemes as outlined below:

- 1 bedroom properties- all ground floor 1 bedroom properties need to be adaptable for wheelchair access. If there are going to be lifts installed in the flats, level access showers/ wet rooms need to be feasible.
- 2 bedroom flats- same as above.
- 2 bedroom houses- at least 20% of houses need to be suitable for wheelchair access, stairlift/ through floor lift. Level access shower/ wet room.
- 3 bedroom houses- 25% 3 bedroom houses need to be suitable for wheelchair access, stairlift/ through floor lift. Level access shower/ wet room.

9.133 The applicant has been made aware of these requirements and has agreed it will be taken on board as part of the Phase 2 East pre-application discussions.

9.134 In this scheme a total of 10% of the units have been designed to be compliant with Part M4(2) of the Building Regulations as accessible and adaptable for wheelchair use. The units comprise the ground floor apartments which would include the affordable units. Taking account of the points above, it is considered that the provision of affordable housing is in accordance with Core Strategy Policy CS19 and is being secured by s106.

#### *Noise*

9.135 The Environmental Health Officer was consulted and noted the dominant sources of noise affecting the development site are activities at the industrial area on Three Cherry Trees Lane and road traffic.

9.136 The majority of the site will achieve noise guideline levels without the need for mitigation. However, the results show that a 1.8m high close boarded fence will be required along the western boundary of the gardens at plots 113 to 119 to reduce noise levels from the Three Cherry Trees Lane and the industrial area. All areas in the northern parts of site will not require mitigation and all windows in these parts of the site can be opened for ventilation purposes. In order for noise sensitive rooms in the southern part of the site, closest to and facing the noise sources, to achieve noise guideline levels, enhanced glazing will be required. Further away from the southern edge of the site, standard thermal double glazing will be required. An alternative means of ventilation such as trickle vents, or similar, would be required to allow the windows to remain closed.

9.137 The overheating assessment indicates that most dwellings can mitigate the risk of an overheating condition with the use of opening windows. However, mitigation would be required for dwellings fronting Three Cherry Lane. With the implementation of an internalised cooling strategy for the effected dwellings, these properties will not suffer from undue overheating whilst maintaining internal noise levels in line with expected standards.

9.138 With regard to facade sound insulation it is considered that this can be conditioned and reference made to the specification detail within the report.

9.139 With regard to amenity spaces the noise impact assessment states that balconies of the apartments facing Three Cherry Trees Lane would exceed the upper noise guideline level. However, it should be noted that residents have been provided with an alternative external amenity area. This area is likely to meet the external noise guideline levels, as this area is located behind the apartment blocks and screened from Three Cherry Trees Lane. However, it is recommended that the balconies will still need to include solid balustrading to the Gateway flats facing the road.

9.140 Subject to conditions as recommended by the Environmental Health Officer, the proposals will provide an acceptable living environment from the point of view of noise and ventilation and would comply with Policies CS12 and CS32.

#### *Air Quality*

9.141 The site does not fall within an Air Quality Management Area.

9.142 Chapter 6 of the 'Environmental Statement Volume 1: Main Text' submitted with the outline application reports the likely significant effects of the Proposed development in terms of air quality in the context of the site and surrounding area. In particular, it considers the likely significant effects of dust and fine particulate matter associated with the construction phase of the Proposed Development and road traffic emissions associated with the operational phase of the Proposed Development.

9.143 The Environmental Scoping Report (Volume 2 Technical Appendix) submitted to the Council in January 2016 with the outline application, included a description of the scope of works to be considered in the air quality assessment, as follows:

9.144 A qualitative assessment in order to consider the potential effects associated with the construction phase of the Proposed Development; and Air dispersion modelling in order to assess the potential effects associated with the operation of the Proposed Development.

9.145 The significance of the overall effects of the Proposed Development has been assessed in accordance with the EPUK/IAQM guidance. Taking all of this into account, the overall cumulative effect of the Proposed Development and the nearby committed/proposed developments is considered to be not significant.

9.146 The Environmental Health Officer has not raised any concerns regarding air quality.

#### *Ecology and Biodiversity Net Gain*

9.147 The NPPF (2019) emphasises the need to contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. In line with the NPPF, at the local level, Core Strategy Policy CS29 states that new development should minimise impacts on biodiversity and incorporate positive measures to support wildlife. New development should also incorporate at least one new tree per dwelling for climate mitigation purposes.

9.148 Core Strategy Policy CS25 requires new development to help conserve and enhance Dacorum's natural landscape. Policy CS26 expects new development to contribute towards the conservation and restoration of habitats and species, the strengthening of biodiversity corridors and the creation of better public access and links through green space.

9.149 Condition 7(k) of the outline permission requires the submission of details of the proposed biodiversity enhancement measures with any RM application.



9.150 The updated Ecology Appraisal and survey work undertaken and submitted with this RM application, indicate that no significant changes to habitat conditions on-site, or within the zone of influence of the site, have occurred in the intervening period since the previous set of ecological surveys were undertaken as part of the outline planning application process. Therefore, it is considered that significant changes to the protected and notable species populations supported by the site are highly unlikely, and overall, the conclusions of the previous assessment in regard to likely impacts and associated mitigation requirements will remain valid.

9.151 Given the site is largely an open agricultural field, the proposals will result in a significant net enhancement to biodiversity through both the retention of significant amounts of vegetation as well as additional planting and habitat creation. Planted woodland along the existing mature woodland will provide additional habitats for invertebrates, mammals, and birds, and is intended to benefit Local Biodiversity Action Plan (LBAP) species including butterflies and hazel dormouse. Created grasslands aim to achieve good condition using appropriate seed mixes and habitat management and will also benefit LBAP priority species/groups such as butterflies. Bat and bird boxes will be located across the site and hedgehog runs will be provided within fencing.

9.152 The proposals will therefore result in net biodiversity gain. Hertfordshire Ecology has been consulted on the proposals and any comments received will be reported at the meeting.

#### *Archaeology*

9.153 The Historic Environment Officer has advised that the site is immediately adjacent to Spencers Park Phase 1, where archaeological investigations have revealed high quality archaeological remains (heritage assets) representing Late Iron Age and Romano-British domestic, industrial, ritual and agricultural activities, dating from the mid-1st century to the late 2nd century, and of regional and potentially, national significance. It is also close to the M1 where widening works identified significant archaeological remains.

9.154 Pre-application archaeological investigations were carried out in 2015 and 2016 and the reports on this work were included with the outline application which indicated the potential for archaeological remains from the Bronze to the medieval periods and later.

9.155 Further archaeological trial trenching is currently underway and due for completion by 25<sup>th</sup> June 2021. Preliminary information confirms evidence of Late Bronze / Early Iron Age settlement.

9.156 The Historic Environment Officer has recommended the addition of conditions covering submission of a WSI (Written Scheme of Investigation) and completion of site investigation and post investigation archaeological assessment, etc. However, given the outline permission includes these same conditions, it is not considered necessary to add them to the reserved matters approval.

#### *Crime Prevention*

9.157 The masterplan has been designed to ensure passive surveillance over all areas of public realm and the parking courts associated with the apartment blocks. The perimeter blocks form the core component of the layout will provide security to rear gardens.

9.158 The apartment blocks have also been designed to provide active ground floor frontages with living rooms and ground floor doors, on both facades, to ensure overlooking in cases where public realm sits on both sides of the block. Private amenity space for the ground floor is still provided and clearly demarcated and defensible.

9.159 Throughout the scheme, houses on key corners have been designed to address both street frontages including generous glazing to the flank wall. A brick wall treatment to garden boundaries is

provided to ensure security. Palisade fencing against which is placed close-boarded timber fencing with trellis along the western boundary of scheme will also provide security.

9.160 The Crime Prevention and Design Advisor has been consulted and raised no objections to the scheme however noted that all the dwellings should be built to meet the Secured by Design physical security standard. The applicant has agreed this which would be recommended to be secured by condition.

#### *HSE Consultation Zone*

9.161 HSE's Planning Advice Web App determines HSE's advice for a consultation by generating the advice for each development type separately and then using this to determine HSE's advice for the consultation as a whole. Therefore because this proposal is made up of different development types, it is necessary to look individually at each development type that falls within the HSE consultation distance.

9.162 The proposed development at Spencer's Park Phase 2 West consists of a large housing development, with approximately 276 dwelling units located within the outer zone. It was considered in the outline permission that HSE "does not advise against" (DAA), on safety grounds, the grant of permission in this case. On this basis there is no reason to consider the development unacceptable on health and safety grounds.

#### *EIA*

9.163 An EIA (Environmental Impact Assessment) was submitted with the outline application. The EIA identified likely significant environmental effects of the proposed development and, if required, ways that any significant adverse effects on the environment could be avoided, reduced or mitigated.

9.164 The current RM application is supported by a Statement of Compliance that details how the proposals accord with the previous findings and the suggested mitigation measures set out within the EIA. The Statement of Compliance assesses what material change in circumstance if any have occurred since the EIA was prepared in 2016. Overall, the Statement notes that whilst some of the baseline data has been updated there have been no material changes that necessitate the submission of further environmental information. Furthermore, whilst there have been minor changes to the development, the likely significant environmental effects are not materially different as a result of the changes.

9.165 Accordingly, the conclusions of the EIA stand, viz: whilst there will be a loss of agricultural land, there will be an increase in habitat diversity. Whilst there will be a change in character of the landscape, the overall design strategy and landscape proposals will contribute positively to the visual setting and amenity which will assimilate the development into the landscape. There will also be beneficial effects in terms of local housing supply, education, open space, recreation and leisure facilities, as well as employment.

#### The Planning Balance

9.166 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, it should take the 'tilted balance' in favour of granting planning permission (Paragraph 11 (d) of the Framework will apply).

9.167 General policies not related to housing supply will continue to have the full weight of S38(6) of the Planning and Compulsory Purchase Act 2004, and planning decisions are to be made "*in accordance with the plan, unless material considerations indicate otherwise.*"

9.168 The tilted balance requires that any applications are determined against the Framework. The balance is consequently tilted in favour of the presumption in favour of sustainable development except where:

- The application of policies in the Framework that protect areas or assets of particular importance provides clear reason for refusing the development; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

9.169 The application of the tilted balance does not imply that planning permission should be granted in all cases. The presumption in favour of sustainable development is not an unconstrained approach. For example, the NPPF gives full weight to the Green Belt, Chilterns AONB and other historic and environmental assets. Applications that do not constitute sustainable development should normally be refused. Adverse impacts are to be assessed against the full scope of guidance in NPPF.

9.170 The benefits of the scheme should clearly be shown to outweigh the negatives for any scheme to be considered as sustainable development.

9.171 There are significant benefits associated with the proposal in terms of the provision of 276 dwellings together with 97 affordable homes; the provision of a wide mix of accommodation types and sizes, helping to create a well-balanced community, delivery of high quality, well-designed and sustainable homes which include EV charging and internal living space to National Described standards, provision of generous areas of public open space, children's play, and extensive high quality landscaping, provision of an integrated network of SUDs that will minimise flood risk, significant ecological enhancements and biodiversity net gain, a network of well-planned sustainable transport infrastructure including segregated foot and cycleways connecting with the wider area, and road infrastructure that will accommodate future bus services, the provision of financial and non-financial contributions in accordance with the s106 completed under the outline application, together with support for local trades and employment during the construction of the site itself and significant benefits to the local economy through ongoing support of local shops, and other services.

9.172 In terms of negatives, these are relatively very few. There would be a loss of BMV (Best and most versatile) agricultural land from the site (7.93 ha from Phase 2 East and West) and there would arguably be a loss of open landscape character. However, it should be noted that there are no rights of way that cross or adjoin the land. Furthermore, with regards to the loss of agricultural land, it must be noted that the site was previously allocated for employment uses under the County Structure Plan 1991-2011 (adopted in 1998) and then subsequently implicitly accepted that residential development would take place, therefore the loss of agricultural land, at least on paper, has been accepted for over a decade. There would also be potential additional traffic generation on local roads. However, the proposals include a new roundabout junction on Three Cherry Trees Lane that will deal with the immediate access and agrees requirements of the site. There will also be off-site improvements to the Swallowdale Road and Three Cherry Trees Lane junction and contributions towards improvement of the Breakspear Way / A414 / Green Lane junction including introduction of signalised junction. In addition, sustainable transport proposals, including contributions to upgrade of the Nickey Line, will reduce the modal share of journeys taken by private car.

9.173 In officers' view, the above identified harm would not be significant and would be more that outweighed by the overall benefits of the proposal. As a result sustainable development would be achieved through this development. When assessed against the policies in the Framework taken as a whole the benefits would significantly and demonstrably outweigh the adverse effects of the proposal. Any conflict with the development plan (loss of agricultural land and landscape character)

is considered to be outweighed by other considerations including the Framework and as such sustainable development would be achieved in line with Para. 11 of the NPPF.

### Response to Neighbour Comments

9.174 One letter has been received raising concerns around the existing unofficial HGV parking and traffic overflow on Three Cherry Trees Lane being displaced into more unsuitable areas.

9.175 Whilst this potential is acknowledged as part of the highway works to form the entry roundabout off Three Cherry Trees Lane, it should be noted that vehicles park only along a small section of the site frontage to the east of the Boundary Way junction and where the double yellow lines finish. The proposed roundabout works will not occur in this area. Furthermore, details of traffic management will be required in accordance with the s106 requirements as sought by the Highway Authority and also under Condition 19 of the outline permission which seeks amongst other aspects, details of traffic management requirements. The roundabout works will of course be in the highway and under the s278 agreement with the County Council would likely be a matter on which the highway authority would wish to be satisfied. Therefore, it is considered that there will be sufficient control.

### Community Infrastructure Levy (CIL) and Planning Obligations

9.176 Policy CS35 requires all new developments to provide the on-site, local and strategic infrastructure arising from development. The applicant has signed an s106 agreement at the outline planning stage that secures a number of financial and non-financial contributions from the development. These are not matters for consideration under this RM application. However, for information the following are secured:

- 35% Affordable Housing
- Site for Primary School
- Primary Education Contribution
- Secondary Education Contribution
- Library Services Contribution
- Youth Services Contribution
- Childcare Services Contribution
- Nickey Line Improvements Contribution
- Fire Hydrants
- Sustainable Transport Contribution
- S278 agreement for Highways Works
- Off-Site Highways Works Contribution
- Junction Works Contribution
- Travel Plan
- Construction Traffic Management Plan
- Travel Plan Evaluation and Support Contribution
- Outdoor Space & Transfer Arrangements
- Management Company for Development
- Phasing
- Healthcare Contribution

9.177 The Council has adopted a CIL Charging Schedule and the development would be liable for the payment of CIL. It should be noted however that the site is CIL rated zero.

## **10. CONCLUSION**

10.1 The proposed plans and details submitted to satisfy the reserved matters to outline planning permission 4/01749/16/OUT (comprising the appearance, layout and scale of the development, and

landscaping of the site) in relation to Spencer's Park Phase 2 West are considered acceptable for approval. The details accord with the relevant policies of the Development Plan and associated SPD design guidance and other requirements.

10.2 In terms of the overall planning balance, and applying the 'tilted balance' which presumes in favour of sustainable development where a 5 year supply of deliverable housing land is not available, sustainable development would be achieved through this development, with the benefits significantly and demonstrably outweighing the adverse effects of the proposal.

## **11. RECOMMENDATION**

11.1 That planning permission be **GRANTED**.

### **Condition(s) and Reason(s):**

1. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

CPL-SPH\_HTA-A\_DR\_0001  
CPL-SPH\_HTA-A\_DR\_0002  
CPL-SPH\_HTA-A\_DR\_0100 A  
CPL-SPH\_HTA-A\_DR\_0110 A  
CPL-SPH\_HTA-A\_DR\_0111 A  
CPL-SPH\_HTA-A\_DR\_0112 A  
CPL-SPH\_HTA-A\_DR\_0113 A  
CPL-SPH\_HTA-A\_DR\_0120 A  
CPL-SPH\_HTA-A\_DR\_0121 A  
CPL-SPH\_HTA-A\_DR\_0122 A  
CPL-SPH\_HTA-A\_DR\_0123 A  
CPL-SPH\_HTA-A\_DR\_0124 A  
CPL-SPH\_HTA-A\_DR\_0125 A  
CPL-SPH\_HTA-A\_DR\_0126 A  
CPL-SPH\_HTA-A\_DR\_0127 A

CPL-SPH\_HTA-A\_DR\_0130  
CPL-SPH\_HTA-A\_DR\_0131  
CPL-SPH\_HTA-A\_DR\_0132 A  
CPL-SPH\_HTA-A\_DR\_0133 A  
CPL-SPH\_HTA-A\_DR\_0135  
CPL-SPH\_HTA-A\_DR\_0136  
CPL-SPH\_HTA-A\_DR\_0137 A  
CPL-SPH\_HTA-A\_DR\_0138 A

CPL-SPH\_HTA-A\_DR\_0200 C  
CPL-SPH\_HTA-A\_DR\_0201 B  
CPL-SPH\_HTA-A\_DR\_0202 B  
CPL-SPH\_HTA-A\_DR\_0203 C  
CPL-SPH\_HTA-A\_DR\_0204 B

CPL-SPH\_HTA-A\_DR\_0210 B

CPL-SPH\_HTA-A\_DR\_0300 C  
CPL-SPH\_HTA-A\_DR\_0301 C  
CPL-SPH\_HTA-A\_DR\_0301\_1 A

CPL-SPH\_HTA-A\_DR\_0302 B  
CPL-SPH\_HTA-A\_DR\_0303 B  
CPL-SPH\_HTA-A\_DR\_0304 C  
CPL-SPH\_HTA-A\_DR\_0305C  
CPL-SPH\_HTA-A\_DR\_0306 C  
CPL-SPH\_HTA-A\_DR\_0310 C  
CPL-SPH\_HTA-A\_DR\_0311 A  
CPL-SPH\_HTA-A\_DR\_0311\_1 A  
CPL-SPH\_HTA-A\_DR\_0312 B  
CPL-SPH\_HTA-A\_DR\_0313 B  
CPL-SPH\_HTA-A\_DR\_0314 C  
CPL-SPH\_HTA-A\_DR\_0315 C  
CPL-SPH\_HTA-A\_DR\_0320 D  
CPL-SPH\_HTA-A\_DR\_0321 D  
CPL-SPH\_HTA-A\_DR\_0322 C  
CPL-SPH\_HTA-A\_DR\_0323 C  
CPL-SPH\_HTA-A\_DR\_0324 C  
CPL-SPH\_HTA-A\_DR\_0325 C  
CPL-SPH\_HTA-A\_DR\_0326 C  
CPL-SPH\_HTA-A\_DR\_0330 C  
CPL-SPH\_HTA-A\_DR\_0331 C  
CPL-SPH\_HTA-A\_DR\_0332 B  
CPL-SPH\_HTA-A\_DR\_0333 C  
CPL-SPH\_HTA-A\_DR\_0334 C  
CPL-SPH\_HTA-A\_DR\_0335 C  
CPL-SPH\_HTA-A\_DR\_0336  
CPL-SPH\_HTA-A\_DR\_0337  
CPL-SPH\_HTA-A\_DR\_0338  
CPL-SPH\_HTA-A\_DR\_0340C  
CPL-SPH\_HTA-A\_DR\_0341C  
CPL-SPH\_HTA-A\_DR\_0341\_1 C  
CPL-SPH\_HTA-A\_DR\_0342 B  
CPL-SPH\_HTA-A\_DR\_0343 C  
CPL-SPH\_HTA-A\_DR\_0344 C  
CPL-SPH\_HTA-A\_DR\_0350 C  
CPL-SPH\_HTA-A\_DR\_0351 C  
CPL-SPH\_HTA-A\_DR\_0352 B  
CPL-SPH\_HTA-A\_DR\_0353 C  
CPL-SPH\_HTA-A\_DR\_0354 C  
CPL-SPH\_HTA-A\_DR\_0355 C  
CPL-SPH\_HTA-A\_DR\_0360 C  
CPL-SPH\_HTA-A\_DR\_0361 C  
CPL-SPH\_HTA-A\_DR\_0362 B  
CPL-SPH\_HTA-A\_DR\_0363 C  
CPL-SPH\_HTA-A\_DR\_0364 C  
CPL-SPH\_HTA-A\_DR\_0365 C  
CPL-SPH\_HTA-A\_DR\_0370 C  
CPL-SPH\_HTA-A\_DR\_0371 C  
CPL-SPH\_HTA-A\_DR\_0372 V  
CPL-SPH\_HTA-A\_DR\_0373 C  
CPL-SPH\_HTA-A\_DR\_0374 C  
CPL-SPH\_HTA-A\_DR\_0375 C  
CPL-SPH\_HTA-A\_DR\_0400 D  
CPL-SPH\_HTA-A\_DR\_0401 B  
CPL-SPH\_HTA-A\_DR\_0402 B

CPL-SPH\_HTA-A\_DR\_0403 C  
CPL-SPH\_HTA-A\_DR\_0404 C  
CPL-SPH\_HTA-A\_DR\_0404\_1  
CPL-SPH\_HTA-A\_DR\_0405 C  
CPL-SPH\_HTA-A\_DR\_0406 B  
CPL-SPH\_HTA-A\_DR\_0410 C  
CPL-SPH\_HTA-A\_DR\_0411 C  
CPL-SPH\_HTA-A\_DR\_0412 B  
CPL-SPH\_HTA-A\_DR\_0413 B  
CPL-SPH\_HTA-A\_DR\_0414 C  
CPL-SPH\_HTA-A\_DR\_0415 C  
CPL-SPH\_HTA-A\_DR\_0416 B  
CPL-SPH\_HTA-A\_DR\_0500 C  
CPL-SPH\_HTA-A\_DR\_0501 B  
CPL-SPH\_HTA-A\_DR\_0502 C  
CPL-SPH\_HTA-A\_DR\_0510 C  
CPL-SPH\_HTA-A\_DR\_0511 C  
CPL-SPH\_HTA-A\_DR\_0512 B  
CPL-SPH\_HTA-A\_DR\_0513 B  
CPL-SPH\_HTA-A\_DR\_0514 C  
CPL-SPH\_HTA-A\_DR\_0515 C  
CPL-SPH\_HTA-A\_DR\_0516 B  
CPL-SPH\_HTA-A\_DR\_0517 B  
CPL-SPH\_HTA-A\_DR\_0518 B  
CPL-SPH\_HTA-A\_DR\_0519 B  
CPL-SPH\_HTA-A\_DR\_0520 B  
CPL-SPH\_HTA-A\_DR\_0521 B  
CPL-SPH\_HTA-A\_DR\_0522 B  
CPL-SPH\_HTA-A\_DR\_0523 B  
CPL-SPH\_HTA-A\_DR\_0530 B  
CPL-SPH\_HTA-A\_DR\_0531 B  
CPL-SPH\_HTA-A\_DR\_0532 B  
CPL-SPH\_HTA-A\_DR\_0540 B  
CPL-SPH\_HTA-A\_DR\_0541 B  
CPL-SPH\_HTA-A\_DR\_0542 B  
CPL-SPH\_HTA-A\_DR\_0550 B  
CPL-SPH\_HTA-A\_DR\_0551 B  
CPL-SPH\_HTA-A\_DR\_0552 B  
CPL-SPH\_HTA-A\_DR\_0553 B  
CPL-SPH\_HTA-A\_DR\_0554 B  
CPL-SPH\_HTA-A\_DR\_0560 B  
CPL-SPH\_HTA-A\_DR\_0561 B  
CPL-SPH\_HTA-A\_DR\_0562 B  
CPL-SPH\_HTA-A\_DR\_0563 B  
CPL-SPH\_HTA-A\_DR\_0564 B  
CPL-SPH\_HTA-A\_DR\_0600 B  
CPL-SPH\_HTA-A\_DR\_0601 B  
CPL-SPH\_HTA-A\_DR\_0610 B  
CPL-SPH\_HTA-A\_DR\_0611 C  
CPL-SPH\_HTA-A\_DR\_0612 B  
CPL-SPH\_HTA-A\_DR\_0620 B  
CPL-SPH\_HTA-A\_DR\_0621 B  
CPL-SPH\_HTA-A\_DR\_0700 B  
CPL-SPH\_HTA-A\_DR\_0701 B  
CPL-SPH\_HTA-A\_DR\_0702 B

CPL-SPH\_HTA-A\_DR\_0710 C  
CPL-SPH\_HTA-A\_DR\_0711 C

CPL-SPH\_HTA-A\_CGI\_0005  
CPL-SPH\_HTA-A\_CGI\_0010  
CPL-SPH\_HTA-A\_CGI\_0011  
CPL-SPH\_HTA-A\_CGI\_0012  
CPL-SPH\_HTA-A\_CGI\_0013  
CPL-SPH\_HTA-A\_CGI\_0014  
CPL-SPH\_HTA-A\_CGI\_0015  
CPL-SPH\_HTA-A\_CGI\_0016  
CPL-SPH\_HTA-A\_CGI\_0017  
CPL-SPH\_HTA-A\_CGI\_0018  
CPL-SPH\_HTA-A\_CGI\_0019

CPL-SPH\_HTA-A\_CGI\_0080  
CPL-SPH\_HTA-A\_CGI\_0081

CPL-SPH\_HTA-A\_DR\_1000  
CPL-SPH\_HTA-A\_DR\_1001  
CPL-SPH\_HTA-A\_DR\_1002  
CPL-SPH\_HTA-A\_DR\_1003  
CPL-SPH\_HTA-A\_DR\_1010 A

CPL\_SPH\_SC\_100 11

O00011-BCE-S02-XX-DR-C-8001-PL1  
O00011-BCE-S02-XX-DR-C-8002-PL1  
O00011-BCE-S02-XX-DR-C-8003-PL1  
O00011-BCE-S02-XX-DR-C-8020-PL1  
O00011-BCE-S02-XX-DR-C-8021-PL1  
O00011-BCE-S02-XX-DR-C-8022-PL1  
O00011-BCE-S02-XX-DR-C-8023-PL1  
O00011-BCE-S02-XX-DR-C-8024-PL1  
O00011-BCE-S02-XX-DR-C-8025-PL1  
O00011-BCE-S02-XX-DR-C-8026-PL1  
O00011-BCE-S02-XX-DR-C-8027-PL1  
O00011-BCE-S02-XX-DR-C-8028-PL1  
O00011-BCE-S02-XX-DR-C-8029-PL1  
O00011-BCE-S02-XX-DR-C-8030-PL1  
O00011-BCE-S02-XX-DR-C-8031-PL1  
O00011-BCE-S02-XX-DR-C-8036-PL1  
O00011-BCE-S02-XX-DR-C-8037-PL1

O00011-BCE-S02-XX-DR-C-8041-PL1  
O00011-BCE-S02-XX-DR-C-8042-PL1  
O00011-BCE-S02-XX-DR-C-8043-PL1  
O00011-BCE-S02-XX-DR-C-8044-PL1  
O00011-BCE-S02-XX-DR-C-8045-PL1  
O00011-BCE-S02-XX-DR-C-8046-PL1  
O00011-BCE-S02-XX-DR-C-8047-PL1

Soft Landscape Schedule - CPL-SPH\_HTA-L\_SC-2910  
Hard Landscape Outline Specification - CPL-SPH\_HTA-L\_SP-1700  
Maintenance Strategy and Schedule - CPL-SPH\_HTA-L\_S3\_SC\_1701



**Plot Schedule - CPL-SPH\_HTA\_A\_SC**

131121F/AT/B01 K  
131121F/AT/C01 L  
131121F/AT/D01 L  
131121F/AT/E02 F  
131121F/AT/G01 E  
131121F/AT/G02 C  
131121F/AT/G03 C  
131121F/AT/G04 B

19025-AWA-ZZ-00-DR-ES-9607-P06  
19025-AWA-ZZ-00-DR-ES-9608-P06  
19025-AWA-ZZ-00-DR-ES-9609-P05  
19025-AWA-ZZ-00-DR-ES-9610-P02-UKPN  
78-32-PRELIM-200831-CD-LI-C

Reason: For the avoidance of doubt and in the interests of proper planning.

2. **Notwithstanding any details submitted, no above ground works shall take place until plans and details of the solar panels, including typical cross sections to show their proposed installation in relation to the roofs of the dwellings / flat blocks hereby permitted, together with a roof plan to show their proposed final positioning on each dwelling / flat block, with details of the roof tiles proposed, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.**

Reason: To ensure a satisfactory visual appearance to the development and to ensure that the solar panels are suitably assimilated into the roofscape in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

3. **Notwithstanding any details submitted, no part of the development shall be occupied until plans and details of the EV (electric vehicle) charging infrastructure to be installed, including a plan(s) showing the siting and distribution of above ground EV infrastructure, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and the relevant EV charge point made available and operational for each dwelling before its first occupation.**

Reason: To ensure a satisfactory visual appearance to the development and to ensure that EV charging is available to each dwelling in accordance with the Parking Standards SPD November 2020 and Policy CS12 of the Dacorum Core Strategy September 2013.

4. **Notwithstanding any details submitted, no part of the development shall be occupied until an amended layout plan (and other plans as necessary) relating to the cycle storage arrangements for the mid-terraced units, notably Plots 55, 56, 81, 169 and 196, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and the relevant cycle store made available to each dwelling before its first occupation.**

Reason: To ensure convenient and secure cycle storage is made available to each dwelling in accordance with the Parking Standards SPD November 2020 and Policy CS12 of the Dacorum Core Strategy September 2013.

5. **Notwithstanding any details submitted, no above ground works shall take place until plans and details (including cross section drawings) of the proposals to dissuade vehicles from parking on the verges and gardens either side of the shared driveways alongside the Green Spine, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved before first occupation of the relevant dwelling(s) served by the shared driveway.**

Reason: To avoid casual parking detracting from the landscape and in the interests of the visual appearance of the development in accordance with Policy CS11 and 12 of the Dacorum Core Strategy September 2013.

6. **The development shall not be occupied until details of the crime prevention measures to be incorporated into the development in order to meet Secured by Design part 2 certification shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the measures approved.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Policies CS11 and 12 of the Dacorum Core Strategy September 2013. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. SBD housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

7. **Notwithstanding any details submitted, no above ground works shall take place until plans and details of additional tree planting to be provided within the public realm adjacent to or within the rear gardens of the following dwelling plots shall have been submitted to and approved in writing by the local planning authority.**

**Plots 1, 17, 23, 37, 69, 83, 104, 167, 185, 192**

**The details as approved shall be implemented respectively before each of the above dwellings is first occupied.**

Reason: To ensure a satisfactory visual appearance to the development and to help soften and break up key vistas through to the unsoftened interior built parts of the site that would be visible from the street scene in accordance with Policy CS12 and 13 of the Dacorum Core Strategy September 2013, saved Policy 100 of the Dacorum Borough Local Plan 1991-2011 and Paragraph 127 (f) of the National Planning Policy Framework (2019).

8. **Notwithstanding any details submitted, no part of the development shall be occupied until plans and details of measures to help mitigate the impact of mutual overlooking in respect of the following dwelling plots shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved respectively before each of the below dwellings is first occupied.**

**Plots 4, 5 and 34, Plots 180 and 190, Plots 181, 182 and 188, Plots 234, 235, 236 and 176, and Plots 237, 238, 239 and 174 / 175**

Reason: In the interests of the residential amenities of the occupants of the dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019). Note: The form of mitigation will be for discussion and agreement but could include appropriate screen planting and / or taller fencing / trellis / obscure or high level glazing and / or alternative room layout.

9. Prior to construction of the development a Construction Method Statement (CMS) for the ground works, demolition and construction phases of the development site shall be submitted to and approved in writing by the local planning authority. Details shall include, but not be limited to, the following information. The approved details shall be implemented throughout the project period.

#### **General Information**

- i. Demolition, construction and phasing programme.
- ii. Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- iii. Construction hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- iv. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- v. Prior notice and agreement procedures for works outside agreed noise limits and hours
- vi. Community engagement - The steps that will be taken to notify and update residents and businesses that may be affected by the construction of the proposed development and Complaints procedures, including complaints response procedures.

#### **Noise and Vibration information**

- vii. Baseline noise assessment - undertaken for a least 24-hours under representative conditions to determine the pre-existing ambient noise environment.
- viii. Noise predictions and the significance of noise effects - Predictions should be included for each phase of the construction, vehicle movements and an assessment of the significance of noise effects must be included based on the guidance in BS 5228:2009+A1:2014 Annex E
- ix. Vibration Predictions and the significance of vibration effects - Predictions should be included for each phase of demolition, and construction, and an assessment of the significance of vibration effects must be included e.g. as per BS 5228:2009+A1:2014.
- x. Noise and vibration monitoring - Permanent real time web enabled and/or periodic noise and vibration monitoring must be undertaken for the duration of the demolition and construction phases which may result in a significant impact. The location, number of monitoring stations and the measurement data must be agreed with the LPA prior to the start of construction.
- xi. Prohibition of the burning of waste on site during demolition/construction

#### **Air Quality Information**

- xii. Demonstrate compliance with the guidance found in Guidance on the assessment of dust from demolition and construction produced by the IAQM.
- xiii. The dust management strategy must include a risk assessment of dust generation for each phase of the demolition and construction. The assessment and identified controls must include the principles of prevention, suppression and containment and follow the format detailed in the guidance above. The outcome of

**the assessment must be fully implemented for the duration of the construction and demolition phase of the proposed development and include dust monitoring where appropriate.**

**xiv. Where the outcome of the risk assessment indicates that monitoring is necessary, a monitoring protocol including information on monitoring locations, frequency of data collection and how the data will be reported to the Local Planning Authority;**

**xv. Details of dust generating operations and the subsequent management and mitigation of dust demonstrating full best practicable means compliance and covering construction activities, materials storage, on and off site haul routes, operational control, demolition, and exhaust emissions; and where a breach of the dust trigger level may occur a response procedure should be detailed including measures to prevent repeat incidence.**

Reason: To protect the amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (2019).

- 10. The building glazing and ventilation scheme hereby permitted shall be installed in strict accordance with the building unit specification details provided in Section 5 and Tables 8 and 9 the Noise Assessment Report submitted by Wardell Armstrong ref LO18021 dated April 2021. The scheme shall thereafter be retained as approved.**

Reason: In the interests of the residential amenities of the occupiers having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (2019).

- 11. A. Dwellings 113 to 119, as shown on Drawing LO10821- 104 in Appendix C in the Noise Assessment Report submitted by Wardell Armstrong ref LO18021 dated April 2021 shall include acoustic barriers, of a minimum height of 1.8m, installed along the western boundaries of properties. The barriers shall be imperforate (solid) and have a minimum mass per unit area of at least 10kg/m<sup>2</sup> and shall be wind and weather resistant to standards agreed with the LPA. The dwellings shall not be occupied until details of the design of the barriers shall have been submitted to and approved in writing by the local planning authority, and the barriers installed as approved.**

**B. Balconies of the apartments facing Three Cherry Trees Lane shall be screened against road traffic and industrial noise to achieve LAeq16hr not exceeding 55dB(A) or at least the lowest level practicable. This may be achieved by use of solid balustrades or alternative design. The apartments shall not be occupied until details of the design of the balustrades shall have been submitted to and approved in writing by the local planning authority, and the balustrades installed as approved.**

Reason: In the interests of the residential amenities of the occupiers having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (2019).

- 12. Prior to the commencement of development (including provision of underground services) the trees shown for retention on the approved Tree Protection Plan, Drg. No. LO10821-001 Rev A, contained within the Arboricultural Impact Assessment and Method Statement LO10821 Report No. 001 prepared by Wardell Armstrong, shall be protected during the whole period of site demolition, excavation and construction in accordance with details in the report.**

**No equipment, machinery or materials for the development shall be taken onto the site until the tree protection is in place.**

**There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.**

Reason: In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Paragraph 170 of the National Planning Policy Framework (2019).

13. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist and Energy Statement.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

14. **The window(s) at \*\*\*\* level in the \*\*\*\* elevation of the following dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

**Plots ...**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Archaeology Unit (HCC)	<p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>As previously notified, the site is immediately adjacent to Spencers Park Phase 1, where archaeological investigations have revealed high quality archaeological remains (heritage assets) representing Late Iron Age and Romano-British domestic, industrial, ritual and agricultural activities, dating from the mid 1st century to the late 2nd century, and of</p>

regional and potentially, national significance. It is also close to the M1, where archaeological investigations carried out during road widening in the 1990s and in 2006 identified significant archaeological remains of Bronze Age, Iron Age, Roman and medieval date.

Pre-application archaeological investigations comprising a geophysical survey and an archaeological trial trench evaluation were carried out at the site in October 2015 and April 2016, respectively. Reports on those works were submitted to the Planning Authority with the application for outline planning permission for Spencers Park Phase 2 (16/02539/MOA).

The results of the 2016 evaluation suggested that there is the potential for archaeological remains (heritage assets) to be present on the site, ranging in date from the Bronze Age to the medieval and later periods.

We therefore recommended, with regard to 16/02539/MOA, that an appropriate mitigation strategy would be required, comprising further evaluation of the site via trial trenches, followed by targeted areas of open area excavation, and a programme of post-excavation analysis, leading to publication of the results, and the deposition of the archive from the site.

This programme of further archaeological trial trenching is currently underway and should be completed by 25th June 2021. The preliminary information available confirms that there is evidence for occupation activity of probable Late Bronze Age/Early Iron Age date present at the site, on which the development will have a significant impact.

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I therefore recommend that the following provisions be made, should you be minded to grant consent:

1. A programme of archaeological open area excavation of specified areas of the proposed development site, prior to the commencement of any development.
2. The preservation of any archaeological remains in situ, if warranted; by amendment(s) to the design of the development if this is feasible.
3. The archaeological monitoring and recording of the ground works of the development as appropriate (and also including a contingency for the preservation or further investigation of any remains then encountered)

4. The analysis of the results of the archaeological work with provisions for subsequent production of report and an archive, and the publication of the results, as appropriate;

5. Such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

#### Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

#### Condition B

- i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.
- ii) The development 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

	<p>under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>The Noise Assessment Report submitted by Wardell Armstrong ref LO18021 dated April 2021 concludes;</p> <p>The dominant sources of noise affecting the development site are activities at the industrial area on Three Cherry Trees Lane and road traffic.</p> <p>The majority of the site will achieve noise guideline levels without the need for mitigation. However, the results show that a 1.8m high close boarded fence will be required along the western boundary of the gardens at dwellings 113 to 119 to reduce noise levels from the Three Cherry Trees Lane and the industrial area.</p> <p>Mitigation will be required for noise sensitive rooms in the southern part of the site</p> <p>All areas in the northern parts of site will not require mitigation and all windows in these parts of the site can be opened for ventilation purposes.</p> <p>In order for noise sensitive rooms in the southern part of the site, closest to and facing the noise sources, to achieve noise guideline levels, enhanced glazing will be required. Further away from the southern edge of the site, standard thermal double glazing will be required. An alternative means of ventilation such as trickle vents, or similar, would be required to allow the windows to remain closed.</p> <p>The overheating assessment indicates that most dwellings can mitigate the risk of an overheating condition with the use of opening windows. However, mitigation would be required for dwellings fronting Three Cherry Lane. With the implementation of an internalised cooling strategy for the effected dwellings, these properties will not suffer from undue overheating whilst maintaining internal noise levels in line with expected standards.</p> <p>With regard to facade sound insulation it is considered that this can be conditioned and reference made to the specification detail within the report and I detail a condition below.</p> <p>With regard to amenity spaces the report states.</p> <p>Balconies of the apartments facing Three Cherry Trees Lane would</p>



exceed the upper noise guideline level. However, it should be noted that residents have been provided with an alternative external amenity area. This area is likely to meet the external noise guideline levels, as this area is located behind the apartment blocks and screened from Three Cherry Trees Lane.

ProPG states where there may be an impact on external living areas, the impact would be reduced by access to alternative external living areas:

"Where, despite following a good acoustic design process, significant advert noise impacts remain on any private external amenity space (e.g. garden or balcony) then that impact may be partially off-set if the residents are provided, through the design of the development or the planning process, with access to: A relatively quiet, protected, nearby, external amenity space for sole use by a limited group of residents as part of the amenity of their dwelling;

However ProPG also states;

"If external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended".

"The acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 - 55 dB LAeq,16hr."

It is therefore considered that as the balconies for these units are the primary amenity space, they should achieve the PropPG guideline levels or at least the lowest level practicable and this may be achieved by including solid balustrades or alternative winter garden design.

Regarding the construction phase a Construction Management Plan is recommended to include noise, vibration and dust controls.

Proposed Conditions.

#### Building Sound Insulation & Amenity Space Design

1. The building glazing and ventilation scheme hereby permitted shall be installed in strict accordance with the building unit specification details provided in Section 5 and Tables 8 and 9 the Noise Assessment Report submitted by Wardell Armstrong ref LO18021 dated April 2021. The scheme shall thereafter be retained as approved.

2. Dwellings 113 to 119, as shown on Drawing LO10821- 104 in Appendix C in the above report shall include acoustic barriers, of a minimum height of 1.8m, installed along the western boundaries of

properties. The barriers shall be imperforate (solid) and have a minimum mass per unit area of at least 10kg/m<sup>2</sup>. The barriers shall be wind and weather resistant to standards agreed with the LPA. The exact design of the screen will be agreed with and approved by LPA.

3. Balconies of the apartments facing Three Cherry Trees Lane shall be screened against road traffic and industrial noise to achieve LAeq16hr not exceeding 55dB(A) or at least the lowest level practicable. This may be achieved by use of solid balustrades or alternative design. The exact design of the screen will be agreed with and approved by LPA.

#### Construction Noise Management Statement

Prior to construction of the development a Construction Method Statement (CMS) for the ground works, demolition and construction phases of the development site shall be submitted to and approved in writing by the LPA. Details shall include, but not limited to, the following information. Approved details shall be implemented throughout the project period.

#### General Information

- i. Demolition, construction and phasing programme.
- ii. Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- iii. Construction hours shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- iv. Delivery times for construction/demolition purposes shall be carried out between 0730 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the local planning authority in advance.
- v. Prior notice and agreement procedures for works outside agreed noise limits and hours
- vi. Community engagement - The steps that will be taken to notify and update residents and businesses that may be affected by the construction of the proposed development and Complaints procedures, including complaints response procedures.

#### Noise and Vibration information

- vii. Baseline noise assessment - undertaken for a least 24-hours under representative conditions to determine the pre-existing ambient noise environment.
- viii. Noise predictions and the significance of noise effects - Predictions should be included for each phase of the construction, vehicle movements and an assessment of the significance of noise effects must be included based on the guidance in BS 5228:2009+A1:2014

	<p>Annex E</p> <p>ix. Vibration Predictions and the significance of vibration effects - Predictions should be included for each phase of demolition, and construction, and an assessment of the significance of vibration effects must be included e.g. as per BS 5228:2009+A1:2014.</p> <p>x. Noise and vibration monitoring - Permanent real time web enabled and/or periodic noise and vibration monitoring must be undertaken for the duration of the demolition and construction phases which may result in a significant impact. The location, number of monitoring stations and the measurement data must be agreed with the LPA prior to the start of construction.</p> <p>xi. Prohibition of the burning of waste on site during demolition/construction</p> <p>Air Quality Information</p> <p>xii. Demonstrate compliance with the guidance found in Guidance on the assessment of dust from demolition and construction produced by the IAQM.</p> <p>xiii. The dust management strategy must include a risk assessment of dust generation for each phase of the demolition and construction. The assessment and identified controls must include the principles of prevention, suppression and containment and follow the format detailed in the guidance above. The outcome of the assessment must be fully implemented for the duration of the construction and demolition phase of the proposed development and include dust monitoring where appropriate.</p> <p>xiv. Where the outcome of the risk assessment indicates that monitoring is necessary, a monitoring protocol including information on monitoring locations, frequency of data collection and how the data will be reported to the Local Planning Authority;</p> <p>xv. Details of dust generating operations and the subsequent management and mitigation of dust demonstrating full best practicable means compliance and covering construction activities, materials storage, on and off site haul routes, operational control, demolition, and exhaust emissions; and where a breach of the dust trigger level may occur a response procedure should be detailed including measures to prevent repeat incidence.</p>
British Pipeline Agency	<p>Thank you for your correspondence regarding the above noted planning application.</p> <p>Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA wishes to make no comments on the application.</p> <p>However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.</p>

<p>Parks &amp; Open Spaces (DBC)</p>	<p>I have had a look through(The landscape architect language, seems to be worse than the normal guff, they write. I mean what is a playable swale edge?). The materials for the play equipment are sympathetic to their surroundings, I think Robinia wood equipment, would be the best material to use due to it being a hard wood, that retains its natural oils and the nature of the wood provides interesting shapes that aren't linear. As ever, there is nothing for kids between the ages of 12 up, no mention of skate ramps, pump tracks or any other alternative, that I saw.</p> <p>The open spaces themselves are pretty narrow spaces on the boundary of the site. These narrow spaces, are meant to function as informal play areas, travel routes and an enhanced bio-diversity corridor. It seems from the drawings etc to have a very cramped feeling to it, not very open for an open space. It feels like they are trying to cram everything into one linear space. Informal play-tick, Pond-tick, Play area-tick, Bio-diversity-tick etc.</p> <p>The oval open space seems to be better thought out and feels less cramped, than the linear open space. Personally I think it would have been better to create one large open space, that could have created a much better community feel, more (to use landscape architect language)of an open space community hub, where a Friends group, or community group could organise, open air cinema evenings, community picnics, music etc. A central space that everyone could gravitate towards, rather than an afterthought of how much housing can we cram in before we have to think about the open space?</p> <p>The planting schemes are a nice mix of your bog standard estate planting, mixed with wildflowers, marginal planting and perennials. If this was adopted by DBC for CSG to maintain, it would need an enhanced service, as our normal standard wouldn't be good enough.</p> <p>The Swales would also need to be discussed in depth if we were to adopt these as well.</p>
<p>Thames Water</p>	<p>Waste Comments</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing</p>

new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application regarding SURFACE WATER. Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Supplementary Comments

Waste- In order to provide a comprehensive comment on the surface water discharge, Thames Water would require the point of the surface

	<p>water discharge.</p> <p>The comments for the foul water are referring to foul discharge via gravity.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>With regards to transport the Transport Consultant for Spencers Park Phase II have prepared a Transport Statement (TS) to support a Reserved Matters Application for Phase 2</p> <p>West only and wishes also to discharge conditions 18 and 21. Not currently part of this RMA are the Highways Conditions: 19 - Construction Traffic Management Plan; 20 - Travel Plan and 25 - Permitted Accesses. A further RMA will be submitted for Spencers Park Phase II east and these remaining conditions. HCC's SuDS and Watercourses Team have also sought further information to discharge condition 14 separate to this RMA.</p> <p>Condition 18 - Prior to the commencement of the development, or any phase(s) of the development (pursuant to Condition 4), hereby permitted full details in the form of scaled plans and written specifications for the development or specified phase(s) of development shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> <li>i. Roads, footways, foul and on-site water drainage.</li> <li>ii. Existing and proposed access arrangements including visibility splays.</li> <li>iii. Parking provision in accordance with adopted standard.</li> <li>iv. Cycle parking provision in accordance with adopted standard.</li> <li>v. Servicing areas, loading areas and turning areas for all vehicles.</li> </ul> <p>Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.</p> <p>Condition 21 - Prior to commencement of the development, or any phase(s) of the development, (pursuant to Condition 4), swept path assessments for the development or specified phase(s) of development shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:</p> <ul style="list-style-type: none"> <li>a) Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners</li> </ul>

and for one midway in a row. This will be necessary for any public, school, residential or employment car parks;

b) Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;

c) Swept path assessment for a public transport bus to demonstrate that, should a bus route be diverted through the site, the internal network can accommodate a bus;

d) Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place within the development site;

e) Swept path assessments for servicing and delivery vehicles for the school and commercial land uses to demonstrate that servicing and deliveries can be accommodated within the development site and within the respective land use sites.

Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.

#### Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of the partial discharge of the reserved matters application with respect to Spencers Park Phase II West and Conditions 18 and 21. Not currently part of this RMA are the Highways Conditions: 19 - Construction Traffic Management Plan; 20 - Travel Plan and 25 - Permitted Accesses; and the Flood Risk Management Condition 14 - SuDs. A further RMA will be required to be submitted for Spencers Park Phase II east and these remaining conditions will also require subsequent discharge when appropriate.

#### COMMENTS

HCC Highways have reviewed the March 21 Transport Statement by Vectos, drawings supporting the RMA and application for conditions 18 and 21 discharge and subsequent visibility drawings supplied. With regards to Condition 18i - Roads, footways, foul and on-site water drainage HCC Highways are content with the appearance of roads, footways and cycle ways which are consistent with

pre-application workshops and the HCC's SuDS and Watercourses Team have indicated that they find the drainage arrangement broadly also, however they sought further information to discharge condition 14 (SuDs) separate to this application.

The provision of an urban clearway may be necessary to prevent car parking along the spine road of the development

With regards to Condition 18ii - Existing and proposed access arrangements including visibility splays. HCC Highways have reviewed the accessing arrangements and have determined them satisfactory and Vectos have supplied information on visibility which HCC Highways also acceptable and will achieve the appropriate vehicle speeds within the development and establish a sense of place rather than movement.

The spine road / avenue has been designed based on a 20 mph speed limit in accordance with Manual for Streets and this is the road which will be adopted and visibility is appropriate to this.

The mews/lanes, which won't be adopted, have been designed on the principles of Manual for Streets and to work around the swept paths (which you have hopefully received). On some of these lanes particularly where they provide through movement then to reduce the speed and attractiveness of the route then the visibility has been reduced as part of the street design along with narrowing's on the street to limit the attractiveness of the street for through movement. The visibility on the mews street/lane towards the south of the site and this approach is consistent with guidance within Manual for Streets at para 7.8.2 and the image example of Poundbury (Figure 7.20 in MfS).

With regards to Condition 18iii. Parking provision in accordance with adopted standard HCC note that 1.73 parking spaces per dwelling are to be provided which is slightly above what was accepted at the Outline Planning stage however this is slightly below the required DBC standard of 2.00 parking spaces per dwelling. Whilst HCC Highways are willing to accept this slight variation in standard in the interest of promoting sustainable travel it is acknowledged that Dacorum Borough Council will consider the car parking standards.

With regards to Condition 18iv. Cycle parking provision in accordance



	<p>with adopted standard.</p> <p>It is noted that the cycle parking is to the DBC standard and after a review of HTA-A_DR_0121 Revit is considered suitably located.</p> <p>However HCC notes that there is no mention of electric vehicle charging and the LPA may want to consider this.</p> <p>With regards to Condition 18v. Servicing areas, loading areas and turning areas for all vehicles.</p> <p>After a review of the drawings which also satisfy Condition 21 HCC Highways are satisfied with the servicing areas, loading areas and turning areas for all vehicles within the development.</p> <p>With regards to Condition 21 - Swept Paths, as above, HCC Highways are satisfied with the servicing areas, loading areas, turning areas, roads and junctions within the development can accommodate the appropriate vehicle.</p>
Trees & Woodlands	<p>16/06/21</p> <p>I have studied the aftercare schedule and can confirm this is suitable. Subsequently, I have no further concerns.</p> <p>1/06/21</p> <p>It would appear no existing trees will be detrimentally affected by the development. The proposed planting, with specific regard to trees, will complement the scheme and is appropriate for a development of this size. However, I can identify no information relating to aftercare, i.e. inspection (trees and stakes), watering, formative pruning, mulching, replacement in the event of failure.</p> <p>I therefore require the applicant to submit a suitable aftercare programme covering a period no less than 5 years.</p>
Waste Services (DBC)	<p>From a waste perspective my initial observations are that the width of the waste vehicle we use is 3m wide not 2.5m as used in the swept path.</p> <p>The distance that the bins are from the collection vehicle where the residents have to take their bins so that they are within the collection crews limits is not acceptable, it could be the case that one or more of those residents may not be physically able to do this.</p> <p>Each house will require space for 3 x 240ltr bins and a food caddy and space outside their boundary to present 2 x 240ltr wheeled bins and a food caddy on collection day.</p>

	<p>Flats will require 1 x 1100ltr container for residual waste per 6 flats, 1 x 1100ltr container per 6 flats for comingled recycling and 1 x 140ltr wheeled bin for food waste per 6 flats.</p> <p>There should be no steps between the storage area and the collection vehicle which is a 26t rigid freighter any slopes should be kept to a minimum and within the waste strategy requirements.</p> <p>Any commercial waste should stored separate to any other waste and each commercial premises should have provision for at least 1 x 1100ltr container for residual waste and 1 x 1100ltr container for comingled recycling.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>The proposal design is of an appropriate urban grain and architectural character relating to the adjacent Spencers Park Phase 1 as well as existing residential areas to the North of Red Bourne Road. Roofscapes, building widths and heights relate to local residential context of small scale pitched roof residential. Larger 3/4 storey blocks along the Gateway edge of the masterplan have been sufficiently broken down via varying roof heights, areas of flat pitch and expressed gables which break down the massing adequately into smaller blocks appropriate to the local context.</p> <p>Development is adequately broken down into character areas and spatial typologies appropriate for a large masterplan (Gateway, Principal Avenue, Green Courts and the Lanes) which will add interest and identity to the developments streets. These have been translated well into throughout the developments massing and elevation treatment of the residential blocks which have different toned roofing tiles and fanade bricks specified in the example palettes. This will be key in creating differentiation between the streets, and ensuring that the masterplan can integrate into the existing varied fabric of Hemel Hempstead.</p> <p>Elevations are well considered and proportioned providing variation in brickwork patterns, window reveals and statement entrances. Dormers are well proportioned and in scale to the roof and fanade, project references local detailing found in Dacorum such as timber boarding and patterned brick.</p> <p>The proposal will deliver significant benefits to the area in terms of increased connectivity and new green</p>

	<p>infrastructure, creating new walking and cycling contentions between Three Cherry Tree's Lane, Spencers Park Phase 1 and creation of a Spine Road leading to East Hemel. Proposal also provide segregated shared cycle footpaths along the avenue and green spine which will context the development to the Nicky Line and proposed quiet way along Cherry Tree Lane.</p> <p>Scheme landscape has been well designed retaining a significant amount of existing trees and providing a integrated SUDS network which will address both surface water and biodiversity.</p> <p>Recommendation:</p> <p>No objection to this proposal - development offers a high level of design quality, a sensitive approach to townscape and improved connectivity. Building Materials and should be subject to conditions along with hard landscaping to maintain the design intent of proposed typologies and character areas.</p> <p>Typical details per character type should be provided for external thresholds and balconies to ensure a high level of design quality is delivered on this site.</p>
<p>Strategic Planning &amp; Regeneration (DBC)</p>	<p>DBC Housing</p> <p>The units should be built to Building Regulations M4 (3) wheelchair accessible dwellings standard.</p> <p>I am happy with the distribution of the properties across the size and type, the affordable housing is spread around the development rather than being in one specific area which can make it more challenging to build sustainable communities.</p> <p>We currently have a significant problem with lack of accessible properties and increasing demand. It is becoming more challenging in identifying suitable properties within our aging stock and this is for all sized properties. We have households who have now been waiting in some cases several years for an adapted property. The need for adaptable properties is rising and we expect will continue to rise. We therefore require consideration of accessible units being built into any future scheme - outline below (David may have further comments)</p> <ul style="list-style-type: none"> <li>o 1 bedroom properties- all ground floor 1 bedroom properties need to be adaptable for wheelchair access. If there are going to be lifts</li> </ul>

	<p>installed in the flats, level access showers/ wet rooms need to be feasible.</p> <ul style="list-style-type: none"> <li>o 2 bedroom flats- same as above.</li> <li>o 2 bedroom houses- at least 20% of houses need to be suitable for wheelchair access, stairlift/ through floor lift. Level access shower/ wet room.</li> <li>o 3 bedroom houses- 25% 3 bedroom houses need to be suitable for wheelchair access, stairlift/ through floor lift. Level access shower/ wet room.</li> </ul> <p>Other comments:</p> <p>Whilst demand for 4 bedroom adapted properties is lower, those that require this property type typically need a family size home with through floor lift, It would be really beneficial to consider suitable 4 bed unit for affordable rent.</p>
Hertfordshire Property Services (HCC)	<p>Thank you for your recent re-consultation. I can confirm that we are aware of an existing S106 agreement dated 24/04/2019. The Growth &amp; Infrastructure Unit on behalf of education, childcare, library and youth services has no further comments to make on this variation although you may receive separate communications from the Highways Team.</p>
Crime Prevention Design Advisor	<p>I have no objection to the reserved matters application . I can see that security has been considered as detailed in the DAS page 201 , Designing Out Crime , however owing to the location I would ask that all the dwellings are built to meet the Secured by Design physical security standard.</p>
Planning Liason Officer	<p>We have no objection to the reserved matters application, provided that it does not adversely impact the developer's ability to meet the requirement places on the outline application (4/02539/16/MOA). We look forward to be consulted on the discharge of these conditions in due course.</p>
Lead Local Flood Authority (HCC)	<p>We have reviewed the information submitted in support of the application and would advise that appropriate space has been secured; the site does have appropriate space allocated within the layout for the drainage to be provided on site.</p> <p>Please note, for the avoidance of doubt regarding our comments, these are made without prejudice to the details submitted for discharging the drainage condition 14.</p>

	<p>As LLFA we request to be consulted when the applicant applies to discharge Condition 14.</p> <p>To note, the applicant will need to provide all aspects as detailed in each of the points within condition 14 for the discharge of condition for each phase.</p> <p>The applicant will need to demonstrate that the site can be feasibly discharged in line with the approved drainage strategy and all appropriate standards as detailed within the drainage condition. Specifically, if there is any aspect of the drainage dependent on an aspect to be included in a certain phase all should be included for approval.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>I am able to confirm that having reviewed the submitted documentation relevant to land contamination issues, no new issues have been identified and as such it remains reasonable to continue to rely on the presence of Condition 17 of the permission granted for 4/02539/16/MOA.</p>
<p>St Albans City &amp; District Council - Planning</p>	<p>By way of background, this is a site with the benefit of outline planning permission that straddles both Dacorum and Borough and St Albans District's administrative areas. The equivalent SADC reference for the outline permission is 5/2016/2845.</p> <p>This application for reserved matters approval represents the first of a number of applications to cover the entire site. This first application relates to land in Dacorum's administrative area, however, future applications will include the land within St Albans City and District's administrative area. With this in mind, the applicant has undertaken extensive pre application discussions with both Councils as well as Hertfordshire County Council as Highways Authority and Local Lead Flood Authority, and as a statutory consultee. Officers at SADC are therefore very familiar with the reserved matter proposals and how they have evolved since the grant of outline permission.</p> <p>The comments on this letter are limited to any relevant procedural points, and to issues which will flow across the masterplan as a whole and influence later reserved matters applications. Detailed Development Management considerations are left for Dacorum Borough Council to determine as they see fit.</p> <p>SADC notes that the proposals have evolved since the grant of outline planning permission, and that</p>

	<p>there are some differences between the approved parameter plans and the now submitted site wide masterplans for the site. This includes some changes to density in parts of the site (but no change to overall quantum), and a change to the location of some supporting uses. Our officers have carefully considered this in the round, taking into account the overall scale of the proposals. It is their planning judgement that the masterplan submitted with this application for reserved matters approval is within the scope of the outline planning permission as defined by the decision notices.</p> <p>SADC officers are supportive of the masterplan layout, and consider that it provides the framework for a high quality residential development which is well connected to the surrounding area, and which encourages movement by sustainable modes of transport. We are particularly pleased to see the thought given to connections to the Nickey Line which provides an important walking and cycling link between Harpenden, Redbourn and Hemel Hempstead. The approach to landscaping is generally well thought through, with the scope to provide high quality recreation and play spaces for the new residents.</p> <p>SADC officer are supportive of the dwelling types and are pleased to see a range of different materials and brick colours, to provide differentiation between the various character areas. As a point of detail, there remains some concern in relation to the potential visual impact of the proposed solar panels. It is felt that full details of roof and panel materials should be sought by condition of any approval, to ensure that any impacts are suitably mitigated.</p> <p>SADC is excited to be involved in this proposed development which makes use of Modern Methods of Construction as part of a Homes England pilot. The Council is especially pleased to note the energy savings that can be achieved via this building method, which is directly supportive of our Corporate Plan and objectives in respect of tackling climate change.</p> <p>In conclusion, SADC makes no objection and indeed is supportive of this application for reserved matters approval. Officer are very happy to participate in discussions with DBC and/or the applicant if this would assist.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

## Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
400	2	2	0	0

## Neighbour Responses

Address	Comments
Home House Cherry Tree Lane Hemel Hempstead HP2 7HS	<p>Three Cherry Trees Lane - in particular, the northern side of the section of road between the junction with Boundary Way and the junction with Buncefield Lane/Cherry Tree Lane (which marks the southern perimeter of this development) - is currently used 24 hours a day, 7 days a week, as an unofficial parking lot for HGVs, vans, and other trade vehicles - presumably who are en route to/from sites on the Maylands Industrial Estate. Such unofficial parking is, presumably, illegal (it would appear this stretch of road is supposed to have double yellow lines across its entire length - albeit they are only painted on and off periodically - but nothing is enforced.</p> <p>The complete lack of any form of amenities (e.g. bins) mean that the verge on the northern side of the road is one of the most disgusting sites of litter, disposed faeces, trade and industrial waste, and fly tipping.</p> <p>The reason these vehicles congregate here seems to be because there is a complete lack of service-station / lorry park-type facilities in the Maylands area, despite the enormous volumes of HGV traffic coming in and out of this area.</p> <p>The works associated with this planning application will, seemingly, displace all of these vehicles / make their ability to park on this stretch of road impractical. However, nothing in the planning application / associated disclosures appears to have given any consideration to where these vehicles will go to instead / how they will be accommodated into the infrastructure of the local area.</p> <p>Cherry Tree Lane is already used as a rat-run by vans and trade vehicles trying to get from the M1 to Redbourn Road without using trunk roads, and it is of significant concern that without mitigating actions being effected as part of the development plans for this application, the displaced traffic will use Cherry Tree Lane - which is wholly unsuitable for anything other than light residential / access only traffic - as a new place for unofficial parking.</p> <p>In summary: the development plans should provide commentary on how they expect the HGV/van traffic to be displaced, and what mitigations they plan to put in place to ensure this displacement does not negatively impact the surrounding residential areas.</p>
Dacorum	Borough
	From a waste perspective my initial observations are that the width of

<p>Council, Cupid Green          Depot          Redbourn Road          Hemel Hempstead          hp2 7ba</p>	<p>the waste vehicle we use is 3m wide not 2.5m as used in the swept path.</p> <p>The distance that the bins are from the collection vehicle where the residents have to take their bins so that they are within the collection crews limits is not acceptable, it could be the case that one or more of those residents may not be physically able to do this.</p> <p>Each house will require space for 3 x 240ltr bins and a food caddy and space outside their boundary to present 2 x 240ltr wheeled bins and a food caddy on collection day.</p> <p>Flats will require 1 x 1100ltr container for residual waste per 6 flats, 1 x 1100ltr container per 6 flats for comingled recycling and 1 x 140ltr wheeled bin for food waste per 6 flats.</p> <p>There should be no steps between the storage area and the collection vehicle which is a 26t rigid freighter any slopes should be kept to a minimum and within the waste strategy requirements.</p> <p>Any commercial waste should stored separate to any other waste and each commercial premises should have provision for at least 1 x 1100ltr container for residual waste and 1 x 1100ltr container for comingled recycling.</p>
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**ITEM NUMBER: 5b**

<b>4/00024/19/MFA</b>	<b>Construction of 15 residential units with associated access, parking and landscaping</b>	
<b>Site Address:</b>	<b>Land off Tring Road, Wilstone</b>	
<b>Applicant/Agent:</b>	<b>Rectory Homes Ltd</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Tring Rural Parish</b>	<b>Tring West &amp; Rural</b>
<b>Referral to Committee:</b>	<b>The application has been referred to the Development Management Committee due to a contrary recommendation to the Parish Council</b>	

**1. RECOMMENDATION**

- 1.1 That this application be **DELEGATED** with a view to **APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended).

**2. SUMMARY**

- 2.1 The proposed development is considered to deliver significant social and economic benefits in the form of housing and affordable housing and would support the sustainable development of the village of Wilstone in accordance with the National Planning Policy Framework (NPPF). These benefits are considered to weigh in favour of the grant of planning permission in this case. The Policies within the NPPF provide no clear reason for the refusal of this application.
- 2.2 The development is considered to be a high quality and accessible residential scheme and would support the planning objectives under Policies CS8, CS11, CS12, CS17, CS19 and CS20 and CS29 of the Core Strategy and Saved Appendices 3 and 5 of the Local Plan 1991-2011.

**3. SITE DESCRIPTION**

- 3.1 The application site is located beyond the northern edge of the village of Wilstone and in the designated Rural Area. The site extends to 0.58 ha of largely level agricultural fields between the residential units at Grange Road, Wilstone and the development at Wilstone Wharf. The applicants are also in control of land to the north of the site up to the boundary of the Grand Union Canal.
- 3.2 The site is accessible from an agricultural field gate located at the south western corner of the site and providing a gap in an existing mature hedgerow demarcating the boundary of the site from Tring Road.
- 3.3 Two storey residential units at Grange Road back onto the southern boundary of the application site and there are a number of single storey dwellings opposite the western site boundary marking the northern extent of the village. To the east of the application site are further agricultural fields in arable use with allotments beyond. The site is physically constrained to the north by the Aylesbury Arm of the Grand Union Canal.

#### 4. BACKGROUND

- 4.1 A planning application for the provision of 28 houses on land to the rear of Grange Road (20/01754/MFA) was refused by the Development Management Committee (DMC) at its meeting of the 17<sup>th</sup> December 2020 for the following reason:

*“The proposed development, by reason of its scale and siting would result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not currently able to demonstrate a five year housing land supply, the Council are not satisfied that the benefits of allowing development would clearly outweigh the harm to appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements under paragraphs 71, 77 and 78 of the NPPF and given a lack of associated infrastructure within the village of Wilstone”.*

- 4.2 A valid appeal against this decision was lodged with the Council and the Planning Inspectorate on the 1<sup>st</sup> March 2021. The Council is currently awaiting a decision upon this appeal.

- 4.3 No other planning applications for residential development on this site have been refused.

- 4.4 It is prudent, in light of this decision, to now determine the outstanding application (4/00024/19/MFA) for the construction of 15 dwellings at the site and having regard to the views of the committee in relation to this larger scheme.

- 4.5 This scheme has been submitted under Paragraph 71 of the NPPF and comprises entry level housing available at a discounted market rate.

- 4.6 Paragraph 71 of the NPPF states that:

*“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home) unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing...”*

- 4.7 This planning application seeks to capitalise on the Councils lack of a five year housing land supply and the encouragement towards entry-level homes in the NPPF which has left sites adjacent to existing settlements and not subject to statutory protection (Green Belt and AONB) subject to development pressure.

- 4.8 The NPPF provides that units provided under paragraph 71 of the NPPF should be subject to the affordable housing definitions in Annex 2 thereto. This extends to the provision of Starter homes or Discounted Market homes where the units may be sold at a rate up to 20% below local market value.

- 4.9 The sites are also expected to be *“proportionate in size”* with the footnote suggesting that these should be *“no larger than 1 hectare in size or exceed 5% of the size of the existing settlement”*

- 4.10 The Council has not made any specific arrangements for the delivery of entry-level exception sites within the adopted Core Strategy.

## **5. PROPOSAL**

- 5.1 The current proposals seek planning permission for the construction of 15 units on a smaller site than previously considered at DMC.
- 5.2 The proposals would comprise a mix of 2 (x10) and 3 bed (x5) homes. These detached and semi-detached homes would be accessed from Tring Road. These would be two storeys in height.
- 5.3 All of these homes would be available at a discounted market rate and would constitute affordable housing as per the definition in Annex 2 of the NPPF.

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 The responses to the further consultations are reproduced in full at Appendix A.
- 6.2 Historical responses to this application are set out in full at Appendix C.
- 6.3 Members should note that the application was initially consulted upon in January 2019. This application was put on hold in August 2019 pending the consideration of an alternative scheme. (20/01754/MFA). Further consultation letters were sent in April and May 2021.

### Neighbour notification/site notice responses

- 6.4 The responses to the further consultations are reproduced in full at Appendix B.
- 6.5 Historical responses to this application are set out in full at Appendix D.
- 6.6 Members should note that the application was initially consulted upon in January 2019. The application was put on hold in August 2019 pending the consideration of an alternative scheme. (20/01754/MFA). Further consultation letters were sent in April and May 2021.

## **7. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

#### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS7 – Rural Area  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm

CS17 - New Housing  
CS18 - Mix of Housing  
CS19 - Affordable Housing  
CS20 – Rural Sites for Affordable Homes  
CS23 – Social Infrastructure  
CS26 - Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS30 – Sustainability Offsetting  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

#### Hertfordshire County Council Waste Core Strategy

Policy 1: Strategy for the Provision for Waste Management Facilities.  
Policy 2: Waste Prevention and Reduction: &  
Policy 12: Sustainable Design, Construction and Demolition.

#### Saved Policies of the Dacorum Borough Local Plan

Policy 10 - Optimising the use of urban land  
Policy 12 - Infrastructure Provision and Phasing  
Policy 13 - Planning Conditions and Obligations  
Policy 18 - Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 54 - Highway Design  
Policy 58 - Private Parking Provision  
Policy 99 - Preservation of Trees, Hedgerows and Woodland  
Policy 118 - Important Archaeological Remains.  
Appendix 3 - Layout and Design of Residential Areas

#### Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)  
Car Parking Standards (November 2020)  
Energy Efficiency & Conservation (June 2006)  
Water Conservation & Sustainable Drainage (June 2005)

#### Advice Notes and Appraisals

Affordable Housing Advice Note  
Sustainable Development Advice Note (March 2011)

## **8. CONSIDERATIONS**

### Policy and Principle

8.1 The application site is not within a designated protected area (AONB, Green Belt or SSSI) under the National Planning Policy Framework (NPPF) and as the Council is not at present able to demonstrate a 5 year supply of deliverable housing sites, we must consider the proposal against the Framework's presumption in favour of sustainable development as set out in paragraph 11 of the NPPF.

- 8.2 The Council is obligated, under paragraph 11, to grant planning permission unless the policies in the Framework provide a clear reason for refusal or the adverse impact of doing so would out-weigh the benefits when assessed under the framework.
- 8.3 Paragraph 71 of the NPPF would encourage the development of unallocated sites on the edges of settlements to meet a need for starter or entry level homes. This site is not an allocated housing site. This scheme would provide 15 units of this type and tenure.
- 8.4 Small scale housing is encouraged at Wilstone under Policies NP1, CS1, CS2 and CS7 of the Core Strategy. Furthermore, the scale of development is now considered proportionate to the size of the settlement<sup>1</sup>
- 8.5 The key planning objectives in relation to the extension of any settlement would be:
- a) to make an effective use of land in accordance with Policy CS2 of the Core Strategy and Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011,
  - b) to ensure that the proposals would be accessible in accordance with Policies CS8 and CS12 of the Core Strategy,
  - c) to ensure that the proposals would be a high quality design in accordance with Policies CS10, CS11 and CS12 of the Core Strategy
  - d) to safeguard or mitigate for the impact on environmental assets in accordance with Policy CS26, CS27 and CS28 of the Core Strategy and
  - e) to ensure that the infrastructure associated with the development of the site is appropriate in accordance with Policy CS35 of the Core Strategy.

### Affordable Housing

- 8.6 The proposed scheme would contribute to the delivery of housing target as set out in Policy CS17 of the Core Strategy. The provision of discounted market housing is a recognised tenure of affordable housing under Annex 2 of the NPPF and as such the proposal would also support the objectives of Policies CS19 and CS20 of the Core Strategy.
- 8.7 The delivery of homes and affordable homes should be afforded significant weight in this decision, particularly in view of the housing land position.
- 8.8 The Tring Rural Parish Housing Needs Survey was produced by CDA Herts. CDA Herts work with rural communities to explore the issue of affordable housing and identify whether there is a need for affordable local housing and how to meet that need. CDA Herts concluded that there was a need<sup>2</sup> to provide 3 x 1 bed units, 9 x 2 bed units and 1 x 3 bed units. The greatest need was for affordable rental units although there is also a demand for shared ownership tenures recognised through this work. The report does not consider the need for discount market housing, but indicates that a number of local residents would like to own property but find this unaffordable.

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<sup>1</sup> Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

<sup>2</sup> The gross need is halved in order to provide greater certainty that there will be an unmet future local demand for any projects that come forward (CDA Herts 2018)

- 8.9 The consideration of affordable homes and tenures has evolved significantly since the completion of the CDA Herts report with the introduction of paragraph 71 in the NPPF and broader definitions of affordable tenures being added in Annex 2. There is now an increased emphasis on the delivery of starter homes with the government recently publishing plans for the delivery of “First Homes” setting a clear agenda for the provision of new homes. “First Homes” are the government’s preferred discounted market tenure and moving forward should account for at least 25% of all affordable housing units delivered by developers through planning obligations<sup>3</sup>. This drive for starter homes appears to be irrespective of location or local needs assessment. The proposal seeks to deliver a number of 2 and 3 bed properties to meet the needs of smaller families and those taking their first step on the housing ladder.

### Layout and Design

- 8.10 The scheme is considered to represent a high quality residential scheme in accordance with Chapter 12 of the NPPF, Policies CS10, CS11, CS12 and CS13 of the Core Strategy and Saved Appendix 3 of the Local Plan.
- 8.11 The layout of dwellings in this location seeks to provide a strong residential frontage to Tring Road and with a rear car parking courtyard broken up by soft landscaping. This would strengthen the existing building line to Tring Road and allow residential units to address the wider open space around the perimeter of the site. A second row of houses (plots 12-15) would be located perpendicular to 1-6 Grange Road and would provide natural surveillance of this parking courtyard. This second row of homes would have gardens backing onto neighbouring fields and would allow for the boundary hedging in this location to be strengthened.
- 8.12 The proposed dwellings would be of a traditional design and reflect the local vernacular of residential buildings within the location. They have been amended through the course of this application to reflect the advice of the Conservation and Design team in relation to the larger residential scheme previously considered for this site. As such they are now considered to be appropriate in terms of their design, bulk, scale, height and mass in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. A modest material palette would be used comprising brick and render with tile/slate roofs in accordance with the recommendations of the Conservation and Design section. These are set out in drawing P220 SP 03 Revision C (Proposed Material Plan).
- 8.13 The provision of soft landscaping would break up the extent of hard standing and provide visual relief to the car parking area. There is still a need to consider amendments to the boundary treatment of this area given some concerns with regards to the appearance of fencing in this location and in the interests of security. This could be relieved by the inclusion of walls or hedges to provide a more satisfactory appearance to this area. Such matters should be resolved through a landscaping condition.

### Impact on Heritage Assets

- 8.14 No concerns have been raised by the Conservation and Design team in relation to heritage assets within the vicinity of the application site including the grade II listed Wilstone Bridge, whose setting will not be adversely affected by the proposals in accordance with Policy CS27 of the Core Strategy and the NPPF.

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<sup>3</sup> Subject to the Transitional Arrangement set out in the First Homes Ministerial Statement – 24<sup>th</sup> May 2021. The First Homes policy requirement does not apply to sites with full or outline permissions in place or determined before 28<sup>th</sup> December 2021 or 28<sup>th</sup> March 2022 where pre-application engagement has already occurred.

### Impact on Residential Amenity

- 8.15 The proposed residential units have been arranged in broad accordance with Saved Appendix 3 of the Local Plan 1991-2011 in order to ensure a satisfactory level of residential amenity for future occupants.
- 8.16 The buildings have also been carefully sited to ensure that there is no significant adverse impact upon the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.17 The main impact of development will be upon the residential amenities of properties in Grange Road. The flank elevation of plot 15 would be located approximately 17m from the main rear elevation of 1-6 Grange Road and northwards of this terrace. Given the juxtaposition of these properties, any impact on daylight and sunlight to them is likely to be negligible. The flank elevation window to this unit would serve a bathroom and would be fitted with obscure glass and a high level opening in the interests of privacy.
- 8.18 The relationship between 90 Tring Road and plots 1, 2 and 15 is also considered to be satisfactory in view of the distance and juxtaposition of properties. No windows would overlook No.90 Tring Road, whilst the physical separation and juxtaposition should ensure that there remains sufficient daylight and sunlight to the main habitable rooms thereto. I do not consider the flank elevations of Plot 1 to be oppressive or particularly intrusive to No.90 Tring Road. No.90 is a bungalow and, whilst it does contain flank windows, these are at ground floor level, and combined with the proposed boundary landscaping, would cause no harm to the residential amenities of the future occupiers of Plots 1 and 2.

### Access, Parking and Movement

- 8.19 The proposals include a new priority T junction with a kerbed entrance leading to an internal access road. The proposed access design is of an acceptable width to enable two vehicles to pass one another and the general designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide.
- 8.20 The T junctions been designed with appropriate visibility splays for the speed and juxtaposition of Tring Road and is considered to be a safe and convenient access onto Tring Road for the level of use by both future occupants and service providers including refuse and fire vehicles in accordance with Policies CS8 and CS12 of the Core Strategy. Within the site, the highway layout allows sufficient space for the access and circulation of larger vehicles with designated refuse stores provided and secured by condition within acceptable distances for refuse tenders. Each residential unit would be accessible by fire tenders in the event of an emergency. As such the internal layout of the estate is considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy
- 8.21 Vehicular parking will be provided through a combination of on-plot driveway parking and off-road street parking or parking courts. There is a nominal over provision in the parking provision against the Car Parking Standards SPD (2020) of 2 spaces however this is not considered to be sufficient to justify the refusal of the application particularly given the sites rural location and the need for visitor parking. The parking provision is considered to broadly comply with the standards contained within the Car Parking Standards SPD (2020)
- 8.22 The applicants are in agreement to a planning condition to cover the provision of active and passive EV charging points in accordance with the Car Parking Standards SPD (2020)

Active EV charging points should be provided to all houses with additional charging points provided on-street at a general ratio of 1 per dwelling.

- 8.34 The accessibility of both the main village and the canal towpath will be improved through the extension of the existing footpath network in accordance with Policies CS8 and CS12 and in accordance with condition 6 to this approval. Cycle stores will also be provided within the curtilage of each dwelling to encourage the use of alternative means of travel to the private car and secured via planning condition.
- 8.35 The highway authority have no objections to the proposals on either a highways capacity or safety perspective and as such there would be no objection to the proposals under Policies CS8 and CS12 of the Core Strategy and Saved Policies 51 and 54 of the Local Plan 1991-2011 and Car Parking Standards SPD (2020)

### Ecology and Landscaping

- 8.35 An updated Preliminary Ecology Assessment (PEA) and a calculation of net biodiversity gain has been submitted with the application.
- 8.36 The PEA concludes that the arable field itself is of negligible ecological value, whilst the field margins and surrounding hedgerow are not currently managed to provide any notable benefits for wildlife. The most significant hedgerows are those to the Tring Road frontage and alongside the Grand Union Canal with the hedgerow at the frontage of the site meeting the 'important' threshold within the Hedgerow Regulations 1997.
- 8.37 The proposed development seeks to retain all of the existing hedgerows around the site with the exception of a narrow area to be removed to facilitate access to the site through a T junction. This loss is off-set by supplementary planting both to the existing hedgerow at Tring Road and through additional soft landscaping along the remaining boundaries to the site. The PEA also concludes that the proposed development is unlikely to result in any significant impacts on protected species including, amphibians, invertebrates, plants and badgers. This is due to the fact that these species are likely to be absent from the footprint of the proposed development and the immediate surrounding areas. The proposals would not result in the removal of any trees.
- 8.39 The PEA also identifies that by following the recommendations of the Ecologist and by providing additional landscaping to the site, there is likely to be a significant increase in the net biodiversity value of the site, far exceeding the recommendations in the Environment Bill<sup>4</sup>.
- 8.40 The improvement of existing landscape features through native planting together with the provision and sensitive management of field margins are considered to have potential to provide biodiversity gains in accordance with Policy CS26 of the Core Strategy.
- 8.41 Further details of the soft landscaping and ecological improvement measures should be conditioned and should build upon those plans already provided and recommendations in the PEA. This should also cover the provision of a detailed lighting scheme designed to target and minimise light spill beyond the built up areas of the site.

### Sustainable Construction

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<sup>4</sup> The Environment Bill is anticipated to introduce a mandatory requirement for all developments to result in at least a 10% increase in biodiversity value of the site. This will be calculated using the published Biodiversity Matrix. The Environment Bill still needs to be considered by the House of Lords and gain Royal Assent.



- 8.42 The application does not set out specifically how the requirements of Policies CS28 and CS29 are to be addressed by this submission. Sustainable building design and construction are an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues.
- 8.43 Whilst we would anticipate that buildings will be constructed to achieve or exceed the Building Regulation requirements for thermal efficiency, energy consumption and water consumption and would note the inclusion of landscaping, biodiversity measures and EV charging points. It is recommended that further details in relation to sustainable design and construction be secured by a planning condition.

#### Drainage and Flooding

- 8.44 The methodology for drainage of the site has been considered in some detail as a result of the application for a larger development on the site (20/01754/MFA) and in discussions with the Lead Local Flood Authority (LLFA). The drainage and flood risk assessment has been updated accordingly and builds upon the principles agreed with the Lead Local Flood Authority.
- 8.45 It is proposed to discharge run-off from the site to a ditch located at the northern end of the agricultural field at a controlled rate. The run-off will be directed into a deepened sub-base to the proposed roads, parking area and driveways where it may be attenuated and treated prior to discharge via a flow control chamber to the drainage ditch. Storage crates will be utilised within the parking areas and under permeable paved areas.
- 8.46 There are no objections to this approach from the Lead Local Flood Authority, subject to the submission of final details, which will be secured through conditions.
- 8.47 The LLFA have also confirmed that they do not consider the development to be at significant risk of flooding in view of these measures and that it should not increase the flood risk either on site or elsewhere in accordance with Policies CS31 and CS32 of the Core Strategy.

#### Developer Contributions and Infrastructure

- 8.48 All new developments are expected to contribute towards the costs of on site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.49 The Council has an adopted Community Infrastructure Levy (CIL) under which financial contributions are secured from all new residential development towards on site, local and strategic infrastructure works necessary to support development. The site would be located within Zone 2 (Elsewhere) wherein a charge of £150 per square metre of new residential development (as increased by indexation) will be levied in accordance with the CIL Charging Schedule. The Council's adopted Regulation 123 list sets out how such sums will be spent on infrastructure. Despite being classified as Affordable Housing under the NPPF these proposals would not appear to be exempt from the payment of CIL.
- 8.50 There are no objections to the scheme from associated infrastructure providers including the County Council and utility providers. Despite resident's concerns with the sewerage infrastructure for the village, the provider has indicated that there is sufficient capacity or that capacity may be increased to accommodate the development.

- 8.51 A planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) will be required to ensure that the type and tenure of affordable housing may be secured in accordance with Policies CS19, CS20 and CS35 of the Core Strategy.
- 8.52 In addition, it will be necessary to secure improvements to bus stop in the locality in accordance with advice from the Highway Authority and to ensure that adequate provision is made to access the site by alternative means of transport to the private car. A contribution of £13,125 (index linked) is required to improve local bus stops as set out in the advice of the highway authority. These obligations are considered to be reasonable and necessary in accordance with Regulations 123 and 124 of the CIL Regulations and as a result of our consideration of the submitted Transport Assessment and the requirements of Policy CS8 of the Core Strategy.

### Planning Balance

- 8.52 The only negative aspects to the scheme under consideration are the loss of open space and arable land at the edge of the village of Wilstone. According to the Agricultural Land Classification maps from Natural England, this land Grade 3, moderate quality, agricultural land. The subdivision of Grade 3 land no longer appears to be mapped by Natural England. Low quality agricultural land (Grade 4) is identified elsewhere at the edge of the village and beyond this towards Puttenham. This loss of open space is considered to result in slight environmental harm given its limited value for farming purposes and limited ecological value.
- 8.53 The scheme is considered to be a good quality and sustainable residential scheme providing a logical extension to the village of Wilstone and supporting its natural growth. The proposals will result in no significant harm to the character of the village and its surroundings.
- 8.54 The proposed development would provide affordable housing under paragraph 71 of the NPPF. This would be located in close proximity to the rural settlement of Wilstone where it can enhance and maintain the viability of the village in accordance with paragraph 78 thereto.
- 8.55 Some economic benefits should be experience in both the short and long term including the provision of construction jobs whilst the scheme is implemented and as a result of increased local expenditure within the village. Future residents of the scheme are likely to support local facilities and services. These facilities include the community shop, farm shops, public house and village hall.
- 8.56 The scheme is also considered to deliver social and environmental benefits through the delivery of improved access to the canal and surrounding countryside. It is possible to deliver improvements in the biodiversity value of the site, through the creation of new habitat and through careful landscaping and site management. These environmental improvements would clearly out-weigh the loss of the poor quality arable field in this location.

### Other Matters

#### *Farm Access*

- 8.57 Farmland to the north and east of the site would still be accessible from the access road to the site This access road could easily be extended to facilitate additional development should the need arise and as such I am satisfied that the proposals would not unduly

prejudice the optimisation of other land in accordance with Saved Policy 10 of the Local Plan 1991-2011.

### Noise

- 8.58 The proposed development is not subject to any objections from the Environmental Health team despite the location of a scaffold yard to the north and its potential as a source of noise nuisance. This yard is approximately 130m to the north of the site and its redevelopment for residential purposes is currently subject to consideration under application (21/00854/FUL)
- 8.59 I am satisfied that the residents of the proposed units are not likely to experience excessive noise or disturbance from this business such that it would lead to a substandard level of residential amenity.

## 9 CONCLUSION

- 9.1 The proposed development will deliver significant planning benefits in terms of the delivery of affordable housing and this weighs significantly in favour of the grant of planning permission. The proposed development is well designed and responds positively to its surrounding environment. Accordingly the proposals are considered to meet with the aims and objectives of the NPPF and must be granted planning permission in accordance with paragraphs 11 and 71 of thereto.

## 10 RECOMMENDATION

- 10.1 a) That the application is **DELEGATED** with a **VIEW to APPROVAL** subject to the completion of a planning obligation under S106 of the Town and Country Planning Act 1990 as amended and subject to the conditions below:
- b) That the following Heads of Terms for the planning obligation are agreed:
- The delivery of affordable housing in the form of discounted market housing on the site,
  - A contribution of £13,125 towards the upgrade of existing bus stops serving the development.

### Condition(s) and Reason(s):

Please note that additional planning conditions will be required to meet with the requirements of the Lead Local Flood Authority.

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

#### Plans

**P.220.LP.01 Revision C (Location Plan)**  
**P.220.SP.01 Revision F (Proposed Site Plan)**

P.220.SP.02 Revision C (Proposed Surface Materials)  
P.220.SP.03 Revision C (Material Plan)  
P.220.754.01 Revision A (Plots 1, 2, 7 and 8)  
P.220.754.02 Revision A (Plots 9 and 10)  
P.220.851.01 Revision B (Plots 3, 4, 14 and 15)  
P.220.974.01 Revision B (Plots 5, 6, 12 and 13)  
P.220.974.02 Revision A (Plot 11)

#### Documents

Flood Risk and Drainage Statement by Glanville Ref: 022\_8180891\_AP\_FRA\_&\_Drainage Statement  
Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024\_8180891\_CS\_Technical Note, prepared by Glanville  
Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021, prepared by Glanville  
Heritage Assessment (November 2018) by Albion Archaeology  
Preliminary Ecological Appraisal (March 2021) by Windrush Ecology Limited  
Transport Statement (Update) by Glanville Ref: 021\_8180891\_AD\_Transport\_Statement, Issue 6: 26<sup>th</sup> March 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### Design

- 3. No development of the superstructure shall take place until samples of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

- 4. The window at first floor level and within the south western elevation of plot 15 shall be permanently fitted with obscure glazing.**

Reason: In the interests of privacy of neighbouring properties.

#### Access and Highway Conditions

- 5. The development hereby approved, shall not be occupied, until the means of access, parking and circulation areas have been provided fully in accordance with drawings P.220.SP.01F and 8180891/6105 (within Transport Statement (Update) Ref 021\_08180891\_AD\_Transport Statement, Issue 6 (26<sup>th</sup> March 2021))**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

- 6. The development, hereby approved, shall not be occupied until full details of a footpath link through the application site and linking Grange Road with the Grand Union Canal towpath have been submitted to and approved in writing. The development shall not be fully occupied until the footpath has been completed in accordance with the approved details.**

Reason: To ensure that adequate provisions are made to access the site by alternative means to the car in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD

7. **The development, hereby approved, shall not be occupied until full details of the Electric Vehicle Charging Points including the type of charger, power supply and a scheme for the maintenance and management of charging points has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be retained.**

Reason: In the interests of access and highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD.

8. **Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan number 8180891/6105. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:**

- a) Construction vehicle numbers, type, routing;
- b) Swept path analysis for the largest anticipated vehicle to use the temporary access;
- c) Traffic management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities; and
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

Landscaping Conditions

10. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.**

**These details shall include:**

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- tree protection plans
- finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- the provision of refuse stores and enclosures;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation.
- Mitigation and Enhancement measures as set out in Section 5 (Recommendations) of the Preliminary Ecological Appraisal by Windrush Ecology dated March 2021.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

#### Contamination

11. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

12. If the Local Planning Authority is of the opinion that the report which discharges condition 11, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

13. **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of 12, above; has been submitted to and approved by the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

14. **This site shall not be occupied, or brought into use, until:**

- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 13 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

#### Drainage

15. **The development permitted by this planning permission shall be carried out in accordance with the Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024\_8180891\_CS\_Technical Note, prepared by Glanville and the Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021, prepared by Glanville and the following mitigation measures:**

1. **Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the ditch on site before ultimate discharge into the Grand Union Canal.**

2. **Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

3. **Implement drainage strategy utilising lined permeable paving with sub-base, attenuation crates and flow control with piped connection into the ditch.**

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Core Strategy.

16. **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024\_8180891\_CS\_Technical Note, prepared by Glanville and the Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021. The scheme shall also include:**

1. **As the site is impacted by groundwater, a location plan showing groundwater monitoring locations and associated results, an assessment of this flood risk and its mitigation. Details on how the site drainage features will be secured against groundwater should also be provided.**

- 2. Provisions for maintenance of the ditch to ensure suitability for conveyance of the site discharge to the canal.**
- 3. Provision of a detailed catchment assessment of the ditches / potential ordinary watercourses, ensuring effective management of this risk.**
- 4. Full CCTV survey and condition assessment of the connection between the ditch and the Grand Union Canal, along with any maintenance or remedial works.**
- 5. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting detailed contributing area plan.**
- 6. Demonstrate appropriate SuDS management and treatment for the entire site including the access road.**
- 7. Provision of half drain down times within 24 hours.**
- 8. Exceedance plan for events greater than the 1 in 100 year plus 40% for climate change event.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy

- 17. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:**

- 1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.**
- 2. Provision of a complete set of as built drawings for site drainage.**
- 3. A management and maintenance plan for the SuDS features and drainage network.**
- 4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies CS31 and CS32 of the Core Strategy.

- 18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the**



**specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Class A – Plots 1 and 15.**

**Schedule 2 Part 1 Classes AA, B, C and E to all plots.**

Reason: In the interests of the visual amenity of the area and residential amenity in accordance with Policy CS10, CS11 and CS12 of the Core Strategy.

## **HIGHWAY INFORMATIVES:**

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN) Construction standards for 278 works within the highway:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

## **CONTAMINATION**

Any contamination, other than that report encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning

Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
<p>Tring Rural Parish Council</p>	<p>Tring Rural Parish Council object to this major development in the rural area.</p> <p>The NPPF makes it clear that development must not compromise the protection given to areas or assets of particular importance in the NPPF. We believe the proposal does compromise the protection afforded and will have a harmful and detrimental impact on the character of the area.</p> <p>Central to our objection for this application is the definition of Local Housing Need, policy CS20 and the Settlement Hierarchy.</p> <p>CS20: The delivery of housing in rural locations to address an identified local need, a policy that affords significant weight in the decision to refuse or grant planning permission.</p> <p>In the 1980's the Rural Exception Policy was introduced to the UK. This policy allowed that if a need for local affordable housing was established, then under certain and limited circumstances, an exception to planning policy would be permitted. Rural exception schemes contain only affordable homes which must remain available in perpetuity to local people who are unable to afford open market rent or purchase. They help to sustain small villages to ensure a balanced community.</p> <p>This 15-unit scheme proposal does not accord to local planning policy CS20. Any homes built on this site are to be sold at 80% of open market prices and offered to purchasers across the borough. Homes that will not be affordable to parishioners, on local salaries in housing need.</p> <p>In the background section of the case officer's report, for a larger application on the same land (20/01754/MFA - refused 17 December 2020) the officer states that the provision of an Entry Level Exception Scheme ELES as provided in this re-submitted application would be in clear conflict with paragraph 77 of the NPPF to meet the requirement for rural housing to address local needs and would fail to meet those requirements under Policy CS20.</p> <p>We concur with the case officer that this and the related application under appeal, are wholly inappropriate for Wilstone and the open countryside.</p> <p>The case officers' report goes on to clarify:</p>

“The Tring Rural Parish Housing Needs Assessment clearly identifies that the needs of the village are for smaller units of housing for social rent in line with more general affordable housing requirements under Policy CS19 of the Core Strategy. The Local Housing Needs assessment goes further and suggest that discounted market homes (as provided under 4/00024/19/MFA) would be unaffordable for local residents and would do little to address local need.”

We are astonished therefore to see this application resubmitted and dismayed that significant national and local policies are being seemingly disregarded by the applicant and planning officers.

The Framework clearly directs that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Whilst we support appropriate development in the parish, the community do not want to see any development at all of this site or its surrounds. We are of the firm view that the natural qualities combined with adjoining fields provide an attractive, open prominent feature of the landscape which must be protected.

This site lies outside of the defined settlement of Wilstone. It is undeveloped land with existing hedgerows and trees that form part of the visual gateway into the village.

We believe that development here would have a significant adverse effect upon the landscape character of its wider surroundings. It would also have a prominent harmful visual impact, particularly when viewed from The Grade 2 listed Bridge on Tring Road, an important and regularly used approach into the village.

#### Settlement Hierarchy

Further, the Settlement Hierarchy is another material consideration when determining planning applications. It takes into account current population, historic role, level of services, and the constraints and opportunities of each place in the Borough, to determine the main principles that are used to guide development in each location.

Decisions on the scale and location of development will be made in accordance with the settlement hierarchy.

Dacorum Core Strategy 2016 and New Draft Local Plan 2020 – 2038 both designate Wilstone as one of the least sustainable settlements in the borough. Wilstone is listed as a ‘Small Village Within the Rural Area’ in the Settlement Hierarchy and an Area of Development Restraint.

#### Core Strategy CS7

The Rural area is protected in Dacorum’s Core Strategy by Policy CS7. The policy clarifies that, “These are the least sustainable areas

of the borough, where significant environmental constraints apply. These include areas of high landscape quality, such as the Chilterns Area of Outstanding Natural Beauty, and the countryside between settlements. This needs to be protected to ensure its rural character is retained and settlements keep their separate identities.”

Crucially, in the knowledge that applications 4/00024/19/MFA, 20/00754/MFA and 21/00854/FUL are all linked, either by the same landowner and/or the same agent, the community are also understandably concerned that these 3 separate applications, in clear conflict of materially important planning considerations, which may jointly or severally have significant implications for the village.

In summary:

We consider the submission must be refused because it is contrary to the NPPF for development in rural or protected areas and Core Strategy policies; Settlement Hierarchy, CS1, CS2, CS7 and CS20.

Additional Comments

Further to recent amendments to this planning application Tring Rural Parish Council wish to make it clear that we maintain our position and continue to object to any proposed development on this land because of the harmful and detrimental impact it will have on the rural surrounds.

These homes do not accord to CS7 or CS20 they are not for 'Local Needs'. Clearly the housing units will not be a Rural Exception Scheme (RES) in the traditional sense, which offers affordable homes for local people in perpetuity, but an Entry Level Exception Site (ELES - NPPF 2018), aimed at meeting 'affordable' housing need across the Borough. These 'affordable' homes will be sold at 80% of the open market prices.

We struggle to understand the pertinence of the Design and Access Statement, Executive Summary Local Context - Wilstone, in Italics below;

- "...That the population has aged significantly over the last 15 years..... it is likely that without further development, the village will see population decline and rapid ageing in the future..."

Our community consider Wilstone a well-balanced and inclusive settlement, which comprises elderly residents but equally, middle-aged couples, young families and single people. The school buses from Wilstone to Long Marston and Tring Schools bear witness to our vibrant society. Litchfield's report shows that 35% of our population are indeed over 65 but that 41% of households are in younger age brackets and have dependent or non-dependent children.

Our parish has a healthy and sustainable balance of residents and this morphs naturally as our elderly pass on, families with children move up the housing ladder freeing up smaller homes in the parish for those in a position to purchase or rent.

- "Attracting (First Time Buyer) households is also likely to support the local shop and pub as well as schools and facilities in other nearby villages and towns".

The thriving community shop is a leading example of successful and balanced communal involvement. Since 2012 it has been managed and run by volunteers, staffed by working and retired members of the community and many younger teenage members too. Efforts by parishioners have recently resulted in successfully negotiating a long-term shop lease with the new owners and raising funds to extend and refurbish the premises.

The Half Moon pub, is very well patronised and supported enthusiastically by locals and visitors.

- "Supply of First-time Buyer Housing. Figure 5.1 Dwelling Stock."

Litchfield's report clearly shows that our community already has a balanced supply of housing sizes in the settlement, advising 35% detached homes and 66% of smaller semi-detached, terraced and apartments. There is a current planning application for 6 social rented homes in the settlement.

Evidence from CDA for Herts Housing Needs Survey 2018 In 2018, Tring Rural Parish Council and Community Development Agency for Herts conducted a Housing Needs Survey in the parish, with a view to establishing whether there was a need for affordable homes, available in perpetuity and provided for people with a strong, provable local connection. The survey did establish such a need but as can be seen above, we already have suitable properties available, including Social Rent, Open Market rent, Shared Ownership (Lendon Grove) and Open Market for sale. The Survey was not conducted to support provision of 'other' borough wide needs.

"Information available from Dacorum Borough Council indicates that there are 49 social housing units (general needs) provided within the parish of Tring Rural as follows:

- 4 x 1 bed flats
- 5 x 2 bed houses
- 38 x 3 bed properties
- 2 x 4 bed homes

Additionally, there are nine sheltered housing units in Tring Rural;

- 5 x one bed bungalows
- 2 x 2 bed flats
- 1 x 2 bed house
- 1 x 2 bed bungalow"

This clearly demonstrates a healthy local supply of affordable rented homes. Dacorum BC also have a Local Lettings Policy that prioritises allocation to rural applicants with a local connection:

Dacorum Borough Council has robust policies in place to preserve

	<p>their distinct rural settlements and part of their social objectives are to protect and enhance the natural, built and historic environment, supporting effective use of land and improve biodiversity.</p> <p>The Core Strategy (Adopted 2013), also lists Wilstone as an Area of Development Restraint</p> <p>- "being one of the least sustainable areas of the borough, where significant environmental constraints apply"</p> <p>These include areas of high landscape quality, such as the Chilterns Area of Outstanding Natural Beauty, and the countryside between settlements. This needs to be protected to ensure its rural character is retained and settlements keep their separate identities.</p> <p>- Dacorum Core Strategy 2013 POLICY CS20: Rural Sites for Affordable Homes</p> <p>"Small-scale schemes for local affordable homes will be promoted in and adjoining selected small villages in the countryside (see Policies CS6 and CS7), and exceptionally elsewhere with the support of the local Parish Council. Development will only be permitted if: (a) it meets an identified local need for affordable housing; (b) the housing is for people who have a strong local connection with the village or parish through work, residence or family; and (c) the scheme is of a scale and design that respects the character, setting and form of the village and surrounding countryside. Any site on the edge of a village must represent a logical extension to it."</p> <p>We are fortunate and privileged to live in Wilstone, situated in The Boarscroft Vale, and to ensure the healthy balance continues, we are always willing to embrace appropriate, modest, well-planned development and to welcome new members to the community. As can be seen, we already have a good supply of social rented units and affordable properties suitable for first time buyers. Development of this site is not justified by local circumstances and will have a harmful and detrimental impact on the village. TRPC do not consider that the proposed development is appropriate in Wilstone, it does not meet a proven 'local' need and does not have general community support for the proposed ELES development.</p>
Hertfordshire Constabulary	<p>Layout</p> <p>Whilst a number of allocated parking spaces are close to the houses, from a security perspective we would normally ask that car spaces are situated at the front of the property to enhance surveillance. In this instance I note that there is some surveillance from houses 12-15.</p> <p>Any ground level exterior windows to have been certificated to BS PAS 24:2016.</p> <p>All exterior doors to have been certificated to BS PAS 24:2016, or LPS 1175 SR 2,</p> <p>Lighting - timer, (motion sensor lighting has proven to be problematic)</p>

	<p>no bollard lighting.</p> <p>Ensure that each dwelling boundary is secure at the side and rear.</p>
Hertfordshire County Council – Ecology Unit	Comments awaited
Hertfordshire County Council – Growth and Infrastructure Unit	<p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department. Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision</p>
Hertfordshire Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p><b>Conditions</b></p> <p><u>Construction Traffic Management Plan</u></p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.</p> <p>The Construction Management Plan / Statement shall include details of:</p> <ol style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Traffic management requirements</li> <li>d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</li> <li>e. Siting and details of wheel washing facilities;</li> <li>f. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</li> <li>h. Provision of sufficient on-site parking prior to commencement of construction activities;</li> <li>i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;</li> <li>j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for</li> </ol>

vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### New Access

Prior to the first occupation / use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number P.220.SP.01 in accordance with the highway specification 8180891/6105 attached.

Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Visibility

Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number 8180891/6105. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Standard Highway Condition

No development shall commence until plans have been submitted to and approved in writing by the Local Planning Authority to illustrate the roads, footways, cycleways, foul and surface water drainage. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Pedestrian Route

Prior to first occupation of the development hereby permitted a footway shall be provided in full accordance with the details indicated on the approved plan number 8180891/6104.



Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf.

AN) Construction standards for 278 works within the highway:  
The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

#### Section 278 Agreement

A Section 278 Agreement will be required for changes to the public highway, including the site access and footway provision.

#### Section 106 Agreement / Planning Contributions

HCC's Planning Obligation toolkit (January 2008) which requires the following fees per dwelling type to be SPONS index linked to July 2006 from the point at time at which the figure is calculated.

Out of town centre: £625 per 1 bedroom dwelling, £750 per 2-bedroom dwelling, £1125 per 3-bedroom dwelling and £1500 per 4+ bedroom dwelling.

Assuming 10 x 2-bedroom dwellings and 5 x 3-bedroom dwellings, the total contribution would be £13,125 – SPONS indexed linked to July 2006.

#### Description of the Proposal

The original development proposals included the provision of 15 dwellings, comprising of nine 2-bed houses and six 3-bed houses. The revised proposed scheme comprises of ten 2-bed houses and five 3-bed houses.

#### History

Pre-Application advice was sought in 2015 for a new development comprising 8 dwellings. Amendments to this application were made on 31 March 2021.

An updated Transport Statement and plans were submitted to support these amendments.

#### Site Description

The site is located to the northern extent of Wilstone village and is greenfield. The site is bound to the northwest by Tring Road, to the southwest by a residential property and by farmland to the north and east. Tring Road is an unclassified local access road subject to a 60mph speed limit in the vicinity of the site; however, the speed reduces to 30mph south of the proposed access.

#### Analysis

A Design and Access Statement and Transport Statement have been provided by the applicant in support of the proposed development.

A Design and Access Statement is a requirement of all proposed developments which may have an impact on the highway, in line with the requirements set out in Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide 3rd Edition. A DAS has been submitted, this is acceptable.

For a proposed development of this size, a Transport Statement is required per the guidance set out in Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide 3rd Edition. The applicant has provided an updated Transport Statement in support of amended plans and this is acceptable.

#### Policy Review

The Transport Statement states that the report follows guidance contained in Guidance on Transport Assessment (March 2007) published by the Department for Transport, as well as advice from Central Government in the form of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance on Transport Assessments and Statements.

A full national and local policy has been provided by the applicant within the updated Transport Statement. Reviewed policy includes:

- National Planning Practice Guidance (NPPG);
- National Planning Policy Framework (NPPF);
- Manual for Streets (2007);
- Hertfordshire County Council Local Transport Plan 4 (LTP4);
- HCC Active Travel Strategy (April 2013);
- HCC Rail and Bus Strategy; and,
- DBC's Parking Standards Supplementary Planning Document (November 2020)

#### Trip Generation and Distribution

##### Trip Generation

Trip generation analysis is presented within the Transport Statement.

##### Proposed Trip Generation

The applicant used the TRICS database to determine the number of trips the development is likely to generate. For the residential trip rate calculation, the applicant used the following parameters:

- 03- Residential
- Houses Privately Owned
- 16-29 units
- Edge of Town

The parameters used for the TRICS interrogation are considered acceptable. The proposed total person trip rates generated by the TRICS interrogation for the residential land use were summarised in

the Transport Statement, as were the vehicle trip rates. The vehicle trip generation was determined to be:

- AM Peak: 1 arrival, 7 departures for a total of 8 two-way trips
- PM Peak: 6 arrivals, 3 departures for a total of 9 two-way trips
- Daily: 35 arrivals, 34 departures for a total of 69 two-way trips

#### Trip Distribution

No trip distribution exercise was undertaken as part of the Transport Statement. This is acceptable due to the low number of trips associated with the development.

#### Impact on the Highway Network

##### Junction Assessment

No junction assessment exercise was undertaken as part of the Transport Statement. This is acceptable due to the low number of trips associated with the development.

##### Delivery, Servicing and Refuse Vehicles

The Transport Statement states that the proposed internal road layout provides adequate turning space to allow a 10m refuse vehicle to access and depart from the site in forward gear.

A swept path analysis is included within Appendix G and illustrates the movement of a 10.2m refuse vehicle within the internal road network.

However, additional swept path analysis is required to demonstrate that a car can safely pass the refuse vehicle within the network.

##### Road Safety

Collision analysis has been provided by the applicant. A review of collision data, from 1 December 2014 to 30 November 2019 has been undertaken for the area from Tring Road (from which the proposed development would be accessed), its junctions with Wingrave Road and Lower Icknield Way (B489), the B489 junction with Little Tring Road (where the B489 bends to the north) and the B489 /Wingrave Road / Tringford Road roundabout.

While HCC is satisfied that there does not appear to be any concerning trends in the accident data, it should be noted that that data from 2020 has not been included within the review, this should have been considered as part of the most recent 5-year period.

##### Highway Layout

##### Access Arrangements

The proposed access to the residential development of the development will be from Tring Road via a new priority T-junction. The access is proposed to be located 2m further south than the location

proposed by the original submission. This is in line with the location proposed under the refused scheme (Ref: 20/01754/MFA).

Comments provided by HCC (received 22 July 2020) in regard to the refused scheme offered no objection to the proposed access arrangements.

Submitted visibility splays show an access road width of 5.8m and kerb radii of 7m and 10m.

Information should be provided for access gradient and will be required as part of a Section 278 Agreement submission.

Further information should be provided on the proposed internal development, including road widths. A pedestrian footway is proposed to the front of dwellings 1-6. This will connect to the existing 2m wide footway network located at the Tring Road / Grange Road junction, providing connectivity to the village.

#### Visibility

Appendix F includes the proposed junction visibility splays. The junction provides adequate visibility, 76m of visibility can be achieved to the right, and 43m to the left. The drawings indicate that vegetation, within the visibility splay to the right, will need to be cut back. Originally the applicant intended to extend the 30mph speed limit past the site access by way of a TRO contribution to assist in reducing vehicle speeds in the vicinity of the proposed access. However, as part of the amended application this was no longer considered necessary.

#### Swept Path Assessments

Swept path assessments have been provided for a refuse vehicle accessing the proposed development site and using the internal road network and is shown in Appendix G of the Transport Statement. These are considered acceptable.

#### Accessibility

##### Public Transport Bus

The closest bus stop to the proposed site is on Tring Road, approximately 270m from the site entrance.

The north and southbound bus stops are served by the 164, 167 and 207 services.

- 164 - circular bus route from Aylesbury via Tring and Cheddington. There are six services per day.

- 167 - Ivinghoe - Leighton Buzzard. One service per day.

The southbound bus stop is sheltered, has a timetable, and flag. The northbound bus stop has a flag and timetable only.

This development is not of a size that would generate developer contributions that would facilitate a bus service diversion or increase in

services, nor patronage to make any such diversion/ service increase viable in the long term. This potential for this site to be sustainable appears limited.

#### Rail

Cheddington rail station is located 5.7km north of the site. The station is operated by West Midlands Trains and provides hourly direct services to London Euston, Milton Keynes Central and Northampton.

Public transport to the station is a limited throughout the day; however, the station offers car parking to be use by commuters who wish to travel to London, Milton Keynes or Northampton via train.

#### Walking and Cycling

The updated Transport Statement provides a review of walking and cycling accessibility, as well as local amenities, within the area.

There is currently a footpath on the western side of Tring Road that runs alongside the residential properties up to Wilstone Villiage Hall. Between the Village Hall and the Bus Stop on Tring Road, closest to the proposed development, there is no formal footpath with only a grass verge available.

Updated proposals outlined within the Transport Statement allow for pedestrian access from the site on the eastern side of Tring Road to Grange Road, where pedestrians can walk on a traffic free route into Wilstone via a track which connects the east of Grange Road to Rosebarn Lane.

To promote active travel, and make walking a viable option from the site, developer contributions should be put forward for improvements to the footway provision. This will support Hertfordshire County Council's Transport User Hierarchy which supports greater and safer use of sustainable transport modes. The applicant also states in the Transport Statement that a footway would be provided along the site frontage linking to the footway provision at the junction of Tring Road and Grange Road.

#### Parking

##### Car Parking Provision

DBC adopt a zonal approach to parking in Dacorum. Wilstone is located in Zone C. Dacorum Borough Council set out the following parking standards for C3 residential developments (allocated parking):

- 1.25 spaces per one-bedroom dwelling;
- 1.5 spaces per two-bedroom dwelling;
- 2.25 spaces per three-bedroom dwelling; and,
- 3 spaces per four-bedroom dwelling.
- Plus an additional 0.2 unallocated parking spaces per dwelling, with 5% of all parking spaces provided as disabled parking spaces.

Based upon the above, a maximum of 27 allocated spaces should be provided for the dwellings, 3 visitor parking spaces, and 1 disabled parking space.

The applicant outlines that parking is proposed in in a mixture of on and off plot spaces. Amended plans show an average of 1.5 allocated spaces per 2-bed dwelling and an average 2.25 allocated spaces per 3-bed dwelling. An additional two visitor spaces and one disabled space is also provided. This totals 30 parking spaces. 30 spaces is over the recommended maximum provision which is counter to HCC's LTP4 which aims to promote active travel over the use of private vehicle. HCC does not support an overprovision of parking; however, given the rural nature and location of the site, this would not be a reason for HCC to recommendation refusal of the application.

Each dwelling will be provided with active charge points, in line with guidance from DBC's Parking Standards Supplementary Planning Document November 2020.

#### Car Parking Layout

The applicant outlines that parking is proposed in in a mixture of on and off plot spaces. On-plot spaces will be tandem spaces. An additional two visitor parking spaces and one disabled space are also proposed within the site. No garaging is proposed with all provision in the form of surface parking. This is acceptable.

#### Cycle parking provisions

Dacorum Borough Council Car Parking Standards for residential use state that 1 cycle parking space should be provided per unit if there is no garage or shed provided.

The Transport Statement states that the rear gardens will provide the opportunity for residents to securely store bikes. This is acceptable

#### Travel Plan

Neither a Travel Plan nor Travel Plan Statement have been provided as part of the application. However, due to the size of the proposed development, this is considered acceptable.

#### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure that construction vehicles will not have a detrimental impact in the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety.

#### Section 278 Agreement

A S278 agreement would be required for any works within the highway boundary, including improvements to the existing site access.

	<p>Planning Obligations / Community Infrastructure Levy (CIL)</p> <p>Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate.</p> <p>Hertfordshire County Council would seek for S106 developer contributions to support improvements to pedestrian infrastructure on Tring Road. Section 106 contributions would be requested in line with HCC's Planning Obligation toolkit (January 2008) which requires the following fees per dwelling type to be SPONS index linked to July 2006 from the point at time at which the figure is calculated.</p> <p>Out of town centre: £625 per 1 bedroom dwelling, £750 per 2-bedroom dwelling, £1125 per 3-bedroom dwelling and £1500 per 4+ bedroom dwelling.</p> <p>Assuming 10 x 2-bedroom dwellings and 5 x 3-bedroom dwellings, the total contribution would be £13,125 – SPONS indexed linked to July 2006.</p> <p>Summary</p> <p>Hertfordshire County Council (HCC) as Highway Authority does not wish to object to the proposed application subject to suitable planning conditions.</p>
<p>Hertfordshire County Council – Lead Local Flood Authority</p>	<p>It is acknowledged that as LLFA we have previously provided comments on application reference 20/01754/MFA in our letter dated 09 December 2020 at this site, which was for the construction of 28 dwellings.</p> <p>We ask that the LPA and applicant reviews our response to application reference 20/01754/MFA with regards to site specific comments and walkover which were undertaken in November 2020.</p> <p>As LLFA we previously provided comments in our letter dated 30 April 2021.</p> <p>The applicant has provided the following additional information in support of the application:  - Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024_8180891_CS_Technical Note, prepared by Glanville.</p> <p>The applicant has previously provided the following information in support of the application:</p> <ul style="list-style-type: none"> <li>• Flood Risk Assessment and Drainage Statement, Tring Road, Wilstone, Ref: 022_8180891_AP_FRA_&amp; Drainage_Statement, Issue 6, dated 26 March 2021, prepared by Glanville.</li> </ul> <p>We can provide the following comments regarding the additional information submitted.</p> <p>Regarding adequate management and treatment of surface water, the</p>



applicant has detailed how the entirety of the access road has been converted to permeable block paving. Permeable paving provides water quality treatment as water percolates through the pavement layers. Therefore, surface water run-off from the access road will be adequately treated prior to discharge off-site.

This is shown in the Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021.

Regarding justification of SuDS features, the applicant has now provided justification on the need for underground crates, which are being provided as high porosity permeable paving sub-base.

Regarding clarification on modelling and calculations including provision of half drain down times. The applicant has now provided the 1 in 1 and 1 in 30 output. Regarding half drain down times, the applicant has provided an explanation of the findings shown in the MicroDrainage software, and instead included calculations they have undertaken using depth hydrograph tables and the attenuation features (storage structures). This shows that half drain down times are achieved within 24 hours for the 1 in 100 year plus 40% for climate change event.

Regarding the supporting information provided for 20/01754/MFA, the applicant has now submitted the Technical Note provided in support of application reference 20/01754/MFA, this is shown at Appendix F of the technical note submitted.

With regards to groundwater, the applicant has undertaken groundwater monitoring in October/November 2018. The applicant has also undertaken additional groundwater monitoring between November 2020 and January 2021.

The applicant has detailed how groundwater levels for the site (at boreholes WS1, WS4 and WS5) are at 1.04m, 1.12m and 0.69m bgl at their highest level respectively. The applicant has provided the groundwater monitoring results at Appendix G. From a review of Appendix G, a groundwater level of 0.28mbgl was also recorded (at WS2) however, as a location plan has not been provided, we have been unable to determine the locations of the recordings on site.

Due to high groundwater levels on the site, as part of the detailed design, the applicant will need to demonstrate that the site is being adequately secured against groundwater, by lining all SuDS features and mitigating against the affects of groundwater on site.

The applicant has detailed how a number of measures have been proposed to mitigate against high groundwater levels, including the raising of ground and finished floor levels above the existing ground level and lining drainage features (e.g. permeable paving and crates). The applicant has detailed how floatation calculations will be carried out as necessary at detailed design stage, ensuring risk mitigation.

To be secured by way of condition, we recommend that due to the site being impacted by groundwater levels, the applicant should undertake

an assessment of this flood risk and its mitigation. In addition to details on how the site drainage features will be secured against groundwater.

The drainage strategy is based on permeable paving with sub-base and geo-cellular storage with discharge at 2l/s into a ditch, which then immediately discharges into the Grand Union Canal.

On the basis that the applicant agrees to address any outstanding clarifications as part of the detailed design and agrees to the below pre-commencement condition, as LLFA we can advise the LPA we can remove our objection on flood risk grounds.

In order to secure the final detail of the drainage scheme, we therefore recommend the following conditions to the LPA should planning permission be granted.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024\_8180891\_CS\_Technical Note, prepared by Glanville and the Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021, prepared by Glanville and the following mitigation measures:

1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the ditch on site before ultimate discharge into the Grand Union Canal.
2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy utilising lined permeable paving with sub-base, attenuation crates and flow control with piped connection into the ditch.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

#### Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flooding and Drainage Technical Note, Issue 2, dated 12 May 2021, Ref. 024\_8180891\_CS\_Technical Note, prepared by Glanville and the Indicative Surface Water Drainage Strategy, Drawing No. 8180891\_SK11, Rev. P2, dated 11/05/2021. The scheme shall also include:

1. As the site is impacted by groundwater, a location plan showing groundwater monitoring locations and associated results, an assessment of this flood risk and its mitigation. Details on how the site drainage features will be secured against groundwater should also be provided.
2. Provisions for maintenance of the ditch to ensure suitability for conveyance of the site discharge to the canal.
3. Provision of a detailed catchment assessment of the ditches / potential ordinary watercourses, ensuring effective management of this risk.
4. Full CCTV survey and condition assessment of the connection between the ditch and the Grand Union Canal, along with any maintenance or remedial works.
5. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting detailed contributing area plan.
6. Demonstrate appropriate SuDS management and treatment for the entire site including the access road.
7. Provision of half drain down times within 24 hours.
8. Exceedance plan for events greater than the 1 in 100 year plus 40% for climate change event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

### Condition 3

Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of as built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and

	<p>drainage network.</p> <p>4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p> <p><u>Informative to the LPA / Applicant</u></p> <p>We request that the LPA inform the LLFA if planning permission is granted, as we as LLFA will undertake an assessment of the ditches on and around the site to determine if they should be classified as ordinary watercourses; this also includes the ditch alongside Tring Road, at the proposed site access. As a result of this assessment, if the ditches are determined to be ordinary watercourses, the construction of the proposed outfall headwall into the ditch, along with any modifications to the ditch as a result of the site entrance will require prior written consent from the Lead Local Flood Authority (Hertfordshire County Council) under the Land Drainage Act 1991. Land drainage consent is needed regardless of any planning permission. For further guidance on ordinary watercourses please see our ordinary watercourses webpages:</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx</a></p> <p>We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.</p> <p>We understand that the applicant also owns the land between this site (the red line boundary) and the ditch bounding the northern part of the field (where the site discharges into the canal). We would recommend that the LPA obtains from the applicant easements so that this pipe can be maintained in perpetuity for the lifetime of the development.</p> <p>If the LPA decides to grant planning permission, we wish to be notified for our records.</p>
<p>Conservation and Design</p>	<p>This is a field to the north east of the centre of Wilstone. Modern post war housing lies between this and the historic village core with its listed buildings and conservation area. The impact on these heritage assets would therefore be minimal. Nearby to the north is the Aylesbury Arm of the Grand Union Canal. This has a number of listed structures namely a bridge and the locks. The impact upon the significance of these would be at a nominal level due to the distance to the site and the intervening vegetation. This impact would be a minor change in character from the wider setting of agricultural land to that of a developed space. The view back towards the village can be appreciated from the bridge looking towards Wilstone where the new housing is visible across the field.</p>

	<p>The character of the immediate area is that of mature front gardens with houses set back from the road. The houses to the roadside are single storey bungalows with pyramidal roofs</p> <p>The proposed new housing has been reconsidered since the earlier proposal. We believe that it and the layout are now in keeping with the general character of the area. They would reflect and respond to the general character of the village and the mix of house types would add to the visual interest when entering the village. This and the review to ensure that the housing to the street faces the village and appropriate boundary treatments are to be used would ensure that overall the scheme would be successful.</p> <p><b>Recommendation</b></p> <p>The proposal would not cause harm to the designated heritage assets or their setting. The design, layout and materials are now appropriate and in keeping with the character of the area. As such we would not object to the proposals. External materials, hard and soft landscaping subject to approval.</p>
Environmental Health - Contamination	Comments awaited
Environmental Health – Noise and Pollution	<p>The development is outside aircraft noise and other transportation noise significance contours. The site is also outside the Air Quality Management Zone.</p> <p>Due to the limited scope of the development it is considered that the proposals will not negatively impact on neighbouring property.</p> <p>I therefore have no objection to the application</p>
Trees and Woodlands	<p>According to the information submitted no trees will be adversely affected by the proposal. The applicant has indicated within the 'Site Plan' a number of new tree plantings for the proposal. However, no further information relating to either a tree planting scheme or aftercare programme has been submitted. Consequently, I require the applicant to provide further information relating to tree planting. This should include species, location, size, and aftercare, all in accordance with current best practice.</p>
Canal and River Trust	Comments awaited
NATS Safeguarding	Comments awaited
Thames Water	Comments awaited.

## APPENDIX B: NEIGHBOUR RESPONSES TO CONSULTATION FROM 1<sup>st</sup> APRIL 2021

Address/Neighbour	Comments
17 Dixons Wharf	<p>Planning application reference: 20/01754/MFA was recently refused on the following grounds:</p> <p>"The proposed development, by reason of its scale and siting, would result in a disproportionate extension to the village and result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not currently able to demonstrate a five year housing land supply, the Council is not satisfied that the benefits of allowing the development would clearly outweigh the harm to appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements under paragraphs 77 and 78 of the NPPF".</p> <p>This application is for development of the same site and all of the above applies equally to this application as it does to the one refused. While it may relate to 15 rather than 28 dwellings, this is still the same site (acknowledged as being inappropriate for development as greenfield land that has not been allocated for development), and it would result in significant harm to the appearance and character of the countryside.</p> <p>It is therefore inconceivable that the local planning authority would consider granting permission to this application, having refused the previous one for the reasons stated.</p> <p>Furthermore, as a professional ecological consultant of 20 years who sits on the Institute's Professional Standards Committee, I would also be keen to talk to you about the biodiversity metric recently carried out and supplied with the revised application. It seems to suggest that the creation of an area of 0.01 ha of woodland habitat outside of the site (that's 10m by 10m, which probably wouldn't even qualify as a small copse) would offset all of the other impacts to biodiversity relating from this development <u>and</u> generate a 50% improvement upon that baseline. Logically, you can see why that would be difficult to comprehend and I would strongly question that conclusion.</p>
22 Dixons Wharf	<p>Why is a development on a green field even being remotely considered?</p> <p>There are plenty of brownfield sites in the area which would benefit from development. Please don't permit building on a green field, or it is the beginning of the end.</p> <p>Green fields define the area and are crucial for the health of the local environmental.</p> <p>There is a complete lack of infrastructure to support yet more houses - schools, roads, sewage, etc</p> <p>The proposals will also bring yet more traffic to the area.</p>

7 The Green	<p>15 Houses were proposed in 2019 and rejected. Then in 2020, 28 houses was also turned down on the same site.</p> <p>My objections are the same now as in 2019. The development is out of proportion to the size of Wilstone. Wilstone is identified in the core strategy as a small village and should be protected. Wilstone has no schools, employment, library, doctors, dentist, pharmacy and limited public transport.</p> <p>There is already plans for 6 houses to be built in Grange Road and another 6 on the next door site to this proposal. The other developments in recent years have been brown field sites. This one is not.</p> <p>All the construction traffic will have to come through the village which has no footpath as the bridge is weak at the end of the village.</p> <p>The houses were rejected by DBC in 2019 and nothing has changed. These houses should not be approved.</p>
8 Grange Road	<p>With reference to the above planning application, I was pleased to see that Tring Rural Parish Council objected to this proposed development due to the harmful and detrimental impact on the biodiversity of the area.</p> <p>These houses will be mainly for new residents and NOT affordable to the youngsters of our village. Our village although thought to be mainly older residents living here, have like our household 3/4 generations to move into any homes that become vacant, thus keeping the younger residents in the village.</p> <p>Our village is in keeping with areas of outstanding natural beauty. The Biodiversity on the land proposed is full of Nature. We have deer, badgers, foxes, owls, toad and frogs, newts abundant as well as other amphibians. There are nesting birds all along the canal as well as skylarks, partridge, ducks, wagtails and many more using the field proposed.</p> <p>There are Bats using the trees which fly pass my house during the summer.</p> <p>This is a Greenfield Site and SHOULD remain so.</p> <p>Our village is a very quiet place with very little crime, adding such a lot of extra houses could bring in unnecessary trouble.</p> <p>There are hundreds of new houses being built both sides of Aylesbury and we are the first REAL Village near these where people are able to walk and enjoy this peace we enjoy in OUR Village and the surrounding countryside. I have written before stating my opinion as to the "facilities" being not adequate for extra housing.</p> <p>Also, WHERE is the mentioned employment coming from within our village? Other from the pub which has already local residents as employees, there is the Community Shop run by volunteers of which there are several local youngster, ( perhaps learning a trade that could be useful for their future), and a family run Farm Shop where all the family work, employing a few local youngsters.</p> <p>SO it is not exactly a thriving employment area as has been suggested.</p>

	<p>My opinion as I am sure I needn't state, is an OBJECTION to the new proposed development.</p> <p>I wish, at this point in time, to also OBJECT to the further proposed 6 house to be built the other side of the Bridge, also for the same reasons as above.</p>
41 Grange Road	<p>This construction would ruin the general dynamics of the village. 15 dwellings shoehorned into a potential floodplain has problems written all over it.</p>
The Mill	<p>This opportunistic and speculative application must be refused.</p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>1. Overdevelopment of rural location.</li> <li>2. Road safety - the site is on a blind bend near a canal bridge, totally unsuitable for access.</li> <li>3. Drainage - it is known that the water table is very high in this site and there is insufficient drainage already for the surrounding properties.</li> <li>4. Insufficient infrastructure - this is blatant overdevelopment of a village already spoiled by numerous recent developments.</li> <li>5. Traffic - there are already safety concerns re site traffic, the school bus service will be adversely affected.</li> </ol> <p>Please refuse this application, there is no need for further unaffordable housing in this village as seen by the number of unsold recently built properties which have blighted the village.</p> <p>The application conflicts with the following local policies:  CS1  CS2 outside village boundary  Poor Accessibility  Greenfield site</p> <p>A totally inappropriate development all round.</p> <p>Stop the decimation of this former 'village' by greedy property speculators who have totally ruined its character and spirit.</p>
9 New Road	<p>I understand a previous application for 15 houses on this site has already been declined by Dacorum planning, as it is not an efficient use of the land, so why has this been made again?</p> <p>In the past year the site has flooded several times so there can be no doubt of increased flooding in the local area.</p> <p>The entrance to the development would be between a single back hump back bridge and a corner entering the village making access dangerous.</p> <p>The field is a green field site.</p> <p>The current infrastructure of the village is already struggling, low water pressure and the pumping station cannot cope with the current demands,</p>



	<p>what will be planned to support them?</p> <p>Local amenities like Tring School is already fully subscribed, this is before the huge development on Icknield Way - where will the children go to school. Local doctors, dentists, Orthodontists are full.</p>
13 New Road	<p>It is not clear to me why this development is again being accepted for planning consideration. It is not compliant with the Dacorum settlement hierarchy, being in an area designated as not suitable for major developments.</p> <p>The previous proposal for 15 houses was rejected by the planning officer when last submitted, and an application for 28 houses on this field was rejected on grounds of being non-compliant with local and national planning policies.</p> <p>I objected to the previous applications on this field and my objections all apply to this application.</p>
Garden Cottage, Rosebarn Lane	<p>As a resident of Rosebarn Lane, I am concerned that because the farmer will lose access to his land on Tring Road he would then have to drive his heavy machinery up Rosebarn Lane. The Lane would be extremely muddy during the wet winter months. During this past wet winter it was so muddy and flooded that it was almost impossible to get to the allotments.</p> <p>The sewage pumping station is already totally inadequate and there is frequent sewage flooding and an unpleasant smell.</p> <p>All schools and Doctor's surgeries are already over-subscribed and there are huge housing developments being built in Tring which will put even more strain on these services.</p> <p>The only road through the village is narrow and there is no footpath in parts. At its narrowest point, heavy machinery would be passing only a meter away from the front windows and doors of very old cottages. There are many very old buildings in the village and the constant passing of these vehicles could cause structural damage.</p> <p>The bridge over the canal is extremely narrow and not designed to bear the weight of heavy machinery.</p>
Kingfishers, Sandbrook Lane	<p>The NPPF makes it clear that development must not compromise the protection given to areas or assets of particular importance in the NPPF. We believe the proposal does compromise the protection afforded and will have a harmful and detrimental impact on the character of the area.</p> <p>Central to our objection for this application is the definition of Local Housing Need, policy CS20 and the Settlement Hierarchy.</p> <p>This 15-unit scheme proposal does not accord to local planning policy CS20. Any homes built on this site will be sold at 80% of open market prices and offered to purchasers across the borough. These are homes that will not be affordable to parishioners, in housing need on local salaries.</p> <p>The background section of the case officer's report, for a larger application</p>

	<p>on the same land (20/01754/MFA - refused 17 December 2020[see below*]) substantiates that the provision of an Entry Level Exception Scheme ELES (as provided in this re-submitted application) would be in clear conflict with paragraph 77 of the NPPF to meet the requirement for rural housing to address local needs and would fail to meet those requirements under Policy CS20.</p> <p>We concur with the case officer that this and the related application under appeal, are wholly inappropriate for Wilstone and the open countryside. The Rural area is protected in Dacorum's Core Strategy by Policy CS7. The policy clarifies that, "These are the least sustainable areas of the borough, where significant environmental constraints apply. These include areas of high landscape quality, such as the Chilterns Area of Outstanding Natural Beauty, and the countryside between settlements. This needs to be protected to ensure its rural character is retained and settlements keep their separate identities."</p> <p>Crucially, in the knowledge that applications 4/00024/19/MFA, 20/00754/MFA and 21/00854/FUL are all linked, either by the same landowner and/or the same agent, the community are also understandably concerned that these 3 separate applications, in clear conflict of materially important planning considerations, may jointly or severally have significant implications for the village.</p> <p>There is bound to be a significant increase in traffic and the sharp bend on Tring Road opposite the village hall is a blind turning with no pavement and is an obvious danger to pedestrians.</p> <p>The sewage pumping station in Sandbrook Lane is almost at full capacity resulting not only in frequent odours which spread across the village but has had a recent cracked pipe which led to an approximate week long convey of lorries down Sandbrook Lane to solve the problem.</p> <p>It cannot cope with the increase in sewerage.</p>
10 Tring Road	<p>My comments on the updated flood risk assessment and drainage assessment issued on the 26th March are as follows:</p> <p>Whilst 1.5 states "the site is not at risk of flooding and can be developed safely without increasing flood risk elsewhere." I disagree with this completely. The conclusion states that the report demonstrates that suitable provision for the disposal of surface water from the proposed development is "capable of being provided". However, we have recently experienced failures of the sewerage/drainage system in both Wilstone and Long Marston. The pumping station in Wilstone is already inadequate to deal with the problems we currently have.</p> <p>Point 2.16 states that surface water drains to an existing ditch at the north of the site. However, during the recent flood events that we have experience in Wilstone this winter (2020-21) the ditches have been full, including the ditch to the north of the site referred to in this report. Point 6.7 of this report states that "it is proposed to discharge runoff from the site into the ditch located at the northern end of the agricultural field..." However, this ditch was already full during the most recent flooding incident and does not have the capacity</p>

to take the run-off.

Point 2.8 states that high ground water levels were found (resulting in infiltration techniques being unsuitable for this site): It is correct that ground water levels are high in Wilstone and that there is insufficient capacity for excess water to dissipate into the ground during flood events. This is why we have ditches and swales in this area but the ditch to the north of this site has already exceeded its capacity this winter.

Point 4.11 states that there has been a history of flooding along Tring Road between the site and the village; based on anecdotal reporting and evidence this flooding is associated with the existing highway drainage which is likely to be in need of repair and or capacity upgrades to mitigate this source of off-site flooding. We experience flooding along Tring Road and the the flooding is not just associated with the existing highway drainage. In the time that I have lived in Wilstone I have also seen water running down Rosebarn Lane onto Tring Road towards the bourne that runs down Tring Road and to the back of the village hall. The natural flow of water in Wilstone is towards this bourne. Building on this site will increase the risk of flooding.

Point 6.3 states that the Building Regulations part H3 stipulates that rainwater from roofs and paved areas is carried away from surface to discharge to one of the following, listed in order of priority: a) An adequate soakaway or some other adequate infiltration system; where that is not practical; b) A watercourse; or, where that is not practical c) A sewer. However, the sewerage system is overloaded in Wilstone, discharging more water to the ditch at the north of the site would be irresponsible as it is already overloaded and infiltration is not suitable on this site.

The report states in 4.3 "The mapping indicates that the entirety of the site is at a very low to low risk of surface water flooding. As such, the development is not considered at risk from surface water flooding." I have lived in Wilstone for more than 20 years and have over this time frequently observed flooding in the surrounding fields. Therefore I disagree with this.

The report states in 4.5 "The mapping does not indicate any groundwater flood events occurring within the boundary or vicinity of the site." In the time that I have lived in Wilstone I have observed groundwater flooding events in Wilstone including on the surrounding fields. As previously stated during the most recent flooding events in Wilstone the ditch to the north of this site was full and therefore I believe groundwater flooding events could occur on this site.

Point 4.7 states that "The site investigation did indicate the presence of groundwater below ground; however, there are no historic events of groundwater flooding occurring..." During the most recent flooding event I witnessed water forcing its way up through the manhole cover at the corner of Tring Road near the village hall. Therefore I disagree with the conclusion that "...it is considered that flooding from this source is considered low."

Point 4.10 of the report states "The postcode district associated with the development (HP23) has no historical recorded incident of sewer flooding." We have seen repeated incidents of sewer flooding in Wilstone; the pumping station is already inadequate.

Point 4.12 states "The proposed surface water system will be designed to accommodate surface water runoff generated from the new development from rainfall events up to and including the 1 in 100 year rainfall event as well as a 40% increase in rainfall intensity as an allowance for the potential effects of climate change. ....". We are already seeing flooding in Wilstone so the drainage proposals are not adequate to allow for climate change.

Point 4.13 states "...the site is shown to be located within a reservoir flood risk area....The site is considered to at low risk of flooding from all other sources examined with the possible exception of localised highway flooding which would not be expected to extend back into the site. The proposed development of the site is therefore appropriate in flood risk terms according to the NPPF." I believe that flooding on this site is possible because the ditch already floods and some of the fields around Wilstone occasionally flood. I also consider it will increase the risk of flooding elsewhere and therefore I consider it is not appropriate in flood risk terms according to the NPPF.

Point 5.5 states: "The site is considered to be at low or very low risk from all sources of flooding." This statement is incorrect, the site is not at low risk from all sources of flooding.

Point 6.15 states "As a result of the development flood risk will not increase either on-site or elsewhere". This statement is not correct and the report does not demonstrate that it won't.

In the summary and conclusions:

Point 7.3 states: "The site is considered to be at low to very low risk of flooding from all sources examined." The site is not at low risk from flooding.

Point 7.5 states "In line with the drainage hierarchy and the groundwater constraints, the strategy involves discharging surface water into the local watercourse." Running any more water into the 'local watercourse' would be grossly irresponsible.

Point 7.8 states "As a result of the development flood risk will not increase either on-site or elsewhere." This is not correct. We have seen flooding this winter and we [the people who live here] know that flooding does occur both here and in Long Marston.

Point 7.6 states "Attenuation storage will be provided within the deepened sub-base of the proposed roads, parking bays and driveways to ensure that flooding from the network is suitably contained within the site for the 1 in 100 plus 40% climate change storm event." The water table in Wilstone is high already (as this report states). The storage proposals are grossly inadequate. To mitigate the risk of flooding on this site you would need several large additional swales, extra ditches, large mature trees of species that both like water and take up a large amount of it, plus sufficient space for these trees to grow to maturity without their branches or root systems damaging the nearby properties.

Both the report and the proposals to mitigate flooding are grossly inadequate.

With respect to the rest of the application:

The biodiversity report states that arable field has no ecological value. We do see a wide variety of migratory bird species visiting Wilstone, including birds that feed on the arable fields at different times during the crop cycle. I have also seen sand lizards on the fields around Wilstone, presumably attracted to the insect life. Previous developments in and around Wilstone have been development of brownfield sites; loss of this field would represents the loss of a greenfield site. And yet nobody locally would benefit from the development.

Wilstone is a small rural village and in proportion to Wilstone the scale of this development is a large-scale development which is out of keeping with the character of the village.

#### Additional Comments

This is a response to the Land off Tring Road, Wilstone, Hertfordshire Flooding and Drainage Technical Note from Glanville consultants dated 12th May 2021.

The updated flood risk assessment and drainage assessment issued on the 26th March stated under point 2.8 that high ground water levels were found (resulting in infiltration techniques being unsuitable for this site): It is correct that ground water levels are high in Wilstone and that there is insufficient capacity for excess water to dissipate into the ground during flood events. This is why we have ditches and swales in this area and trees like black poplars to mop up the water (but which also have to be pollarded if near to properties).

As already stated the ditch to the north of this site to which the developer intends to discharge water has already exceeded its capacity this winter.

In the latest technical note Glanville Consultants state:

"2.3 [GC] In order to address HCC's concerns regarding water quality, the entirety of the access road has been converted to permeable block paving. Permeable paving provides water quality treatment as water percolates through the pavement layers. Therefore, surface water run-off from the access road will be adequately treated prior to discharge off-site. An updated drainage strategy drawing demonstrating this strategy change is included in Appendix B"

However permeable paving will not be able to provide adequate water treatment because the system already has insufficient capacity.

Glanville Consultants state:

"2.5 [GC] The connection between the site and the ditch has been provided as a piped connection in order to minimise impact on the adjoining field. The site drainage system provides adequate water treatment, and as such providing this connection as a swale /ditch is not required from a water quality perspective."

However, the site drainage system does not provide either adequate water

treatment or capacity and the ditch was already full this winter. If a development were to go ahead a swale would be required together with trees capable of dealing with the excess water; there would also need to be sufficient space for the trees to reach sufficient size to be able to deal with the water without either their branches or root systems interfering with either the new, or with existing properties.

Glanville consultants state:

"2.6 [GC] The connection will be subject to the same management and Maintenance Plan as the site drainage system and therefore will be appropriately managed and maintained in perpetuity for the lifetime of the development."

This is nonsense: The site drainage system already has insufficient capacity and there is no plan either to maintain it, to put swales in, or to maintain the trees that would be required to deal with the excess.

Under 2.15 Glanville Consultants state:

"2.15 [HCC] In addition, from a review of the 1 in 100 plus climate change results, half drain down times have been unable to be calculated as the structure is too full."

The whole system is already full at times of peak rainfall.

Under the summary and conclusions Glanville Consultants state:

"3.2 A suitable surface water drainage strategy has been proposed. This replicates the existing situation, by discharging flows off-site through a piped connection into the Grand Union Canal. By capturing and attenuating flows, the proposed development will reduce run-off from the site and therefore will result in no increase in flood risk to the site or surrounding area."

This conclusion is incorrect and it is nonsense. From the point at which I was standing in flood water this winter in Wilstone the ditch that the developers are proposing to discharge water into was clearly visible upstream of where I was standing. Without large swales and trees to mitigate the risk this development presents an increased flood risk to the surrounding area. Water will not reach the Grand Union canal unless someone pumps it there and keeps pumping; this is not desirable from the perspective of sustainability. Even if somebody does pump water into the canal the canal also overflows downstream. It also still leaves the problem when the pump fails.

Under the summary and conclusions Glanville Consultants also state:

"3.3 This assessment has concluded that the site is at low risk from all sources, and that the proposed development will not increase flood risk to the surrounding areas. Appropriate mitigation measures, such as the raising of finished floor levels, have been proposed to mitigate against any residual risk posed by any flood source."

If that's what this assessment has concluded then this assessment is wrong.

	<p>It is not possible to reconcile the various reports and calculations from Glanville consultants saying that this site is at low risk of flooding or that it presents no increase in flood risk to the surrounding area with the experience that those of us who live here have had standing in flood water this winter. For somebody who has lived in Wilstone for more than two decades and who has experienced several flood events here it is also not possible to reconcile our experience of flooding here with Glanville Consultants' claims concerning "30 year" or "100 year" floods.</p> <p>This proposed development is a large-scale development relative to Wilstone and the revised responses are inadequate.</p>
21 Tring Road	<p>Objection to 4/00024/19/MFA - 15 new two storey dwellings (including two and three bedroom dwellings).</p> <p>This application forms part of the larger location site for a recently refused application (20/01754/MFA - construction of 28 dwellings).</p> <p>The report stated that:</p> <p>4.6 I believe that these properties are not required to meet a local/Parish housing need.</p> <p>4.7 Nor would they be suitable for first time buyers. These entry level homes would not address the requirement for rural housing under the Framework and would fail to meet the requirements under Policy CS20 of the Core Strategy.</p> <p>This proposed development does not deliver significant social and economic benefits in the form of housing and affordable housing and would not support the sustainable development of the village of Wilstone in accordance with the NPPF. The benefits do not weigh in favour of the grant of planning permission.</p> <p>There is no natural boundary beyond the development line of housing to the north west of the site and the remainder of the field towards the canal. To grant planning permission for this application would set a precedent for development of the remainder of the field immediately adjacent to this site and which was subject to the previously refused application for 28 dwellings (20/01754/MFA).</p> <p>In our opinion, the reason for refusal for application 20/01754/MFA is equally applicable to this application, 4/00024/19/MFA:</p> <p>The size and scale of this proposed development is disproportionate to the village and will result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy.</p>
55 Tring Road	<p>There appears to be two applications for the same site. This application 4/00024/19/MFA for 15 dwellings and application 20/01754/MFA for 28 dwellings.</p> <p>This application represents a 5% increase in the total number of dwellings in</p>

	<p>the village of Wilstone, a significant increase for a small village within the rural area.</p> <p>The village offers no amenities other than a pub and a volunteer run village shop for a village in excess of 300 households.</p> <p>The resulting increase in traffic through the village and demands for parking places disproportionate strains on the infrastructure and an increased risk for pedestrians. Furthermore the entrance / exit to the dwellings is close to a hump back bridge with restricted visibility and poses an additional risk to accidents.</p> <p>The development on a green field site, sets a dangerous precedent for future builds, given that previous developments to date, have been on brown field sites.</p> <p>The planning application states that the site is at a low to very low risk of flooding. However there have been various recent flood events in Wilstone and Long Marston.</p> <p>The water courses within the Parish are no longer fit for purpose with a devolved responsibility to Riparian Land Owners for their maintenance, which is clearly ineffective as is evident with several flooding events in Long Marston since 2014 and again as recently as 2020 and 2021 which has flooded properties.</p> <p>A drainage strategy that is dependent on run-off into ditches can therefore only result in an increased risk to an already existing local flooding issue.</p> <p>I understand that the Herts County Council Environment Resource Planning as LLFA were not consulted on the original application.</p> <p>However, they have since objected to application 20/01754/MFA and requested that their same objections apply to 4/00024/19/MFA on the grounds of flood risk and drainage concerns.</p> <p>I therefore object to this application on the above grounds.</p> <p>Additional Comments</p> <p>My previous comments and objection applies equally to the amended application.</p>
67 Tring Road	<p>We object for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is excessive to the requirement of the village as there has been significant new building projects completed in the village over recent years</li> <li>- noise and disturbance from such a large development</li> <li>- concerns over the access into the development just after a significant bend in the road and near a humped back bridge</li> <li>- concern about the amount of additional traffic using Tring Road and the</li> </ul>



	<p>weight restricted bridge</p> <ul style="list-style-type: none"> <li>- the development would be a visual intrusion from our property</li> <li>- significant style of design of neighbouring properties are bungalows and the two storey design would not be sympathetic to the surrounding properties</li> <li>- The current sewerage network in the village is inadequate for the existing demand, additional demand to make the situation even worse.</li> <li>- The surrounding area has been the subject is significant flooding requiring fire brigade attendance, a development such as this will heighten the flood risk significantly.</li> </ul>
70 Tring Road	<p>This application forms part of the larger location site for the recently refused application (20/01754/MFA - construction of 28 dwellings).</p> <p>In his report to committee, the planning officer considered this current application and how it differed from 20/01754/MFA (and why the latter was recommended for approval):</p> <p>4.6 The applicant's assumption is that they can pursue an affordable housing proposal delivering entry level homes in this location in accordance with Policy 71 of the NPPF. It is argued that such housings would meet a Borough wide housing need for this form of dwelling. It is contended that these properties are not required to meet a local/Parish housing need.</p> <p>4.7 The case officer does not agree that the provision of the entry level homes under 4/00024/19/MFA would be suitable for first time buyers and would comply with other policies in the NPPF regards Rural Housing (paragraphs 77-79). These entry level homes would not address the requirement for rural housing to address local needs under the Framework and would fail to meet the requirements under Policy CS20 of the Core Strategy.</p> <p>In our opinion, this proposed development does not deliver significant social and economic benefits in the form of housing and affordable housing and would not support the sustainable development of the village of Wilstone in accordance with the NPPF. The benefits do not weigh in favour of the grant of planning permission.</p> <p>There is no natural boundary beyond the development line of housing to the north west of the site and the remainder of the field towards the canal. To grant planning permission for this application would set a precedent for development of the remainder of the field immediately adjacent to this site and which was subject to the previously refused application for 28 dwellings (20/01754/MFA).</p> <p>In our opinion, the reason for refusal for application 20/01754/MFA is equally applicable to this application, 4/00024/19/MFA:</p> <p>The proposed development, by reason of its scale and siting would result in disproportionate extension to the village and result in significant harm to the character and appearance of the countryside contrary to Policies CS1, CS2, CS7, CS10 and CS20 of the Core Strategy. Although the Council is not</p>

	<p>currently able to demonstrate a five year housing land supply, the Council are not satisfied that the benefits of allowing development would clearly outweigh the harm to appearance of the countryside under paragraph 11 of the National Planning Policy Framework (NPPF) given that there would be a clear conflict with the requirements under paragraphs 77 and 78 of the NPPF.</p>
<p>86 Tring Road</p>	<p>We have written three times before in connection with applications on this site. Having read your detailed document, I endorse and support all the letters from those opposed to the development of the site. The points we would emphasise are:</p> <p>The report acknowledges at 8.2 that the proposals would increase the village by 10% and on this basis cannot be considered a “small development”. I would also add that it would be out of character with this small residential community.</p> <p>Under the headings of establishing precedents and infilling this is our main concern. The earlier housing proposal was to consider developing the land immediately between this proposal and the allotments, I believe that remains available. At earlier planning exhibitions in Wilstone Village Hall we saw proposals to develop the land both sides of canal bridge in Tring Road going towards the junction with Wingrave Road. The area of scrubland to the right of that junction near the back of Dixons Wharf has been bulldozed to clear the small trees and undergrowth to the detriment of the wildlife there – the only conclusion that can be drawn is in anticipation of obtaining planning consent. Continuing towards the village on the same side of Tring Road, there are rumours that the large garden to Loch View could be the site of further development.</p> <p>Our objection therefore is that by allowing this development to proceed it would create a precedent making it difficult to refuse planning consent on these further sites. In effect allowing infill and unfettered development that would irreversibly change the nature of this small community.</p> <p>Additionally, we believe the increase in vehicular movement has been underestimated as any observations undertaken during a national lockdown cannot be representative. At the very least the old canal bridge would be subject to further stress and a 20 mph speed limit all along Tring Road would be implemented. A speed limit and other traffic calming measures was the subject of a recent debate but did not see the referred to in this application.</p>
<p>Goodspeeds, Watery Lane</p>	<p>We consider the submission must be refused because in particular it does not support definition in the NPPF for development in rural or protected areas and Core Strategy policies; CS20, the Settlement Hierarchy, CS1, CS2 and CS7.</p>
<p>4 Wilstone Wharf</p>	<p>We object to the proposal for 15 Houses off Tring Road on the following grounds:</p> <p>The detrimental impact will have on the will have on the rural surroundings and the unsustainable load on the Villages existing infrastructure.</p> <p>The proposal does not accord to CS7 or CS20 the houses are not for 'Local</p>

	<p>Needs'. These housing units will not be a Rural Exception Scheme in the sense that they would offers affordable homes for local people in perpetuity. The proposals are stated as an Entry Level Exception Site aimed at meeting 'affordable' housing need in the Borough. The 'affordable' homes will be sold at 80% of the open market prices.</p> <p>Wilstone is classed as a Rural Area of Development Restraint. The application is in contravention of Dacorum's Core Strategy (Policy CS7 states that small scale development will be permitted provided it complies with Policies CS1 and CS2).</p> <p>The application is contrary to National Planning Policy Framework and not responsive to the local circumstances. The proposal doesn't maintain Wilstone's prevailing village character and would be harmful to the character and appearance of the village.</p> <p>The application site is outside the settlement boundary.</p> <p>The proposed footpath link is only relevant if the development is extended to the north of the site adjacent to the canal (as illustrated on the submitted plan).</p> <p>The development would have an adverse impact on the openness of the Rural Area Beyond the Green Belt and extend the village beyond its settlement boundary.</p> <p>Not a site allocated through the DPD.</p> <p>The development is on a greenfield site that is currently agricultural land.</p> <p>The development would set a precedent making it difficult to refuse future proposals for further development on greenfield sites in Wilstone and Long Marston further eroding the prevailing village character that the National Planning Policy Framework seeks to maintain.</p> <p>Local services are insufficient and cannot sustain the development and will lead to increased car journeys and increase traffic through the village.</p> <p>The current sewer system struggles with the current load and may not be able to cope with this increased load.</p> <p>Proposals for dealing with ground water are inadequate</p>
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**APPENDIX C – CONSULTEE COMMENTS FROM 2019**

<p>Tring Rural Parish Council</p>	<p>The site is on the very edge of Wilstone village. It is a large plot which could easily take up to 35 dwellings, not just the 15 that are subject to this application. The likelihood is that the developer will submit subsequent applications should this one be successful.</p> <p>The Housing Needs Survey conducted in Summer 2018 clearly identified the need for affordable housing across the whole Parish at 13 dwellings – a mix of 1, 2 and 3 bed properties. This application is for 15 dwellings in Wilstone alone that makes it well above the housing needs identified for the entire Parish. The mix of 2 and 3 bedroom properties is not appropriate to</p>
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what the Housing Needs Survey identified.

The application states that the dwellings are for entry level, affordable housing i.e. first time buyers and will be marketed at 20% below the market value. Whilst technically 'affordable' there is a question of affordability for first time buyers where 2 bedroom houses in Wilstone are currently being marketed at £325,000.

The developers approached Tring Rural Parish Council last Summer to discuss their plans. The council asked to postpone any discussions until the results of the Housing Needs Survey had been published. This application pays little or no regard to the Housing Needs Survey findings, or to the process that TRPC are currently following across the Parish to involve the public in open meetings designed to share information.

The site access has been moved from the existing gateway further towards Wilstone Bridge – a single track hump backed bridge with little room for manoeuvre. The reduced visibility over the bridge would make it harder for traffic to enter and exit the site safely. If a car or longer vehicle leaves the site and turns right whilst something is coming over the bridge, it is very tight and questionable whether there is enough room to avoid a collision. The existing speed limit is the national speed limit for this stretch of Tring Road. It was noted that, in the planning application documents, Herts. County Council would be asked to extend the 30 mph limit to encompass Wilstone Bridge and therefore the site access. TRPC would like to see traffic lights installed at the bridge to slow traffic down and make it safer for cars entering and leaving the proposed development as well as on Tring Road – traffic will increase on both sides of the bridge due to the Wilstone Wharf development and this potential development, currently only 15 houses but with land available for double that number.

Due to flooding further down Tring Road towards the village, the small Wilstone sewage pumping station and the "Wilstone sewage smell", TRPC would like assurance from Thames Water that the sewage pumping station has sufficient capacity for this development. If not, there needs to be an agreement between Thames Water and the developer that Thames Water will ensure any upgrades will be undertaken before the development is completed.

The planning application documents assume that the volume of water currently absorbed by the land will not reduce. It is noted that sink hole tests are being conducted on the site currently whilst it is still a field. However, a larger run off will be created by the hard standing from the development. It is unlikely the existing ditch will have the capacity to cope with this run off. TRPC would like to establish who owns the current ditch and where does the water go? If the ditch cannot cope, excess water could flow down Tring Road towards the terraced houses in Long Row which flooded in 2014, thereby causing them to flood again. Careful consideration must be given to the run off and the capacity of existing drainage channels. The Parish Council would welcome a conversation with the developer regarding the future of Wilstone Community Shop and how any development could support the Community Shop.

We therefore recommend the council raise a formal objection to this application.

Canal and River Trust	The Canal and River Trust has no objection to the proposed dwellings. It is not clear if the surface water drainage eventually enters into the Aylesbury arm of the Grand Union Canal via the field ditch. If this is the case the Trust will need to be made aware so they may consider any increase in discharge.
Environmental Health – Contamination, Noise and Pollution	We have no objection to the proposed development in relation to Noise, Air Quality and Pollution
Hertfordshire Constabulary	<p>I have no major concerns , however I would ask that the development is built to the police minimum security standard Secured by Design, this would involve :</p> <p><u>Physical Security (SBD)</u></p> <p>Layout - It's great to see allocated parking close to the houses , I do have a concern regarding the pathway at the back of houses 3 and 4 , if this is for the bins , I would ask that it is gated.</p> <p>Any ground level exterior windows to have been certificated to BS PAS 24:2016.  All exterior doors to have been certificated to BS PAS 24:2016, or LPS 1175 SR 2,  Lighting - timer, (motion sensor lighting has proven to be problematic) no bollard lighting.  Ensure that each dwelling boundary is secure at the side and rear.</p>
HCC Growth and Infrastructure Unit	Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.
Thames Water	<p>Waste Comments</p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A Groundwater Risk Management</p>

	<p>Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a>."</p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
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**APPENDIX D – NEIGHBOUR COMMENTS FROM 2019.**

Address/Neighbour	Comments
Cllr Hollinghurst	<p>I would object to this development which is contrary to the Core Strategy and will place a significant strain on the existing community facilities.</p> <p>The site is outside the village envelope and is not a site in the emerging Local Plan. There are other sites which should be considered in preference to this one.</p>
17 Dixons Wharf	<p>This proposal is significantly too large for the village and sets a dangerous precedent in relation to development on greenfield land within the context of a small village in a rural environment. The environmental considerations have been substantially underplayed, including the ecology of the area. The ecology report glosses over resources not found (on a single survey occasion) and uses the absence of historical records to suggest that species are absent, when in fact they are regularly present in the fields in this area, such as barn owl, skylark, lapwing and scarce breeding species including yellow wagtail. In addition to all of the other planning policies that would be breached by this application, there is no suggestion of the requirement to deliver biodiversity net gain (soon to become mandatory under the Environment Bill) and the plans reflect that with their tokenistic approach to landscaping, where significant and genuine gains are in fact needed to address the widely acknowledged climate and biodiversity crises. The infrastructure of the village is not in a condition or of a scale that would allow for the effective absorption of this many new residents and vehicles and</p>

	<p>should not be permitted. The many recent developments on brownfield land within and adjacent to the village have amply demonstrated the success of that approach to reinvigorating the village and allowing for small-scale expansion without threatening the character of the area, which it is vital to maintain. How will the delivery of environmental mitigation be secured? In a number of recent local cases, Section 106s haven't delivered, as there is no funding for follow up on implementation and/or enforcement by the LPA and so the commitments made are not followed up.</p> <p>Additional Comments</p> <p>The design and access statement references bird and bat nest and roost opportunities to be provided within the buildings themselves (nest and roost units). This very rarely happens in practice and resort is made to external boxes on trees. Building provisions are the better opportunity, so the LPA will need to ensure that the building contractors work to that specification from the very start, or it won't happen.</p> <p>The lighting strategy needs to be mindful of the above installations and sensitive to the environmental context of the site; there are owls (tawny and barn) and a number of bat species present in the area, plus deer, badger etc, so low intensity, hooded, shielded lighting should be used.</p> <p>How is it intended that pedestrians from the development access the canal towpath - there is no roadside kerb between the development and the bridge - the verge/roadside will be dangerous for pedestrians close to the bridge and regular pedestrian traffic will wreck the sensitive roadside verge (rough grassland, wildflowers etc)?</p> <p>The development could have benefit in providing a more secure future for the village shop and pub, but what other contributions are they being asked to make? The development will result in more local vehicle traffic and higher pedestrian numbers along the canal; the roads through Wilstone are already sensitive and the towpath is inaccessible in places during the winter due to mud and general poor condition. Contributions towards towpath repairs and upgrade and local public transport facilities should be sought.</p> <p>While the development appears to have broad regard to its environment, further specific biodiversity contributions should be sought in line with national and local policy and the delivery of net gain - particularly with respect to the detail of habitat/green spaces to be provided - wildflower meadow areas, pond?</p>
21 Grange Road	<p>With regards to the recent proposal of the construction of 15 new 2 storey dwellings off Tring Road, Wilstone, I have concerns on the following grounds:</p> <ul style="list-style-type: none"> <li>- Is the development really going to be affordable to local villagers who work in surrounding areas? I know the information attains that the houses will be available at 80% of normal house prices but is that in line with local wages and incomes? Or is the idea that the development will appeal to those who work in London and want to live in a quiet rural area?</li> <li>- I think that the new proposed access road is too close to the humpback canal bridge and bend in the road. Having walked this area daily, some</li> </ul>

	<p>inconsiderate drivers use Tring Road as a cut through and have little concern for pedestrians as it is. I know that by extending the 30 speed limit further out should avoid this predicament but I still believe that more thought on the siting of the new road is needed. If there is no alternative to the access road, then is there a chance the humpback bridge could be made safer - eg traffic lights or pavement from the towpath to the beginning of Grange Road?</p> <p>- The other issue may or may not be accepted but if/when commencement of the site starts, where are construction workers to park their cars? With regards to the recent and ongoing development at Wilstone Wharf, their cars have been parked further up the road on the other side of the canal bridge causing hazards on an otherwise fairly narrow road. If the thinking is to use Grange Road, then I would like to point out that the road has already got numerous parked cars on it and is used for the school coaches to turn around in.</p> <p>- As an extra point what amenities will it bring to the village? Our community shop which is the hub of the village is looking for new premises as the owner of the building wishes to sell. Would the developers consider offering any help and assistance?</p>
23 Grange Road	<p>We object to the plans on the following grounds:</p> <p>Changing the character of the village and the months/years of misery for the community during yet more construction is really not needed, because:</p> <p>There is a large new housing estate in the neighbouring hamlet of Gubblecote that is struggling for sales of its empty houses.</p> <p>There are several houses in the village that have been for sale for some time with no takers and there is of course Wilstone Wharf that isn't even finished yet.</p> <p>The local school is full to capacity as are the local doctor surgeries.</p> <p>We already have issues with speeding and heavy traffic through the village, where this site is proposed means that all the works traffic will have to travel all the way through the village to site, damaging roads and causing risk to lives (very few footpaths) and property.</p> <p>The wildlife that occupy the field would be a sore loss to the community and area The damage and pollution to the neighbouring area</p> <p>These properties still won't be 'affordable' for first time buyers in this area because of house prices being so high across the parish.</p> <p>There are two brown field sites identified close by in Tring, there's no need to take away any green field</p> <p>There are real concerns about flooding and over use of an already stretched to its limits sewerage system</p> <p>As for transport/vehicle movements, the bus service to and from the village</p>



	<p>is sporadic at best.</p> <p>Commuting using a bus would be impossible as the last bus gets into the village before 5 o'clock and that's only in Bucks school term time.</p> <p>There's no real local employment, the village shop is run by volunteers and the local pub and farm shop have low staff turnover and it's a long way to Tring or Aylesbury with no footpath on the road to either, so we could expect another 30 vehicle movements per day in the village should all dwellings be filled, with likely half of those leaving during AM rush hour not the 7 AM movements claimed in the planning.</p> <p>Agricultural vehicles would also be forced to access the remaining area via Rosebarn Lane rather than through the gate on Tring Road. Rosebarn lane is a foot path, clearly unsuitable for agricultural vehicles and used daily by children going to and from the bus stop.</p> <p>There are only 2 visitor spaces allocated for the 15 dwellings, this is clearly not enough and will impact the, already crowded with cars, Grange Road which is all on street parking.</p> <p>We are aware that it will not be taken into consideration but we are expecting, should planning be granted that provisions have been made for parking of construction workers other than using Grange Road and Tring Road to dump their vehicles. The top of Grange road is used 4 times daily by the school coach as it is the safest place to turn around, it would also hinder the residents being able to park near their homes</p> <p>We are mostly concerned that this development, if granted, will open the flood gates for development of the rest of the green space within the village, ruining the character of it and causing many years of misery during construction, ending with loss of privacy for us all.</p>
24 Grange Road	<p>Several 'starter home' properties in the village have been removed from the market or remain unsold, demonstrating that there is no additional need at this time, therefore I think the valuable asset that is the field and allotment area should be retained.</p>
29 Grange Road	<p>My observations, objections and points of note are as follows:</p> <p>Requirement for Affordable Housing in this Location</p> <p>On the applicant's own admission, they do not have the data to support the level of evidence required to meet the NPPF exception test. Quoting from the Litchfield Report - Exception Site Evidence document in para 2.34 "the stage 2 projections are not yet published (and) are needed to determine the number of potential first-time buyers by type, which is needed for this assessment". The entire document is based on assumptions drawn from data which is, by their own admission, required but unavailable.</p> <p>The NPPF (2018) para 71 states "unless the need for such housing is already being met within the authority's area". Para 4.7 of the same Litchfield Report states "it is possible that some affordable houses for sale are already committed in the 5-year housing supply. We have not reviewed all recent permissions." This shows the applicant has not taken the Adopted</p>

Local Plan into account.

The proposal is contrary to the Adopted Local Plan in that the Dacorum Site Allocations written statement identifies Wilstone as a 'Small Village' and therefore an 'area of development restraint'. The same document identifies three allocated sites within Tring as well as LA5 for potential development within the area. There should be no requirement to develop a green field site over the two brown field sites already identified within Tring.

Para 5.7 states "between 2001 - 2017 substantial fall in younger working age adults and young children". In Grange Road alone there are 31 children born within this time frame and approx. 20-30 more across the wider village.

#### Traffic Statement

Para 2.12 Pedestrian access - "...connecting to the footway network..." - this land is outside the boundary of the proposed development site (the red line) as indicated by the site location plan thereby making connection, as a part of this development, impossible and leaving pedestrians to cross a 60mph road on a bend in order to reach the nearest available footpath. The applicant appears to have not understood this issue.

Para 4.2 Walking & Cycling states "...influenced by perception and prejudices of... local topography and attitudes towards particular travel modes." - There are very few footpaths in the village as a whole, none in the centre of the village and none on the roads leading into or out of the village. There are also no cycle paths on any of the surrounding 60mph roads. This development is aimed at first-time buyer families meaning a high potential for small children and pushchairs. I would suggest that common sense and safety is more likely to be a factor to preventing people walking or cycling to local areas than 'perception, prejudices and attitudes'.

The minimum acceptable distances for walking and cycling are stated as being 2km and 5km respectively. Whilst Tring is 4.5km away by road, these roads are, in the main, 60mph narrow country lanes with no footpath or cycle path making the journey very dangerous, particularly for younger children/inexperienced cyclists.

It is possible to walk to Tring using footpaths however it means using the canal towpath network and results in a approx. 5.8km walk one way - outside the minimum distance stated.

Para 4.7 Bus services - Circular 164 route provides 6 buses per day from the village. The timetable does not work for commuters to Aylesbury as the last bus returns to the village at 16:42. It is also important to note that the 07:27 and 16:42 only operate during Buckinghamshire school term times. Wilstone is in Hertfordshire so term times can differ to Buckinghamshire and children can and do attend both Buckinghamshire and Hertfordshire schools.

#### Traffic Impact

TRICS data analysed is not like for like - data was taken from surveys in Shropshire, Staffordshire, North Yorkshire, Cheshire and Greater Manchester

Selected location for surveys is 'Edge of Town' - Wilstone is a rural village

Sub-category selected is 'residential' where 'village' is an option

Car ownership shown as 1.1 - 1.5 avg per dwelling - Dacorum has previously been identified (within Exception Site Evidence document) as being 'Affluent Rural' and "have high levels of car ownership" therefore TRICS data is showing less traffic generated than will actually take place.

Compare to Grange Road

- Approx 45 dwellings avg 2 cars per property = 90 vehicles
- Over 50% leave the road between 07:30 and 09:00 weekdays
- Scale down to 15 properties for comparison and this equates to 15 am outbound vehicle movements as opposed to data suggesting 7 am outbound movements. The proposal will therefore result in significantly (double) the traffic movements currently identified.

Sustainability

Village shop

- Is a community shop run by volunteers. It is only open in the mornings (07:30 to 14:00 (Mon - Fri) 07:30 to 13:00 (Sat) and 09:00 to 12:00 (Sun))
- Premises are on a 3-year lease only and villagers are currently actively trying to find ways to keep it open. If the lease is not renewed there will be no village shop. This happened some years ago when the Post Office moved out and the shop shut. It is only open now because the community took it on.

Bus Service

- 6 buses per day
- Timings unsuitable for commuters to Aylesbury or Hemel Hempstead
- Timings unsuitable for school hours in Tring
- 07:27 and 16:42 services do not operate during Buckinghamshire school holidays
- Buckinghamshire school holidays do not necessarily coincide with Hertfordshire school holidays

Local employment

- Village shop is volunteer run, therefore does not offer an employment opportunity
- The Half Moon Public House has a very low staff turnover
- Other businesses in the village are mainly sole-trader/self-employed/work from home
- Main commuter towns are Aylesbury (7 miles) and Hemel Hempstead (10 miles) and both would require private transport e.g. a car to access

Other points to consider should the application be granted:

Access to Remaining Field

- Where is this proposed to be?
- Rosebarn Lane is not accessible to vehicles
- It is a public footpath
- There is a drainage ditch running the full length of the lane down one side

	<p>- This needs to be addressed as part of the application to avoid highway safety issues resulting from large tractors with attached equipment using unsuitable access points/tracks.</p> <p>Construction Traffic</p> <ul style="list-style-type: none"> <li>- Full construction plan to be put in place</li> <li>- Canal bridge is 10T MGW and a listed building</li> <li>- Construction traffic over 10T will have to come through the village</li> <li>- No construction traffic should be allowed to park in Grange Road before 09:00 and after 15:00 to allow residents access to their properties and parking</li> <li>- No deliveries to the site should be allowed before 09:00</li> <li>- Parking for construction workers should be identified away from Grange Road e.g. a temporary car park on the construction site or adjacent to it.</li> <li>- Grange Road is a cul de sac with a high % of school age children, full risk assessment of any construction traffic using Grange Road should be undertaken and safety action taken to ensure children can still play safely in and around the area.</li> </ul> <p>Future Development</p> <p>- The application form states that 'pre-application advice was sought on a large residential proposal for the application site and adjoining land (4/00427/18/PRE)'. Presumably the outcome wasn't favourable resulting in this revised application. The concern is that, should this be granted planning permission, it would be setting a precedent for future development of the remaining field and those adjoining. The pre-application advice indicates this is highly likely to be part of the developer's future plans. By proposing to site the new access road to the north of the development, rather than leaving it where it is currently, they are providing themselves with easy future access to any further development of the site in the future.</p>
31 Grange Road	<p>Our objections are as follows:</p> <p>Local school places</p> <p>The additional housing will put pressure on local school places. The local primary school was oversubscribed in the last intake, with siblings being sent to different schools. The local secondary school is oversubscribed each year. Three bedroom houses will most certainly bring families, possibly the two bed too. Where are these children to be schooled? Will they leave locals whose families have grown up in the area without a school place?</p> <p>The local housing market</p> <p>There is no demand for two and three bed houses in this village. There are reasonably priced houses on the market currently. An example - a 4 bed has been on the market for over 6 months in Grange road, priced at £395,000.</p> <p>In January 2019 the average house price in Wilstone was £568,606. 20% less than this price is £454,884. A comparison of these figures shows that the house on Grange Road is available for over 20% less than the market average for Wilstone - yet it has not sold. It is not the only house available on the market in Wilstone, which has not sold in the last year.</p>

	<p>Newly built houses have not sold, and other houses within the village have even been taken off the market due to lack of interest. There is simply no demand currently for houses in Wilstone.</p> <p>Loss of wildlife</p> <p>Woodpecker and Cuckoo are both on the endangered list and the Cuckoo is Protected in the UK under the Wildlife and Countryside Act, 1981. Woodpecker and cuckoo, although do not nest in the field, nest nearby and feed in the surrounding fields. Extensive research has shown that these bird numbers are in decline and these are caused primarily by changes to fields, including grubbing up of hedgerows to create larger fields and ploughing up closer to the edge of the field - which will invariably happen if this site is built upon. Also drainage to dry out damper areas and remove wet flushes from others - which will need to be done in order to build - will have an impact upon the feeding for these birds and therefore result in a decline in numbers.</p> <p>Increased noise, disturbance and traffic</p> <p>The proposed site will have access on a bend near a hump back bridge with poor visibility. There is no footpath from the site to the village. The point of access to the site is right next to a 60mph speed limit. This is hazardous to all road users and to those locals that walk along the road currently. The increase in traffic will increase the noise. 15 homes with 2 cars per home, 30 additional cars each leaving the village and returning - at least 60 additional journeys per day to and from the village will increase risk, noise and pollution.</p> <p>Employment locally</p> <p>The bus service from Wilstone does not support a person commuting to work away from the village. Six buses per day leave to Aylesbury and only one to Hemel Hempstead, which leaves at 9.53am - not much use for a working commuter. There is limited employment within walking distance - one can volunteer in the village shop, or work in the local pub, which already has its own loyal long serving employees. The local school has a low staff turn-over too. There is therefore no opportunities to contribute to the village through work, and no way to commute to local areas without the use of a car and contributing to a different community - possibly a commute to London.</p> <p>Sewage</p> <p>The village has its own sewage system which often cannot cope with the sewage the houses in the village currently create. The new houses will be connected to the system - have the developers given any considerations to the impact this will have? Or will it be too late as they will have already left before issues occur?</p>
40 Grange Road	<p>I wish to object to the proposed development on the following grounds :</p> <p>Loss of a greenfield site and over development of a rural location.</p> <p>The flood risk has not been adequately covered - the groundwater survey</p>

	<p>was undertaken during one of the driest summers on record. During periods of heavy rain, standing water regularly gathers at the top of Grange Road and by the Village Hall. The suggestion that surface water can be discharged to the existing field ditches seems inadequate.</p> <p>Affordability of proposed housing - the market for housing in the village remains fairly static. Where is the demand for this type of development?</p> <p>Existing infrastructure can't support the continued development of the village - the existing public transport does not support the developers claims that those services will provide the means for new residents to commute to major transport hubs</p> <p>The proposed site will exit onto a busy road with further restriction by the canal bridge which is single track. Increased development around outlying towns has significantly increased the volume of traffic cutting through the village at peak times.</p> <p>The existing sewage system in the village is barely adequate and has a history of failure particularly at times of flash rainfall.</p>
13 New Road	<p>I would like to add my support to all the objections already made by my fellow villagers.</p> <p>I have only lived in Wilstone for just over two years and in this time there have been several developments in the village. Few if any of the recently built dwellings have sold.</p> <p>In every recent application it has been stated that the infrastructure and amenities in Wilstone make it an area suitable for sustainable development. How much development would the village be required to absorb before developers were unable to make this claim which is clearly not shared by villagers?</p> <p>The developers are describing the proposed development as 'affordable' family homes (even though they are unlikely to be affordable!).</p> <p>Although affordable social housing may be needed far more than the 'exclusive' developments popping up all over the place, the proposed site is an agricultural field. I suspect that granting planning permission would set a precedent for future unrestricted development in the area.</p> <p>I therefore object to this application</p>
Conifers, Rosebarn Lane	<ol style="list-style-type: none"> <li>1. The proposed houses will be too expensive for first time buyers and won't meet the affordable housing remit.</li> <li>2. Access will make a hazardous road more dangerous.</li> <li>3. The local school is full.</li> <li>4. Development of this site would make it difficult to refuse future proposals for housing development in this area of the village.</li> <li>5. Fifteen houses will cause an increased burden on over stretched utilities: eg sewage, water etc</li> </ol>

<p>Garden Cottage, Rosebarn Lane</p>	<p>I am resubmitting my objection as I haven't had confirmation that you have received my previous comments.</p> <p>I object to this development and totally endorse all the reasons made by other parties.</p> <p>It has been brought to my attention that there is a suggestion that all agricultural vehicles should access the farm land behind the development via Rosebarn Lane. At its entrance, the Lane is only just wide enough for a small delivery van and it narrows considerably towards the top end. It is a public footpath and is used daily by children walking to and from the school bus stop, walkers and dog walkers.</p>
<p>Rosewood House, Rosebarn Lane</p>	<p>I submitted my comments earlier and have had email confirmation but can't see them listed online so am submitting once again.</p> <p>Incorrect Assumptions -----</p> <p>In the Executive Summary of Lichfields Exception Site Evidence, table 1.1 illustrates a 5 year projection from 2017 - 2021 of potential demand from first-time buyers. It is not correct to include potential demand from the past as we can only address demand in the future, so using the figures from 2019 - 2021, the average demand per annum is reduced from 322 to 285. According to this table, demand is reducing each year so if we were to project the figures forwards, to cover a 5 year period from 2019 - 2023, the average reduces further to 260 per annum, some 62 houses fewer than stated in the table.</p> <p>Lack of Clarity -----</p> <p>It is not clear what happens if the demand for 15 new build properties aimed at first time buyers at a discounted rate is not met and some or all of the properties are unsold? Is there a time limit on selling the properties and if so, what happens after that? Can they be sold un-discounted at market rates?</p> <p>Who determines the eligibility of buyers of these properties - both initially and in the future when properties are sold on?</p> <p>How will this be policed?</p> <p>Item 1.4 c) of the Exception Site Evidence document states "Provisions should be in place to ensure housing remains at a discount for future eligible households". What provisions have been put in place? What governance will exist around this, as this goes to the heart of the justification for such a proposed development?</p> <p>Loss of Access -----</p> <p>Item 2.2 of the Planning Statement refers to an existing agricultural access on the western boundary site. The application should make provision for continued access across the development through to adjoining fields, and this should be a condition of planning.</p> <p>Traffic</p>

	<p>-----</p> <p>The approach to Wilstone Bridge is already hazardous, with the frequent sounding of vehicle horns as traffic approaches the bridge. The situation can only get worse with the introduction of an additional 30 + 2 vehicles some turning right towards the bridge and presents an increased safety risk and potential increase in noise.</p> <p>Transport</p> <p>-----</p> <p>Item 3.1 of the Design and Access Statement states that 2km and 5km are acceptable distances to walk and cycle to nearby facilities - is this opinion or is there a study that can be referenced? There are few pedestrian paths from Wilstone to Tring, Aston Clinton or Cheddington and similarly, no cycle paths, which makes travelling other than by car or bus, challenging and treacherous. In practical terms, the only option to access Railway stations or supermarkets for shopping, will be by car. If time is not a constraint then taking the bus may also be an option.</p> <p>Building a development in this part of Dacorum, aimed at young first time buyers already acknowledges that buyers will be in full time employment and will therefore be travelling out of Wilstone (and possibly Dacorum) to their place of work as there are limited job opportunities in the immediate area of Wilstone, Aston Clinton, Cheddington and even Tring.</p> <p>Environmental</p> <p>-----</p> <p>Item 4.10 of the Design and Access Statement covers sustainability but makes no provisions for home owners being able to own and operate electric vehicles (in line with the Government strategy "Road to Zero"). There is a missed opportunity by not including home charge points for each property in this design. PV panels and Solar water heating would also add to the sustainability of the development (although the orientation of the roofs/houses in the design would need to be changed to achieve greater efficiency).</p> <p>Additional Comments</p> <p>I have read all the comments made by other parties, and fully endorse their reasons for objecting to this development.</p> <p>It has also been brought to my attention that there is a suggestion that all agricultural vehicles will access the fields behind the development via Rosebarn Lane. The Lane is only just wide enough for a delivery van at the entrance and it narrows considerably the further up the lane you go. It is also a public footpath and is used daily by school children going to catch the bus, walkers and dog walkers.</p>
10 Tring Road	<p>I'm objecting on the grounds that this application contains false information. Therefore no-one, especially the council, can assess this application properly until the false information is corrected.</p> <p>1. Jeffrey Rodwell is the first named person on this application. Jeffrey was our friend and neighbour for 19 years and he died in March 2018, nearly a year ago. So Mr Rodwell cannot possibly be behind this application.</p>



2. William Philip Jeffries is the 2nd named person on this application. As Philip Jeffries has been in a dementia home for several years he too cannot possibly be behind this application.

3. I quote, "Despite seeing growth, the village has aged significantly over the last 15 years..."

WHERE IS THE EVIDENCE BEHIND THIS STATEMENT?

We have been Wilstone residents for 20 years and during that time a number of elderly people in the village have died and their homes have been filled with young families, so we have seen the village become considerably younger during that time. I can support this with numerous examples, should you need them.

Please can we have this false information corrected:

Who is really behind this application, as clearly it is neither of the two named applicants, Jeffrey Rodwell and William Philip Jeffries?

Where is the evidence for the statement that Wilstone is an ageing village?

Only when we have accurate information can this application be properly considered by all concerned.

Please do not edit my comments.

Where previous developments in Wilstone have involved the loss of brownfield sites, this development represents the loss of a greenfield Site.

The "Exception Site Evidence Local Context Wilstone" demonstrates that the application has not understood the local context and does not reflect it. The trend here is that as elderly residents are dying off, younger people are moving into the village and moving into the homes that have been vacated. The suggestion that the village will see population decline is complete nonsense. I am aware of a present need for single storey bungalow accommodation for some of the more elderly residents. The development at The Mill, which represented the loss of one of the more substantial brownfield sites, did not result in the provision of "affordable" housing and I do not believe that this proposal for "first-time buyers" will result in "affordable" housing either; the local plan produced by Tring Rural Parish Council should be consulted on this.

Under Planning and Regeneration "Assessment of flood risk" it states that surface water will be disposed of via an existing water course. Elsewhere it says that this will be run off to the existing ditch. The position of this site is between the canal and the village so unless further drainage is provided the run off is likely to end up at the corner of Tring Road next to the village hall where there is already a flooding problem. A full flooding risk assessment should be completed as the statement here is inadequate; even in summer we get flash floods on the corner of Tring Road next to the Village Hall. Allowing the drainage from 15 houses plus the hard standing areas to run into the existing ditch without further provision is not acceptable and it will result in an increased flooding risk as the water table in Wilstone is so high.

	<p>The plan states that these houses will connect to the existing sewage system. The existing sewage system is overloaded and cannot adequately cope with the sewage from Wilstone without creating a foul stink.</p> <p>Under 2.7 states that "Given the extent of facilities and services available at the Village Wilstone is considered a reasonably suitable location for housing growth": However, the local schools are oversubscribed, the local bus services are infrequent; the local school bus is also full - my daughter presently cannot get on it and is having to travel by taxi to school. The statement that the infrastructure is here to support this development is nonsense.</p> <p>Finally the application states that the first applicant is my friend and neighbour Jeffrey Leonard Rodwell [mis-spelt] Jeff Rodwell cannot possibly be an applicant as he died a year ago.</p>
33 Tring Road	<p>We are writing this letter to you as objection to the proposed construction of 15 new houses on the land off Tring road.</p> <p>Firstly, the T junction that is being proposed as access to these properties is being situated on or near a bend, plus the fact that it will be extremely close to the hump back bridge where visibility is already very difficult. On the other hand, it will also be in close proximity to the entrance of Grange Road where there is an increased amount of traffic during peak times. We can foresee road traffic incidents becoming an issue if access were to be placed in this location.</p> <p>The amount of traffic through the village has increased exponentially, since the opening of the A41 bypass, as it is used as a cut through for commuters. This leads me onto my second objection that disruption in the village due to construction vehicles will be intolerable to daily life, which has already been evident from the building site of Wilstone Wharf. Due to the lack of pavements and parking spaces available to non villagers, Tring Road has been terribly disrupted for a significant time since this work started to take place. Construction/contractors have impeded on the traffic flow by bringing it down to single file traffic for at least 200 yards, as well as parking right on the corner to Watery Lane. The grass verges have been completely destroyed and seems that no consideration has been taken into account by these workmen. If planning works were to go ahead for these new houses, we will be in the same scenario all over again but on the other side of the bridge. Large construction vehicles will not be able to gain access to the site via the bridge, meaning they will have to enter from the other end of the village and will be navigating a very tight corner by the village hall where residents park their cars. This corner is already dangerous due to narrowing of the road and it being such a tight corner.</p> <p>After living in Wilstone for over 20 years and while out dog walking, we have seen this area of land has flooded numerous times. Our concern would be that the new unsuspecting home owners will not have been notified of this issue and it will result in significant damage to their homes if this is not dealt with properly. It begs the question, is this area of land really suitable for any type of building?</p> <p>Wilstone has notoriously had a problem with sewage, known locally as the 'Wilstone Whiff', building these 15 new houses will add to the stress of an</p>

	<p>already overloaded sewage system. if the village already cannot cope with the amount of residents and this system, how can more houses be a good idea?</p> <p>One of our biggest concerns is the fact that your submissions state these will be 'Affordable Homes'. We already have houses, including new builds, in the village that have been on the market for over 6 months that have still not sold, so there is clearly no demand for more houses here.</p>
36 Tring Road	<p>I am opposed to this development based upon four issues.</p> <p>I don't believe that there is a due consideration on the pressures on existing infrastructure. Both Long Marston Primary School and Tring School had full subscription last year and there are already a number of developments within the Parish which will place more pressure on this creaking infrastructure (Luke's Lane, Wilstone Wharf, and three properties opposite The Half Moon). Similarly pressure in the sewage systems.</p> <p>In addition the recent housings need survey for the Parish has identified a need for true affordable housing, which these are not.</p> <p>In addition the development is not in keeping with the adjacent properties on the road, which are low level bungalows.</p> <p>Finally, the prospect of access to the remaining agricultural land to the rear of this development, via Rosebarn Lane is not acceptable. This current access is not suitable for agricultural vehicles and will cause substantial damage to the current footpath, surrounding wildlife and natural habitat, and endanger children who are walking to the school bus from Grange Road.</p>
58 Tring Road	<p>I refer to the planning application by Rectory Homes Ltd., for Land Off Tring Road, Wilstone. it is my understanding that the proposed development will be a Rural Exception Scheme, supported by a recent Housing Needs Survey (HNS) by CDA for Herts. I should point out that until retirement in 2015, I was the Rural Housing Enabler for Buckinghamshire for 13 years and involved in the provision of 25 Rural Exception Schemes in the county.</p> <p>I object to the proposed development because I consider that the provision of 15 units is too large. I have analysed and produced many HNS and in my opinion, if it hasn't already been done, the survey results and applicants financial circumstances should be researched further before any planning permission is granted and any homes are built. The following points need to be re-considered, by the Parish Council, CDA for Herts and Dacorum Borough Council;</p> <ul style="list-style-type: none"> <li>- The number, size and tenure of the units.</li> </ul> <p>Does the survey and the development proposal genuinely reflect the need in the parish, or does it represent a desire for the homes by people who would not be in a position to proceed? From my experience, often responders to any rural HNS chose size and tenure options that were not compatible with their income level.</p> <ul style="list-style-type: none"> <li>- The affordability of any units.</li> </ul> <p>The Royal Institute of Chartered Surveyors Red Book, commands that all Affordable Shared Ownership homes must be valued at open market prices.</p>

	<p>The 'affordability' of any units is then set at a percentage compatible with local applicants' income and mortgage capacity. In my experience applicants for the homes need a clean credit history and a deposit of at least 20%. With lack of government funding, it is highly unlikely that any rented units would be let at Social Rent levels. Affordable rent is classed at up to 80% of open market rates.</p> <p>- Both the Shared Ownership and Rented units on the proposed development are likely to be out of reach for many/most local people aspiring to buy or rent those homes.</p>
65 Tring Road	<p>The access to the proposed site is very tight and Wilstone is already struggling with the amount of traffic especially at peak times. I therefore think this development should be refused permission</p>
66 Tring Road	<p>We object for the following reasons:</p> <ul style="list-style-type: none"> <li>- lack of infrastructure for more houses</li> <li>- flooding - even more soak away tarmaced over</li> <li>- all construction vehicles through the village due to weak bridge</li> <li>- affordable housing is not affordable</li> </ul>
67 Tring Road	<p>I would object for the following reasons:</p> <ul style="list-style-type: none"> <li>- proposal is excessive to the requirement of the village as there has been significant new building projects completed in the village recently:</li> <li>- noise and disturbance from such a large development</li> <li>- concerns over the access into the development just after a significant bend in the road and near a humped back bridge</li> <li>- concern about the amount of additional traffic using Tring Road and the weight restricted bridge</li> <li>- the development would be a visual intrusion from our property</li> <li>- significant style of design of neighbouring properties are bungalows and the two storey design would not be sympathetic to the surrounding properties</li> </ul>
70 Tring Road	<p>We wish to object on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The site is located on the immediate edge of Wilstone and will represent an outward northward extension of the village into the countryside. There is currently development at Victory House Wilstone Bridge for 8 housing units. To permit development on this site would lead to will alter the character in this part of the village.</li> <li>2. The site is greenfield and would lead to some loss of habitats.</li> <li>3. There are limited amenities in the village and new residents would have to travel to access main services and facilities.</li> <li>4. Car use to access service and facilities could exacerbate air quality issues.</li> <li>5. Development of this site would make it difficult to refuse future proposals for housing development in this area of the village.</li> </ol>

	For these reasons we object to the application.
71 Tring Road	<p>We live opposite the proposed development and have the following comments</p> <p>1) The proposed development is to be accessed off Tring Road, adjacent the existing single track weight limited hump back bridge. This will result in vehicles entering and leaving the development unseen by the traffic coming over the bridge. This will be an accident waiting to happen</p> <p>2) During construction all the heavy site traffic will need to come through the already congested village. Due to a number of recent developments in the area the through traffic to the village has increased.</p> <p>3) The premis of the proposed development is that the properties will be affordable. The houses are to be 2 and 3 bedroom and a recent three bedroom property in the village was sold for approximately £425K. This price would not be classed as affordable.</p> <p>4) Our property is at the end of the sewer system and the depth of the sewer is 225mm to the invert of the pipe. Therefore how will this developments foul and surface drainage be safely carried away bearing in mind the existing surface water is approximately 1 - 1.5m below ground level.</p> <p>5) When we bought this property one of the attractions was the uninterrupted view of the fields from our windows. This view will now be spoilt if this development is built.</p>
90 Tring Road	<p>This proposed development borders our bungalow at 90 Tring Road. Our bungalow is single storey. Both the bedrooms are situated to the front facing Tring Road. Our bathroom, kitchen and family room where we spend most of our time is facing the field where the development is proposed.</p> <p>Wilstone has a good mix of all age groups. The village has no school. The children use the school bus to travel to both primary and secondary school which are both oversubscribed. There is a number of children travelling by taxi due to no places available on the school bus.</p> <p>The local community shop lease expires in three years. This shop is the hub of our community. A large number of volunteers help run the shop along with many local teenagers as part of their D of E award scheme.</p> <p><b>Loss of light &amp; overshadowing</b></p> <p>We have a large kitchen window which overlooks the field and visually gives us a lot of light along with the family room window. The sun moves away from this side of our property by noon so the proposed two story semi-detached building would result in our kitchen becoming very much overshadowed. The proposed two story semi-detached house will have a higher roof than our property. Our kitchen/family room/bathroom window &amp; back door will be obscured &amp; overshadowed by this building.</p> <p><b>Overlooking/loss of privacy</b></p> <p>Our driveway runs alongside the border of the proposed development to the</p>

back of our property. (Which is not used for parking)

Should this development be granted we will no longer be able to enjoy peaceful enjoyment of our property.

The development being two storey has a landing window which will look directly down all the side of our bungalow where we currently have a driveway. In the summer when it's too hot we normally sit in this area. Also the lounge window of the proposed property has a lounge/dining window overlooking the side of our bungalow.

There is also a public footpath that is proposed to run the other side of our boundary hedge which will run a few feet up to our bedroom window. This footpath will be for all residents on the development. This I feel would be an invasion of our privacy. Potentially there would be heavy use of this footpath with school children and access to the village & park etc. There would also be the potential late night noise from pedestrians coming home from pub in the village and shift workers being dropped off at night, which is currently the case on Grange Road.

#### **Adequacy of parking turning**

Our bungalow is situated on the corner of Tring Road and Grange Road. This is a very busy junction with large delivery vehicles using this junction as a turnaround because of the restrictions on the canal bridge which is listed and has a 10T weight restriction. This junction is also used for the school bus to reverse into and turn at this junction four times a day, along with residents within Tring Road using it as a turning point.

Grange Road is a very busy road with insufficient parking for residents. Most of the day and evening all parking spaces are used. This road is used by residents and the many ramblers and fishermen who also park right beside our bungalow all year round to go on walks through the field and fish on the canal. Wilstone has many ramblers which come through our village and also it is a route for many children hiking as part of the Duke of Edinburgh award scheme.

#### **Noise & Disturbance**

If this development was to go ahead the noise and disturbance would have a big impact on our quality of life. Presently we have the extremely busy Tring Road which our property faces, at peak times of the day it is used as a cut through from surrounding villages, especially trade vehicles. The speed limits are a problem in the village as it is more than often not observed by drivers cutting through our village.

It is proposed on the opposite side of our boundary of the proposed development we would have an additional road coming towards the side of our bungalow with two car park spaces just outside our boundary hedge.

This would mean our bungalow would be surrounded by roads and cars at every angle, as our back garden also runs along Grange road. Grange road is a busy road, most households have two cars with busy families. Most clubs outside school hours are outside Wilstone with parents leaving their homes many times a day.

The Rectory report also states the following: 4.6 Access, Movement & Road Hierarchy Vehicular access to the site is proposed from Tring Road via a new priority 'T' junction in the north-west corner of the site. The access road will be 5m in width throughout the development, with the exception of a carriageway narrowing with rumble strips either side on the first straight section, to provide a form of traffic calming. It is intended to extend the 30mph speed limit past the site access by way of a TRO contribution, which would assist in reducing vehicle speeds in the vicinity of the proposed access. A 2m wide footway is proposed to run along the southern side of the internal access road, exiting the site in the south-west corner and subsequently connecting to the existing footway network at the Tring Road / Grange Road, thus providing a pedestrian connection to the rest of the village.

Not only would we have the possibility of thirty more cars, plus a possible sixteen from Wilstone Wharf but in addition noise from rumble strips near our home, causing additional noise.

This development would take two years + and in our later years we would not choose to live on a building site. There will be noise and pollution not only from the build but the number of trade vehicles and HGV's. As semi-retired and retired along with our neighbours beside us this proposed development the impact of noise, dust dirt and pollution would impact on our quality of life.

#### **Traffic/ junction**

Living at the junction of Tring Road and Grange Road I know first-hand how dangerous this junction along with Tring Road is.

We have to reverse out of our driveway and be on high alert. Traffic from both directions travel at speed and especially from around the bend by the agricultural gate. The peak time volumes at times can have bursts of continuous traffic. The speed limits are in the main not observed by cut through traffic.

The existing and new entrance to this land is at a very dangerous stretch of road. I now believe it is being considered that the new entrance for agricultural machinery will be further up the road or using the new T junction into the development. The movement of agricultural vehicles with trailers would further add to the danger on this stretch of road.

Where traffic going out of the village in the direction of the canal bridge on the bend where the existing agricultural entrance is, cars are inclined to drive wide of this bend and at speed. It is similar to the bend at the other side of the bridge where the new Wilstone Wharf development is. The same issues with cars travelling too fast coming up to the bend where on wet day's there is lots of surface water and cars driving too wide. These areas really are an accident waiting to happen if drivers are not vigilant & don't reduce speed.

The other point is at Wilstone Bridge apart from the current parking due to the development at Wilstone Wharf, cars routinely park either side of the bridge from visitors who walk the canal and fishermen/bird watchers. This

then overflows down to parking in Grange Road to an already congested road, which at the main entrance more often than not cars entering the road have to give way due to parked cars and only enough space for one way traffic.

The diagram show the splay of vision from the new T junction, which shows vision to the kerbside at the front of our bungalow. I do believe that cars coming out of the village towards the canal bridge will have a blind spot at this bend. I travel into the village from this direction twice a day and you cannot see around this bend until you are quite near to it. Cars coming out of the village drive wide at this bend with both drivers having to adjust steering.

The survey by Grenville carried out in other regions of the country is not realistic to traffic movement in Wilstone.

There is no pavement in the village between the Village Hall and New Road past the shop. I have witnessed on many occasions school children weaving in and out between parked cars by the Long Row, Tring Road. The other day I witnessed two school children walking on this section of road and a large HGV with trailer overtook them on the wrong side of the road approaching the bend by the Village Hall. If this development went ahead we would have increased traffic and HGV's through the Village. As a community we have an obligation to ensure the safety of the young children in our village, which at present they are at risk of injury from the lack of footpaths and speeding traffic.

### **Visual Intrusion**

Currently the proposed land is arable agricultural land which I think is outside the village boundary, which the local farmer rents from the owners. Crops are grown annually in this field and the surrounding fields, which is used for animal feed.

This new development is not in keeping with this end of Tring road which is virtually all bungalows. Our bungalow would be overshadowed by a two story house running the length of our bungalow and would visually have an impact on our property as this part of our bungalow does not get the afternoon sun. It would block light and completely overshadow our kitchen/living area which runs along the boundary of this development. In 2013 we built an extension to our existing kitchen and re situated the kitchen door to face the field. This new living area will now be visually overlooked by this development.

This development will change the character of the village from Tring Road, as currently you can visually see the countryside across the fields along with the church steeple in Marsworth. The village will seem more built up until you go over the canal bridge.

### **Wildlife**

This field currently has so much wildlife visiting. We have around several bird feeders on this hedge border with numerous varieties of birds visiting including the woodpecker family who visit every year. There is also visiting pheasants routinely to our garden. Muntjac are also found in this field along



with the surrounding fields who in the evening can be found along the hedgerows.

### **Sewage & surface water**

Since I moved to our property twelve years ago surface water has pooled outside our front gate on the corner of Tring Road/Grange Road. Visiting family and grandchildren who are sitting in the back of the car have been unable to get out of the car due to this. I initially brought this up with highways ten years ago and currently it has not been resolved. Water pools under our front hedge near to the agricultural gate.

It is proposed to provide a new gravity foul water drainage system to serve the proposed residential development and to connect to the existing public sewer within Tring Road

The sewage system in the village has over the years had numerous problems. There are days especially in the summer where you can't walk down the lower end of Sandbrook Lane due to the smell at the pumping station. This should be well documented.

There are areas in the flood report which I am concerned about with reference to the water table and surface water. A digger came on site Sept/October and found water at approx. one metre. This was carried out after the driest hottest summer probably on record.

In the winter months to the upper end of the field near the canal the surface water can be quite high.

Currently the gully ditch on Tring road does not fill with water like it does on the other side of the village, it appears to build up as surface water within the field.

### **Glanville Report:**

5.0 Flood Risk Assessment 5.1 the NPPF encourages a sequential, risk-based approach to determine the suitability of land for development. This document advises that the development of sites within Flood Zone 1 should be given preference where available. 5.2 Table 2 of the Planning PracGce Guidance (PPG) to the NPPF categorises different types of development into five flood risk vulnerability classificaGons: • EssenGal Infrastructure; • Highly Vulnerable; • More Vulnerable; • Less Vulnerable; and • Water CompaGble Development.

5.3 The NPPF classifies the proposed residential use of the site as being 'More Vulnerable'.

### **Also noted by Rectory Homes**

6.13 The surface water pump station will be designed by specialists to achieve a maximum pump rate of 2.5l/s. The pump chamber will be fitted with a high level alarm and telemetry. In the unlikely event of pump failure, the pump station unit will provide approximately 33m<sup>3</sup> of additional emergency storage, calculated based on the guidelines in Sewers for Adoption. This emergency storage is independent of the attenuation storage

provided in the surface water drainage strategy.

Wilstone has frequent power cuts all year round mostly due to overhead power cables requiring a lot of maintenance, especially in stormy weather. If I recall we had six between Jan-Feb 2018. What is in place should there be a power cut? UK Power Network I'm sure can provide the frequency of power cuts. How noisy will this surface water pump be?

### **Maintenance for drainage**

6.22 All of the proposed SuDS and drainage networks within each plot will be the responsibility of the future owners. The surface water pumping station will be the responsibility of a private management company, if it is not formally adopted by the local sewer authority.

Table 1 shows the maintenance schedule to manage the drainage features within the development.

Table 1: SuDS Maintenance Schedule Drainage Feature Inspection and Maintenance Frequency Permeable pavements brushing surface to remove detrimental materials such as debris, dirt and sediment.

Annually Stabilise / mow adjacent verges, and remove weeds from surface. Occasional (as required) Ensure paving dewaterers aUer rain and between storms as required Rehabilitate super-structure.

Occasional (every 10-15 years) Cellular storage tank\* Ensure inlets and pre-treatment structures are clear and free of debris.

Annually Flow control structure (Hydrobrake or similar)\* Inspect and remove any sediment / debris. Annually Inspect flows controls and repair as necessary.

Occasional (as required) Hardstanding areas Sweep regularly to prevent silt being washed off the surface. Frequently Gulley's Inspect and remove any sediment / debris. Annually

Maintenance will be the responsibility of the home owner, but there is no guarantee that this will be carried out. Who will monitor this?

### **Affordable Housing**

I understand the concept of affordable housing discounted at market value. There have been homes in the village for sale which would have been affordable to first time buyers in the Long Row between £285-350K over the past year which were withdrawn from sale due to a lack of interest. You could say they were reduced from the original market value and still remained unsold. There is currently a two bed for sale at £325k and a good example of a help to buy is the three new cottages in the heart of the village x 3 bed, two remain on the market since October last year at £450k and mid terrace at £425k, There is also a four bed family home in Grange Road under £400k and a family three bed on Tring Road which has been on the market for the majority of 2018.

I don't believe these houses will be affordable to any young people locally.

Prices in Wilstone are generally high. In Pitstone which is a few miles away, you can purchase a brand new three bed detached home for £435K and Aylesbury which is rapidly developing is more affordable to a first time purchaser in respect of far more property for your money.

### **Concerns**

Onsite investigations have established that a high water table exists on the site being as high as 1.1m below ground level in places. Consequently, this makes it difficult to achieve a 1m unsaturated zone required with an infiltration drainage solution, without significant design modifications such as raising finished floor levels across the site

My concern is our bungalow is not constructed above floor level, how will the additional surface water affect our property? I

#### In the unlikely event of planning being granted

- Hoarding to be run the whole length of our boundary fence to decrease noise and dust.
- New T junction into the development to be created before build starts for HGV deliveries and parking for trades.
- Agricultural gate to be blocked before building commences. (no deliveries or access through this gate)
- Semi-detached two story house to be moved further away from our boundary fence due to over shadowing and visual intrusion. Properties along this side of Tring Road are at different forward facing levels, so technically could be moved forward so it does not run alongside our property.
- Deliveries restricted to between 9-3pm to safeguard the children going & coming from school, due to lack of pavements in the village.
- Trees that border our property that run alongside our garage to be removed as land owner is responsible for this boundary. Heavy machinery currently cuts back these trees annually.
- New wall/closed board fencing to be erected on development completion the length of our garden from Tring Road boundary to the end of our garden boundary. (our deeds state land owner responsible for fencing)
- The proposed pedestrian entrance that runs alongside the other side of our boundary hedge to be relocated. Currently it would be in very close proximity to our bedroom window.
- New pedestrian pavement to be built from Grange Road to the canal bridge, either by setting back the hedge or engineering of the gully. Or on the opposite side of the road along with traffic light pedestrian crossing. This would connect the homes from Wilstone Wharf and also the other two properties over the bridge. Also residents from Dixon's Gap could access this path from the canal footpath weather permitting.

<p>Goodspeeds, Watery Lane</p>	<p>The community has a planning meeting arranged for 24 February 2019 - all developers with plans for Wilstone have been invited to show how their development meets our recent housing needs survey. The fact that we have to submit our comments before this date (30 Jan) means we have no opportunity to assess this against other opportunities within the village. I would ask that a decision on this plan be delayed until after 24 February. I have asked TRPC to support this request. If this cannot be done however, these are my initial comments.</p> <p>a) this development appears to be outside of the village boundary and on an agricultural field. Therefore I would not have thought this a suitable location for development.</p> <p>b) it does not meet the needs of our Housing Needs Survey (20% below market value is not sufficient for affordable housing, nor is the mix what has been development).</p> <p>c) Access is along a dangerous road that does not have a footpath.</p>
<p>2 The Mill</p>	<p>This speculative application must be refused.</p> <p>Reasons:</p> <ol style="list-style-type: none"> <li>1. Overdevelopment of rural location.</li> <li>2. Road safety - the site is on a blind bend near a canal bridge, totally unsuitable for access.</li> </ol>

**ITEM NUMBER: 5c**

<b>21/00854/FUL</b>	<b>Demolition of existing storage yard buildings and construction of six dwellings</b>	
<b>Site Address:</b>	<b>Land to the south east of Loch View, Tring Road, Wilstone</b>	
<b>Applicant/Agent:</b>	<b>Mr Young/ Ms Adams</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Tring Rural Parish Council</b>	<b>Tring West and Rural</b>
<b>Referral to Committee:</b>	<b>The application has been referred to the Development Control Committee due to the contrary view of Tring Rural Parish Council.</b>	

**1. RECOMMENDATION –** That planning permission be **GRANTED**.

**2. SUMMARY**

- 2.1 The proposed development would provide much needed housing in an area of previously developed land within the countryside in accordance with Policies CS1, CS2, CS7 and CS17 of the Core Strategy
- 2.2 The proposed development is considered to be appropriate in terms of its layout and design in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The development would have satisfactory access arrangements in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).
- 2.4 The planning merits of the proposal out-weigh the harm to the countryside from a minor intrusion by car parking and landscaped amenity areas and in accordance with paragraph 11 of the NPPF is considered acceptable.

**3. SITE DESCRIPTION**

- 3.1 The site is located to the north of the Aylesbury Arm of the Grand Union Canal and to the east of the junction of Tring Road and Watery Lane.
- 3.2 The site comprises 0.34ha of land located to the rear of Loch View and comprising a number of workshop buildings. These are accessed from Tring Road via a shared driveway. The buildings are utilised as a base for the applicants scaffolding company.

**4. PROPOSAL**

- 4.1 The proposals involve the demolition of four buildings upon the application site and the construction of an 'L' shaped building.
- 4.2 The proposed 'L' shaped building would comprise a main two storey barn style building with a projecting single storey wing. The building would be constructed with a brick plinth, black stained weatherboard walls and a plain clay roof tile. The main barn building would be some 8.8m high with the single storey building having an overall height of some 6.4m
- 4.3 The building would contain six x three bed residential units. A total of eleven parking spaces would be provided of which eight will be provided with an EV charging point.

## **5. PLANNING HISTORY**

- 5.1 The existing haulage and scaffold storage buildings are subject to a Certificate of Lawful Use (4/01756/19/LDE) This application was granted on the 12<sup>th</sup> September 2019 and establishes the extent of the lawful commercial storage area upon the application site.
- 5.2 The nearest outbuilding to Loch View is visible in aerial photographs of the site from the 1970's and the majority of the other buildings upon the site are visible in aerial photographs from 2010. A further building was added between 2010 and 2015 and is subject to the above Lawful Development Certificate.
- 5.3 The building to the eastern boundary of the site has been constructed since 2015 and does not benefit from planning permission. It was subject to enforcement investigations in 2018 (E/18/00336) and remains subject to enforcement investigations. Officers believe that it was constructed around March 2017 and although the buildings may be lawful, they are likely to have resulted in a material change of use of land along the eastern perimeter of the site.
- 5.4 The buildings and scaffolding structure are not chattels or moveable structures but constitute permanent buildings/structures in accordance with the definition of development at Section 55 of the Town and Country Planning Act 1990 (As Amended). All of the buildings are considered to be permanent structures given their scale, nature and longevity at the site.

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

## **7. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS7 – The Rural Area  
CS8 – Sustainable Transport  
CS11- Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 – New Housing  
CS19 – Affordable Housing

CS20 – Rural Sites for Affordable Housing  
CS26 – Green Infrastructure  
CS27 – Quality of Historic Environment.  
CS29 – Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions.

#### Local Plan

Policy 13 – Planning Conditions and Planning Obligations  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

#### Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)  
Energy Efficiency and Conservation  
Water Conservation

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1. The site is located in the designated rural area and comprises previously developed land as set out in the planning history section and approved Lawful Development Certificate (LDE) for the site (4/01756/19/LDE)
- 8.2 Within the Rural Area, the development of previously developed sites would be supported in accordance with Policies NP1, CS1, CS2 and CS7 of the Core Strategy providing that the proposals would have no significant impact upon the character and appearance of the countryside.
- 8.3 This impact needs to be carefully considered in relation to both the spatial impact of the built form upon the site and in terms of the existing lawful use of the site for commercial storage purposes and any associated negative environmental impacts.
- 8.4 It should also be weighed against the lack of a five year housing land supply and the presumption in support of sustainable development in paragraph 11 of the NPPF. In this context the Local Planning Authority should grant planning permission unless:
  - “i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole”
- 8.5 Policy CS8 of the Core Strategy requires the development to be accessible and in particular to ensure that sufficient, safe and convenient car parking is provided in accordance with the Car Parking Standards SPD (2020)
- 8.6 Policies CS11 and CS12 require a high standard of design to be provided in all new development proposals both in the context of the site and its surroundings. An assessment of the design and layout of the proposals is set out below. The impact of development upon

the historical environment also needs to be assessed under Policy CS27 of the Core Strategy given the close proximity to the canal and the grade II listed canal bridge.

- 8.7 This development will make a small contribution towards the overall housing target under Policy CS17 of the Core Strategy and this should be afforded significant weight in the decision. The scheme is not of a scale which would require the provision of affordable housing in accordance with Policies CS19 and CS20 and having regard to the advice within the NPPF. It is clear that the Council should not expect to deliver affordable homes on schemes of less than 10 dwellings.
- 8.8 Any negative impacts upon the character and appearance of the countryside should be considered in the context of Policies CS25 and CS26 of the Core Strategy which seek to conserve and enhance landscape quality and biodiversity.
- 8.9 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development will be expected to comply with the highest standards of sustainable design and construction in accordance with Policy CS29, CS31 and CS32 of the Core Strategy.
- 8.10 Development must contribute towards the provision of strategic and local infrastructure in accordance with Policy CS35 of the Core Strategy.

#### Visual Impact

- 8.11 The proposed development is not considered to result in any significant harm to the character and appearance of the countryside in this location.
- 8.12 The existing utilitarian workshop buildings comprise a range of metal clad structures of varied height. These industrial buildings cover a footprint of some 640 square metres of which 467 square metres is subject to an approved LDE. These buildings extend into the countryside beyond the historic curtilage of the site and results in a minor incursion and degradation in the landscape quality of the countryside.
- 8.13 These buildings would be removed from the site and the use of the site for the storage of scaffolding would cease in the event of this application being granted and implemented. The cessation of the site for commercial storage purposes is considered to be a significant environmental benefit resulting in the removal of a potential noise nuisance and one which can attract significant vehicle movements by larger vehicles (including HGV's). Furthermore the proposals would result in the removal of potentially unlawful buildings that have encroached upon the surrounding countryside to its detriment. This area would be landscaped as a result of this proposal. It is noted that a number of the lawful buildings are located in close proximity to the canal towpath and associated landscaping and their removal can only be considered beneficial to the setting of the canal.
- 8.14 The existing buildings, particularly those at the eastern end of the range, are visible from the canal towpath in view of their close proximity to the boundary of the site and a lack of landscaping along the site boundary in this location.
- 8.15 In contrast, the residential footprint of the proposed scheme would amount to some 466 square metres and would provide a more compact 'L' shaped footprint upon the site. This would be contained within the site area covered by the LDE and would be commensurate in height to the larger storage buildings. The buildings would be located further to the north of the plot and the increased separation distance between the proposed building and the canal and together with additional landscaping to the eastern and southern site boundaries



would be less visible in views from the canal towpath. The additional landscaping to the southern boundary will both screen the development and enhance the biodiversity value of the canal side environment supporting the objectives of Policy CS26 of the Core Strategy.

- 8.16 For these reasons and those set out below, the proposals are not considered to be significantly harmful to the character and appearance of the countryside.

#### Layout and Design

- 8.17 The proposed residential development comprise a simple rectangular barn building with subordinate range. The main building has been reduced in height since its original submission and following the receipt of comments from the Conservation and Design team. The building would be of a high quality design constructed in traditional materials and appropriately detailed. The proposals would be appropriate in terms of their design, bulk, scale, height and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy.
- 8.18 The resulting development would not appear incongruous in the countryside setting in view of its design and would result in general improvements in the overall appearance of the site. The proposed building would be sited entirely within the site coverage of the LDE and would allow for the landscaping of land to the eastern edge of the site. Only a small area of car parking would extend to the eastern site boundary and primarily to facilitate fire access and circulation of larger vehicles within the site. This is not considered to be significantly detrimental to the visual amenities of the area in accordance with Policies CS11, CS12 and CS26 of the Core Strategy.
- 8.19 The proposed dwellings would benefit from modest semi-private amenity spaces adjacent to the canal but would also benefit from larger communal amenity spaces to the front of the building and between the building and eastern site boundary. Although there is a demarcation of individual plots upon the site, the removal of boundaries between plots might be preferable both in visual terms and to assist social interaction between residents of this close knit community. Such matters can be resolved through landscaping conditions to the site and the need to provide additional details of enclosures. In any event, the provision of external amenity space is considered to be satisfactory in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.

#### Impact on Amenity

- 8.20 The proposals are not considered to be harmful to the residential amenities of the property at Loch View in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011 in view of their siting.

#### Access and Parking

- 8.21 The site would be accessed off an existing shared driveway with Loch View off Tring Road.
- 8.22 This access is suitable for use by larger vehicles with good visibility from the entrance in both eastern and western directions. Additional plans are being provided to demonstrate that larger vehicles can enter and exit the site in forward gear and manoeuvre safely within the site.
- 8.23 A total of 11 parking spaces will be provided on the application site for use by residents and visitors. These spaces would be unallocated and would exceed the requirements for on-site parking within the Car Parking Standards SPD (2020). The Car Parking Standards SPD requires the provision of 10.8 spaces. Despite exceeding the standards within the

SPD, this quantity of car parking is considered to be acceptable in this instance. 8 EV charging points would be provided and again this is considered to be sufficient for the scheme as it would exceed the active parking requirements for the site and provide over a single space per residential unit. The car parking layout has been amended partially to address the concerns with visual impact raised by the Canal and River Trust and partially to address concerns with encroachment on the countryside.

### Sustainable Construction

- 8.24 The proposals are accompanied by any Sustainability Statement in accordance with Policy CS29 of the Core Strategy. This statement indicates that the primary focus of the applicants will be on the improvement of the building fabric and use of high performance materials which will allow the development to exceed the requirements for Building Regulations. In addition the Sustainability Statement indicates that the proposed development will provide a minimum of 6 new trees to the site as well as additional soft landscaping works and a number of water conservation measures.
- 8.25 The Statement is considered to be acceptable and would accord with Policies CS12, CS29, CS31 and CS32 of the Core Strategy.

### Flooding and Drainage

- 8.26 The application site is located within Flood Zone 1 (Low risk) upon the Environment Agency's Flood Risk maps. The flood risks associated with the site are those relating to overtopping of the canal embankment and those relating to the flooding from reservoirs (Marsworth, Startops and Tringford) within the vicinity of the site as set out in the responses of the Canal and River Trust and Lead Local Flood Authority (LLFA). The risk is low and unlikely to prove a barrier to the development of the site. A proportionate response to this risk would be to require further information on the proposed drainage strategy for the site, flood risk and mitigation through a planning condition in the event that planning permission be granted.

### Ecology and Biodiversity

- 8.27 The proposals should deliver improvements in the ecological and biodiversity value of the site supporting the objectives in Policies CS12, CS26 and CS29 of the Core Strategy. The existing hard standing areas covering the site will be reduced in scale and a new soft landscaping scheme will be provided to support the residential use of the land.
- 8.28 There is no indication that there are any protected species upon the application site. The removal of existing buildings should however be undertaken carefully and in the event of protected species being encountered appropriate mitigation measures should be undertaken. The application includes the provision of six bat boxes upon the new building and such measures should be secured via a planning condition.

### Infrastructure

- 8.29 All new developments are expected to contribute towards the provision of on-site, local and strategic infrastructure in accordance with the requirements of Policy CS35 of the Core Strategy. The Council adopted its Community Infrastructure Levy (CIL) in February 2015 and the development would be liable for payment of CIL in accordance with the adopted Charging Schedule.

- 8.30 Despite resident concerns with the adequacy of sewerage infrastructure within the locality there are no fundamental objections from statutory undertakers to the scheme on the basis of sewerage capacity.

### Representations

#### *Procedural Issues*

- 8.31 The applicants have completed a Certificate of Ownership for the site and I am satisfied from the information provided that the application may be considered on this basis and noting the indication from the Canal and River Trust regards encroachment. This is not a matter upon which the local planning authority need make judgement.
- 8.32 A Site Notice was displayed in accordance with legislation and the consultation period for comments has elapsed. As such the committee are entitled to make a decision thereon.

#### *Precedent*

- 8.33 It is fundamental to the integrity of the planning system that all applications are treated fairly and upon their own planning merits. Despite the numerous references to 4/00024/19/MFA and 20/01754/MFA within the objections to this case, issues of land ownership and representations thereon, it is clear that the applicant is able to submit separate applications in this case without prejudice to the determination and implementation of each case. Each proposal raises different planning issues upon which a judgement is required.
- 8.34 There is no circumvention of planning policy as each is a separate land parcel and is clearly physically divided by the Grand Union Canal.
- 8.35 The approval or otherwise of this case, does not set any precedent for development within other areas of countryside in the locality of the site, nor does it strengthen any argument regarding the extent of the village of Wilstone and how infill development might be considered.

### Planning Balance

- 8.36 The planning balance is evoked by paragraph 11 of the NPPF.
- 8.37 The delivery of new homes within the area and the reuse of previously developed land is considered to weigh heavily in favour of the grant of planning permission in this case given the shortfall in the overall housing land supply. The area of housing will largely be contained within an area already covered by commercial storage and subject to a Lawful Development Certificate.
- 8.38 The removal of commercial uses from the area is also considered to result in a number of benefits including improvements in the visual amenities of the area, a reduction in vehicle movements and a reduction in noise and disturbance.
- 8.39 The surrounding countryside is not designated and is not subject to protection under the NPPF. It is considered to have a low amenity and landscape value and the encroachment upon it would be limited to parking and amenity areas. The harm to the appearance of the countryside is limited. There is a strong case to suggest that the environmental quality and biodiversity value of this land would be enhanced through landscaping of the site.

- 8.40 Overall the social, economic and environmental benefits resulting from the scheme would significantly and demonstrably out-weigh the very limited harm to the countryside.

### Conditions

- 8.41 A number of planning conditions have been suggested by consultees within the representations in Appendix A to this report. These have been amalgamated where possible to limit the number of conditions imposed in accordance with Paragraph 55 of the NPPF.
- 8.42 Although the Canal and River Trust would prefer details of drainage to be submitted in advance of determination, this is not considered to be reasonable given the inherent low risk of flooding associated with the site (as defined in the Environment Agency Flood Risk maps) and given the scale of development falls below that subject to statutory consideration by the Lead Local Flood Authority. A condition is considered sufficient in this case. Their suggested conditions are reasonable in all other respects and are applied accordingly.
- 8.43 It is necessary to control the extent of on-going extension through the removal of permitted development rights given the relative close proximity of the site to the canal and in the interests of the visual amenities of the area.

## **9 CONCLUSION**

- 9.1 The development should be recommended for approval in accordance with paragraph 11 of the NPPF and for the reasons stated in paragraph 8.40 to this report.
- 9.2 The proposed development is considered to be appropriate in terms of its layout and design in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011. The development would have satisfactory access arrangements in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

## **10 RECOMMENDATION**

- 10.1 That planning permission be **GRANTED** subject to the following conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

### **Plans**

**2762.03 C (Site Plan)**  
**2762.05 A (Elevation)**  
**2762.06 A (Elevation)**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No construction of the superstructure of the development shall take place until samples of the materials to be used in the construction of the development hereby approved. The development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No development, including any demolition, shall commence unless and until a Demolition and Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed demolition, earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal infrastructure and to ensure that there would be no potential threat to the water environment of the adjoining canals and the wider network. Thereafter the development shall be carried out in full accordance with the approved details.**

Reason: The detail is required prior to commencement in the interests of the structural integrity of the waterway and to safeguard the environment in accordance with Paragraphs 170 & 178-179 of the NPPF.

5. **No development shall take place until full details of the drainage proposals for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Policies.**
- **Anecdotal information on existing flood risk with reference to most up to date data and information.**
- **Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.**
- **Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided. A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards and industry best practice.**
- **Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change (for residential developments this is 40%).**
- **Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant Water & Sewerage Company that they have the capacity to take the proposed volumes and run-off rates.**

- **Any opportunity to improve flood risk directly by the development site or contribution to local flood risk schemes**

**The drainage system for the site shall be provided fully in accordance with the approved details prior to the occupation of development.**

Reason: To ensure that adequate measures are in place for the drainage of the site and to ensure adequate measures are undertaken to prevent flooding in accordance with Policies CS12, CS31 and CS32 of the Core Strategy.

6. a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- b) **If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - (ii) **The results from the application of an appropriate risk assessment methodology.**
- c) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

**This site shall not be occupied, or brought into use, until:**

- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

7. **Any contamination, other than that reported by virtue of Condition 6 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning**

**Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 8. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.**

**These details shall include:**

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- tree protection plans
- finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;
- any exterior lighting works and
- the siting and design of any bird boxes, bat boxes and other habitat creation.
- a Landscape and Ecological Management Plan

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

- 9. The development hereby approved shall not be occupied until the arrangements for the parking and circulation of vehicles have been provided in accordance with drawing 2762.03 C (Site Plan). The arrangements for the circulation and parking of vehicles shall thereafter be retained in accordance with the approved plans.**

Reason: In the interests of highway safety and to ensure that there is adequate space to enter and exit the site within a forward gear in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD.

- 10. The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing 2762.03 C The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

11. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

12. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Classes A, B, C, D, E and F  
Schedule 2 Part 2 Class A**

Reason: To safeguard the structural integrity of the canal, in the interests of the visual amenities of the countryside and to ensure satisfactory amenities for future occupants in accordance with Policies CS7, CS12, CS26 and CS32 of the Core Strategy.

13. **The development, hereby approved, shall not be occupied until arrangements for the prevention and spread of fire have been submitted to and approved in writing by the Local Planning Authority. These measures shall include the provision of fire hydrants where appropriate. The development shall not be occupied until such measures have been provided fully in accordance with the approved details.**

Reason: In the interests of the safety of future occupants in accordance with Policies CS8 and CS12 of the Core Strategy.

#### Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### **INFORMATIVES**

#### **CONTAMINATION**

a) The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.dacorum.gov.uk](http://www.dacorum.gov.uk) by searching for contaminated land and

b) Any contamination, other than that report encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

#### **CANAL WORKS**



c) The applicant/developer is advised to contact the Works Engineering Team for Canal and River Trust on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

d) The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right, where they are granted, they will usually be subject to completion of a commercial agreement.

**HIGHWAY INFORMATIVES**

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

e) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

f) Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

g) Obstruction of public highway land:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

h) Road Deposits:

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

**BATS**

i) If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Tring Rural Parish	Tring Rural Parish Council OBJECT to this application.

Council

The proposal is to demolish structures on the site and seek consent for 6 dwellings.

We have reviewed the submission and do not support the definition of the whole of the site, as previously developed land and in that respect, we do not agree that the application accords to national and local planning policies or guidelines.

The National Planning Policy Framework (NPPF) defines previously developed land as; "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."

In this context, there is a single permanent structure on this site, a garage type building which is significantly less than 40m<sup>2</sup>. We do not believe that this constitutes a substantial permanent building that would otherwise support the definition of previously developed land.

The remaining structures are temporary, steel-framed agricultural-style units and open-sided scaffolding storage. The main hardstanding surface of the site is compacted earth.

The application site is currently B8 usage, defined as storage and distribution. The site is less than 1 hectare in size, sits alone in the countryside surrounded by open fields and outside the settlement boundary of Wilstone.

Christopher Davison, Solicitors LLP - Whether land is or is not within the curtilage of a building can be a decisive factor in many planning cases. The High Court considered the meaning of the word in ruling that a large hardstanding used for storing fencing materials did not fall within the curtilage of the single, modest building on the site."

EWHC 959 (Admin) Case No: CO/3493/2019 IN THE HIGH COURT OF JUSTICE QUEEN'S BENCH DIVISION PLANNING COURT

We also question whether applying for planning permission here is a strategy by the landowner/s to establish a precedent for further inappropriate development in the open countryside to both the north and south of the proposed site.

The Design and Access Statement clarifies that this application supports both 20/01754/MFA (28 homes) and 4/00024/19/MFA (15 homes) on land directly to the south of this application.

	<p>TRPC oppose this application and believe it should be refused for the following reasons;</p> <ul style="list-style-type: none"> <li>• It is not previously or presently developed land</li> <li>• It is outside the development envelope of the settlement</li> <li>• The single permanent structure within the curtilage of this land is not substantial</li> <li>• It does not accord with the NPPF guidelines for development in the countryside (Para 77, 78)</li> <li>• It is contrary to Dacorum Core Strategies CS7 for rural areas and by default, policies CS1 &amp; CS2</li> <li>• It is contrary to the Settlement Hierarchy</li> <li>• It is not included in the DBC Brownfield Register</li> <li>• The proposals for 6 units would not be responsive to local needs CS20</li> <li>• The proposal is not in keeping with the very rural surrounds.</li> <li>• It cannot be considered limited infill for the purpose of allowing development</li> </ul>
<p>Hertfordshire Ecological Records Centre</p>	<p>Hertfordshire Environmental Records Centre does not have any existing habitat or species data for this site. Photographs of the buildings on site have been supplied and show them to consist of a mixture of steel roofed, steel clad and open steel framed structures suboptimal for roosting bats. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p><i>“If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”</i></p> <p>The planning system should now aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements that could be incorporated into the development proposal include examples such as: integrated bat roost units (bricks and tubes) in buildings, bat and bird boxes in trees, specific nest boxes for Swifts and House sparrows, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog homes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians,</p> <p>The amended site plan shows indicative tree planting, in order for these to contribute a meaningful biodiversity net gain these should be composed of native species or species of known wildlife value. Other measures that could be considered are native hedgerow planting or</p>

	<p>the planting of a small community orchard in the wider site. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist. Details of any such biodiversity measured should be shown on a Landscape and Ecological Management Plan and secured by condition.</p>
<p>Hertfordshire County Council – Highways</p>	<p>The proposal is for the demolish of the existing storage yard, change of use to residential and construction of 6 dwellings at land to the south east of Loch View, Tring Road, Wilstone.</p> <p>The new dwellings will utilise the existing access that currently serves the storage yard. This is an interim response owing to HCC Highways concern that large 10.2 metre vehicles cannot manoeuvre onsite to enter and exit the highway network in forward gear. This is because the dwelling must be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses'. This is not the case and therefore large vehicles such as refuse trucks and fire appliances will have to manoeuvre on site to enter and exit the highway network in forward gear.</p> <p>The route leading to the dwelling must be at least 3.7 metres to accommodate a fire appliance.</p> <p>Therefore, for HCC Highways to fully investigate the site and make a highway recommendation, we would like details on the visibility splays of the existing access, width of the access route and swept path analysis for a large vehicle such as a fire appliance when all parking bays are full with cars.</p> <p>Once, this has been achieved then HCC Highways can determine if the access to the site is safe.</p>
<p>Hertfordshire County Council – Fire and Rescue Service</p>	<p>We would request that the Council secure the provision of new fire hydrants for the development through a planning condition.</p>
<p>Hertfordshire County Council – Lead Local Flood Authority</p>	<p>This is a minor application and the LLFA are not a statutory consultee. We are however happy to provide advice in this instance.</p> <p>As LLFA we requested the LPA to consult us on this application due to flood risk in Wilstone.</p> <p>The applicant has not provided any information regarding surface water flood risk or information on how surface water will be managed from the new development.</p> <p>From a review of the national Risk of Flooding from Surface Water mapping, the site is at predicted very low risk of surface water</p>

flooding. However, there is some medium risk of surface water flooding mapped in association with the Grand Union Canal, Aylesbury Arm.

Along the southern boundary of the site there is a mapped Ordinary watercourse, the Grand Union Canal, Aylesbury Arm, therefore the LPA may wish to consult the Canal and Rivers Trust.

From a review of the application form, the applicant is proposing to discharge surface water via soakaway. We would recommend the LPA obtains from the applicant BRE Digest 365 compliant infiltration tests to ensure the feasibility of infiltration on site. In addition, groundwater is known to be high in the area of the site, we would therefore recommend groundwater monitoring is undertaken to ensure a minimum 1m buffer can be obtained between the plane of infiltration and groundwater levels.

The applicant should provide BRE Digest 365 compliant infiltration tests, if infiltration is found not to be feasible the applicant will need to demonstrate an alternative surface water discharge mechanism for the site, with all appropriate permissions and confirmation of feasibility.

We would recommend the LPA obtains a surface water drainage strategy for the site.

What we would normally expect to find in a drainage strategy includes:

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (river) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- A detailed drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards and industry best practice.
- Detailed calculations of existing/proposed surface water storage volumes and flows with post development calculations/modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change (for residential developments this is 40%).

	<p>- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant Water &amp; Sewerage Company that they have the capacity to take the proposed volumes and run-off rates.</p> <p>- Any opportunity to improve flood risk directly by the development site or contribution to local flood risk schemes</p> <p>For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</a></p> <p>The minimum required to assess the flood risks resulting from the proposed development:</p> <ul style="list-style-type: none"> <li>- The volume of surface water the site will have to deal with</li> <li>- How the proposal intends to manage these volumes within the site</li> <li>- Where the water will be disposed of</li> </ul> <p><b>Informative to the LPA</b></p> <p>Should the LPA require further information from the applicant, we would be happy to offer any further advice on any subsequent information received by the LPA.</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records</p>
Herts and Middlesex Wildlife Trust	<p>Due to its location close to optimal bat habitat, this proposal is ideally suited to incorporate a biodiversity net gain in the form of integrated bat boxes in each of the proposed dwellings. The following condition should be added to the decision to secure this:</p> <p>'Prior to the commencement of the development, details of 6 integrated bat cavity boxes, one in each building, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme, be fully constructed, prior to occupation of the approved development and retained as such thereafter.'</p> <p>Reason: To conserve and enhance the biodiversity of Dacorum in accordance with NPPF</p>
Conservation and Design	<p>It would be recommended that the overall height of the two storey element is lowered as it appears fairly substantial in this relatively open rural location. The overall design approach appears in keeping with the rural character of the area although the eaves could be lowered to increase the pitch of the roof.</p>

	<p>The principle concern would be in relation to the setting of the canal. The sub division of plots boundaries should be either hedgerows or wire fencing and the storage of garden equipment and sheds should be shown. A proliferation of domestic paraphernalia could have a suburbanising impact on the character and appearance of the area and the canal.</p> <p>We would agree with the heritage statement that the proposals would not generally impact on the setting of the locks and bridge but would highlight that suburbanising garden areas and equipment could be harmful.</p>
Contamination Officer	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the proposal involves a change of use from a storage yard to residential, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p><b><u>Contaminated Land Conditions:</u></b></p> <p><b><u>Condition 1:</u></b></p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p style="padding-left: 40px;">(iii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p>

- (iv) The results from the application of an appropriate risk assessment methodology.
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
  - (iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (iv) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.**

**Condition 2:**

Any contamination, other than that reported by virtue of **Condition 1** encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.**

**Informative:**

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.dacorum.gov.uk](http://www.dacorum.gov.uk) by searching for contaminated land and I would be grateful if this fact



	could be passed on to the developers.
Environmental Health	<p>I have reviewed the details and information provided.</p> <p>The site is outside transportation significance noise contours and also outside of the AQ Mgt Zone. Due to the relatively small size of the development I do not consider it will negatively impact on neighbouring properties. I therefore do not have any objections to the application or make any further comment.</p>
Waste Services	<p>There should be enough space to store 3 x wheeled bins and a kerb side caddy at each property with space to present 2 x wheeled bins and the caddy on the boundary nearest the road the collection vehicle uses.</p> <p>Consideration should be given to the collection vehicles which are 26t rigid freighters approx. 11m x 3m.</p>
Canal and River Trust	<p>We are the charity who look after and bring to life 2000 miles of canals &amp; rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> <li>a) Impact on the structural integrity of the canal due to the proximity of the works.</li> <li>b) Impact on the structural integrity and water quality of the canal due to the drainage proposals.</li> <li>c) Impact on the character, appearance, and heritage of the waterway corridor.</li> <li>d) Flood risk</li> </ul> <p>Based on the information available our substantive response (as required by the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that amendments, additional information and suitably worded conditions are necessary to address these matters.</p> <p>Our advice and comments follow:</p> <p><u>Impact on the structural integrity of the canal due to the proximity of the works.</u></p> <p>The application site lies adjacent to the offside of the canal which</p>

currently has soft bank protection. Although the proposed buildings would be set back from the canal the proposals include demolition works in very close proximity to the canal boundary, and potentially on land within the ownership of the Trust.

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. There is a risk that demolition and construction operations, including excavations, method of constructing foundations and operation of heavy plant or machinery, in close proximity to the canal boundary, could adversely affect the integrity of the canal structure and nearby structures such as the lock, particularly from vibrations.

It may also be that water from the canal is present on the site, and though this may not currently be having an impact as it is hydrologically balanced, it could be encountered during works. Excavating close to the canal may disrupt this balance and reveal these water sources. The applicant would be responsible for addressing this and undertaking any remediation works required.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 170 & 178-179 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

On the basis of the above, we consider it would be appropriate and justified to secure submission of a construction methodology, including details of demolition works, foundation design and means of construction and all earthmoving/excavation work and vegetation removal required to be undertaken. This will ensure that the demolition and construction is carried out in an appropriate manner which would not risk the stability of the canal bank and associated infrastructure.

We consider this matter could be controlled via a suitably worded planning condition. The works will need to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" and we recommend that the applicant/developer liaise with our engineers to identify the most appropriate approach before seeking to discharge such a condition. In any event, we request that we are consulted on any information subsequently submitted to discharge any such condition and will be happy to provide technical advice and support to the Council in reviewing any information submitted.

Condition – Demolition and Construction Methodology

No development, including any demolition, shall commence unless and until a Demolition and Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed demolition, earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal infrastructure and to ensure that there would be no potential threat to the water environment of the adjoining canals and the wider network. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: The detail is required prior to commencement in the interests of the structural integrity of the waterway and to safeguard the environment in accordance with Paragraphs 170 & 178-179 of the NPPF.

Impact on the water quality of the canal due to the drainage proposals.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of the waterways. The Application form states that foul drainage details are unknown and surface water drainage would be to a soakaway.

It is not clear whether the geology usually found near a canal has been considered and whether a soakaway would be an appropriate or indeed effective method for surface water drainage in this location. The drainage details for any parking areas would also need to include information on measures to prevent contaminated runoff, such as petrol interceptors. With regards to foul drainage, it needs to be ensured that any proposed system can accommodate the proposed development without risk of contamination of the waterway or adverse impact to its structural integrity.

On the basis of the very limited information submitted, it cannot currently be determined with any degree of certainty that appropriate drainage systems could be provided and these would not adversely affect the integrity or water quality of the canal.

Therefore, whilst full details of the final drainage strategy could be addressed by condition the applicant should, prior to determination, provide sufficient details to provide a basic indication as to how foul and surface water drainage are proposed to be addressed and demonstrate that these have taken account of the individual circumstances and location of the application site. The Trust wish to be consulted on these details when available.

It may be that the discharge of surface water to the canal could be considered though, as above, further details on any proposed drainage strategy would be required, and any surface water discharge to the waterway will require prior consent from the Canal & River Trust.

Impact on the character, appearance, and heritage of the waterway

corridor.

The site is in close proximity to Wilstone Bridge and Lock no.8, both of which are Grade II listed. The existing structures within the application site do not make a positive contribution to the canal corridor, or the setting of the heritage assets. The siting of a more prominent, though better quality development, further away from the water's edge, and the listed assets, would likely have a neutral impact or potentially result in a slight enhancement.

The proposed development aims to reflect the local vernacular agricultural building in a largely traditional way. Overall, the scale and mass seem considered and, whilst not reflecting the more modern architectural styles of other recent development in the area, this appears to be an appropriate approach to development of the site.

However, due to its proposed size and proximity to the waterway the car parking area would be visually dominant and adversely impact on the visual amenity of the canal corridor. It is acknowledged that landscaping could aid in screening this to some degree though considering the proximity to the designated assets, in order to minimise the visual impact, consideration should be given to relocating / reconfiguring the car park area to ensure it would be no closer to the water's edge than the southern extent of the proposed building façade.

In addition, and as a minimum, any opportunities to visually buffer views of parked vehicles from the canal and incorporate appropriate measures to prevent vehicles entering the water, such as the provision of low-level native planting, should be considered. There is very little detail on the proposed landscaping and opportunities for any meaningful planting to the rear of the proposed dwelling would appear limited.

The proposed gardens are of limited depth and considering their orientation, it is likely future occupants would seek to maximise light and views over the canal corridor, thereby limiting the long-term retention of any substantial planting. It will therefore be important to ensure that appropriate landscaping is provided, and any new planting should be native species, appropriate to this waterside setting. These details should be required by condition.

Condition – Landscaping

The development hereby approved shall proceed only in accordance with detailed landscaping plans for the site boundary with the Aylesbury Arm of the Grand Union Canal, which have been submitted to and approved in writing by the Local Planning Authority. The planting shall be completed in all respects within the first planting season following the first occupation of any of the dwellings hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting

season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy 106 of the Dacorum Borough Local Plan 1991-2011 and Policy CS26 of the Dacorum Core Strategy 2013.

The proposed layout includes rear gardens facing the canal and this has the potential to result in open views to poor boundary treatments, such as tall close boarded fences which would be visually detrimental. The installation of fencing in close proximity to the canal boundary also has the potential to impact on the structural integrity of the waterway. These details could be required by condition and we request that we are consulted on any information subsequently submitted to discharge this condition.

#### Condition – Boundary Treatment

Prior to the first occupation of any of the dwellings hereby approved details of any boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained wholly in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and minimise the impact on the integrity of the canal and safety of waterway users in accordance with Policy 106 of the Dacorum Borough Local Plan 1991- 2011 and Policy CS10 of the Dacorum Core Strategy 2013.

The Trust would also wish to ensure that the historic character, appearance and setting of the canal corridor and designated assets are not adversely affected by any subsequent additions or alterations, and considering the proximity to the waterway, that the structural integrity of the canal infrastructure is not adversely affected. It is therefore considered that a condition should be imposed to remove permitted development rights.

#### Condition - Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification) no development covered by

Class A, B, C, D, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes A-I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to ensure any development preserves or enhances the significance of

	<p>the designated heritage assets in accordance with Policies 106 and 119 of the Dacorum Borough Local Plan 1991-2011 and Policy CS27 of the Dacorum Core Strategy 2013, and in the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 170 &amp; 178-179 of the National Planning Policy Framework and in the National Planning Practice Guidance.</p> <p><u>Flood risk</u></p> <p>The site is within the inundation zones of the Startops and Wilstone Reservoirs, though the submission includes no reference to these. In accordance with paragraph 163 of the NPPF flood risk must be properly considered by the developer, and the development should be appropriately flood resistant and resilient with any residual risk safely managed.</p> <p><u>Comments as Landowner</u></p> <p>The application site includes land within the ownership of the Canal &amp; River Trust though no Notice has been served on us by the Applicant. The applicant/developer is advised to contact Bernadette McNicholas of the Trust's Estates Team on 07920 495745 or bernadette.mcnicholas@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained.</p> <p>Should planning permission be granted we request that the following informatives are appended to the decision notice:</p> <p>1) The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal &amp; River Trust "Code of Practice for Works affecting the Canal &amp; River Trust".</p> <p>2) The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal &amp; River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right, where they are granted, they will usually be subject to completion of a commercial agreement.</p> <p>For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

Address	Comments
Supporting Comments	

Loch View, Wilstone	<p>I have lived at Loch View all my life (53 years)</p> <p>There is now a development of 8 houses that have been built at Wilstone Wharf, which is opposite my house (Loch View), so in my opinion 6 houses on the storage yard of Loch View will only compliment the area by removing an old storage yard and improving the area</p>
1 Mill Street, Wilstone	<p>I live in Wilstone and am in full support of this small development. The proposed plan is not greedy and, if the existing scaffold premises and associated business traffic go, it wouldn't add any additional strain on the village (which has been a concern for us before).</p> <p>The proposed style is in keeping with the area and akin to Meads farm shop - I feel it would only enhance our village and the surrounding countryside</p>
15 Station Road, Cheddington	<p>Although 100% in support of local businesses, the departure of this scaffold yard that brings vans, trucks and pick-up trucks through the village and surrounding villages on a daily basis is definitely a welcome progression and change to the local area.</p> <p>I am in fact glad to see that the land owner has/must have considered the rural feel of the local area and only plans 6 houses - as opposed to the unsightly development in Cheddington.</p> <p>Despite being in strong opposition to the ever progressing development of the Green Belt land that we are so lucky to live in, I feel that this (with careful consideration and collaboration with the locals) will demonstrate how projects like this should be undertaken.</p>
Goodspeeds, Watery Lane	<p><u>Mr Fermont</u></p> <p>This development in my opinion is an improvement to the site, and is not an overdevelopment. I would prefer to have seen a better mixture of property sizes, from 1 bedroom to 3 bedroom to give a distribution of price ranges.</p> <p>I would like to see the plans include provision of a footpath into Wilstone village, as Tring Road is quite busy and there is no easy or safe pedestrian access into the village.</p> <p>As these are canal side properties, I would like to see existing shrubs and trees maintained as the canal has a wide diversity of wildlife, including Kingfishers, that depend on shrubs and trees.</p>
41 Grange Road, Wilstone	<p>I have lived in this village for 30 years, and would welcome more people to this wonderful area.</p> <p>I personally think that this is an excellent site for houses to be built.</p> <p>The existing area is a bit of an eyesore, and as long as the services of sewage, water etc are stringently adhered to, I think it would be a bonus to the village, without much effect on local ecology</p>

Rose Cottage, Astrope Lane	This site suits a small development. The current use as a scaffolding yard with HGV's coming and going is detrimental. I therefore fully support this application
Objections	
17 Dixons Wharf, Wilstone	<p>The key concern with this application if granted is that it will positively enable the far more challenging adjacent application of Land Off Tring Road, Wilstone, to be granted permission.</p> <p>Currently, there is a substantial physical separation between the edge of Wilstone Village and the next nearest development at Dixons Wharf (which itself was built on previous industrial land).</p> <p>As has been well documented, the woodland plot adjacent to Dixons Wharf was cleared late on in August 2020 (the reason for which has not been provided by the landowner) and there is one further open field parcel (under pasture) between Loch View and Dixons Wharf. To the other side of Loch View, beyond the canal, is another parcel of open land (under pasture) that is subject to the larger Land Off Tring Road application.</p> <p>Allowing this proposal to go ahead will place new residential development directly in the middle of Wilstone Village and the separated Dixons Wharf and will no doubt mean that the Land Off Tring Road application will appear more palatable as infill between these areas, as well as placing the open pasture and cleared woodland next to Dixons Wharf at far greater risk of future development, for the same reasons.</p> <p>The local planning authority needs to stand strong in maintaining the intended separation between Wilstone Village edge and Dixons Wharf, as per local planning policy, by rejecting this and any other planning applications for residential development between these two distinct areas.</p>
2 New Road	Proposal would be detrimental to the compactness and character of the village, and cause more traffic at a narrow and dangerous bridge
9 New Road, Wilstone	<p>I object to this development due to the lack of local infrastructure, there are no pavements into the village to use amenities, pedestrians would need to cross a single hump bridge. The lack of pavements at the Luke's Lane development leaves people walking with pushchairs and young children to school, which is very dangerous.</p> <p>The canal path is often flooded due to flooding from the adjacent land.</p> <p>The water supply to the village is compromised by cracked pipes and the pumping station to remove waste is already under strain. Waste frequently needs to be tankered away.</p> <p>Public transport to the village is limited. The council already do not supply every child in the village with a bus pass to Tring School.</p>



	<p>Further development will put more strain on our overloaded services.</p> <p>There are no planning notices outside the property to alert local residents of this intended planning application. My understanding is this is a requirement?</p> <p>The application states no employment will be effected - how many people work for the scaffold yard? I am also aware of a local carpenter's workshop in the site. In reality how many local jobs does this proposed development actually impact?</p> <p>The application openly supports the refused application 20/01754/MFA for 28 homes.</p> <p>If granted, could this create infill which would pave the way for future major developments on the surrounding land?</p>
Huckvale, 13 New Road	<p>The proposed development does not lie within the curtilage of the village of Wilstone therefore does not comply with local and national policies eg CS 1, CS2 and CS7.</p> <p>It is located in an isolated rural area. Although the proposal suggests it complies with canal side developments that enhance an area, the location is on the opposite side of the canal, the only access being some distance down the main road (60mph limit) with no footpath.</p> <p>As such it is not sustainable since residents would be dependent on cars to eg safely take children to school.</p> <p>The property has not been previously developed- there are a number of structures without foundations consisting scaffold poles and shelves, most with no sides or backs.</p> <p>The developer showing support of the previously refused planning application for 28 houses is curious and implies plans for future infilling?</p> <p>I hope that the planning team in Dacorum will comply with the NPPF and their own policies in preserving the rural nature of Wilstone and its surroundings- the lack of housing supply does not allow for them to be disregarded.</p>
21 Tring Road, Wilstone	<p>Overall, this proposal is in breach of the Council's own policies, detailed below. I also believe this application is deliberately designed to facilitate another application of the development of 28 houses, now resubmitted as a 15 houses development, between the canal bridge and Grange Road. This will open the floodgates for significant additional development.</p> <p>In relation to planning policies: -</p> <p>It is contrary to policies CS1, CS2 and CS7 of the Core Strategy</p> <p>It is contrary to DBC CS8 and CS20</p>

	<p>It is contrary to the Settlement Hierarchy</p> <p>It is outside the settlement's Development Envelope</p> <p>It cannot be considered limited infill for the purpose of allowing development</p> <p>It does not meet local housing need as a rural exception development</p> <p>It is contrary to the NPPF guidelines for development in the countryside (Para 77, 78)</p> <p>It is contrary to the NPPF definition of sustainable development</p> <p>It is not previously or presently developed land, the majority of the structures are temporary</p> <p>The only permanent structure within the curtilage of this land is not substantial.</p> <p>It is not included in the DBC Brownfield Register</p> <p>Additional Comments</p> <p>Now that the adjacent planning application for 28 houses is possibly going for appeal, this application for six houses, should be seen as one large development of 34 houses, separated only by a narrow canal.</p>
58 Tring Road, Wilstone	<p>My objections to the application are listed below:</p> <ul style="list-style-type: none"> <li>- It is contrary to Policies CS1, CS2 and CS7</li> <li>- It is contrary to DBC CS8 and CS20</li> <li>- It is contrary to the Settlement Hierarchy</li> <li>- It is outside the settlement's Development Envelope</li> <li>- It cannot be considered limited infill for the purpose of allowing development</li> <li>- It does not meet local housing need as a rural exception development</li> <li>- It is contrary to the NPPF guidelines for development in the countryside (Para 77, 78)</li> <li>- It is contrary to the NPPF definition of sustainable development</li> <li>- It is not previously or presently developed land, the majority of the structures are temporary</li> <li>- The only permanent structure within the curtilage of this land is not substantial</li> <li>- It is not included in the DBC Brownfield Register</li> </ul> <p>I believe this is a deliberate attempt to circumvent normal planning requirements, and is intended, if the application is approved, to create an argument for the previously refused application for 28 houses (20/00754/MFA) on an adjacent site to be considered "infill" and hence more likely for future approval.</p>
90 Tring Road	I was not notified of this current application and only came across it by

	<p>chance, considering we are Loch View's nearest neighbour on this side of the road across the other side of the canal bridge.</p> <p>I feel this new application is now in place in order to seek an infill for the application for 28 homes refused on application 20/01754/MFA. The application is on land owned by the same local family members.</p> <p>Both applications are outside the Village boundary.</p> <p>There is only one permanent structure on this site since we have lived in the village. All the other structures are temporary structures over recent years contrary to application 4/0176/19/LDE which states these scaffold housing structures have been there for over ten years. These were erected without planning consent until 2019. B8 designated land does not benefit from permitted development rights.</p> <p>As on application 20/01754/MFA the land is on a high-water table. Watery lane/Asthorpe lane which runs opposite Loch View suffers from severe flooding. In front of Loch View on the road there is always on wet days an accumulation of surface water. Watery Lane was recently flooded which shows the road on first glance to look like the canal which were posted locally on social media. In the past six months the village has suffered two flooding incidents where the village was impacted by flood water. In the past six months under our hedge at the front of our property it has flooded due to water running off the land refused permission for 28 homes. It is accumulating under our hedge since highways inserted a kerb stone by the canal bridge. The surface water runs onto highways land and accumulates under our hedge and covers a very large area.</p> <p>This application is not within NPPF guidelines for development in the countryside</p> <p>It is contrary to Dacorum Core Strategy CS1, CS2, CS7, CS8</p> <p>It is outside the Village boundary and not on previously developed land.</p> <p>It should not be considered as infill.</p> <p>Village already has an impacted sewage system along with flood risk.</p>
<p>10 Chapel Fields, Wilstone</p>	<p>I wish to strongly object to this development and I am suspicious of the support it gives to the application of 28 houses already refused.</p> <p>Wilstone is a small rural village of approximately 300 properties. There are few amenities- one small voluntarily run village shop and a small pub. The village often floods after heavy rain which results in sewage problems. There are few pavements and one end of the village has a weight restricted bridge.</p> <p>There appears to be a sustained effort by developers who have no respect for this village by building as many houses as possible and then to walk away and leave the problems for others.</p> <p>This development I believe is outside the village boundary on undeveloped land. The village is already under strain from previous</p>

	<p>developments.</p> <p>As there is little or no employment within the village any new property owners will use cars for work and or leisure as transport links are negligible.</p> <p>This development is both inappropriate and harmful for the countryside and could lead to further developments to the north and south.</p> <p>The connection with applications 20/01754/MFA and 4/00024/19/MFA is extremely worrying.</p> <p>Specifically</p> <ul style="list-style-type: none"> <li>* this is not previously developed land</li> <li>* this contravenes CS1- distribution of development</li> <li>* this contravenes CS2- selection of development sites</li> <li>* this breaches CS7- rural areas</li> <li>* this breaches CS8- sustainable transport</li> <li>* this breaches CS20- rural sites for affordable homes</li> </ul> <p>This site is currently B8 usage sitting in countryside surrounded by open fields outside Wilstone and therefore is neither responsive to local needs nor in keeping with the rural area.</p> <p>I ask you to protect our village and surrounding rural area and reject this speculative application.</p>
<p>Goodspeeds, Watery Lane</p>	<p><u>Mrs Fermont</u></p> <p>Wilstone seems awash with planning applications at the moment.</p> <p>My objections can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- It is not previously or presently developed land</li> <li>- It is outside the development envelope of the settlement</li> <li>- The single permanent structure within the curtilage of this land is not substantial</li> <li>- It does not accord with the NPPF guidelines for development in the countryside (Para 77, 78)</li> <li>- It is contrary to Dacorum Core Strategies CS7 for rural areas and by default, policies CS1 &amp; CS2</li> <li>- It is contrary to the Settlement Hierarchy</li> <li>- It is not included in the DBC Brownfield Register</li> <li>- The proposals for 6 units would not be responsive to local needs CS20</li> <li>- The proposal is not in keeping with the very rural surrounds.</li> <li>- It cannot be considered limited infill for the purpose of allowing development</li> </ul>

**ITEM NUMBER: 5d**

<b>21/00365/FUL</b>	<b>Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen.</b>	
<b>Site Address:</b>	<b>Barn A Birch Lane Flaunden Hertfordshire HP3 0PT</b>	
<b>Applicant/Agent:</b>	<b>Flaunden Construction Ltd</b>	<b>Mr Abel Bunu</b>
<b>Case Officer:</b>	<b>Elspeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Flaunden Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>Due to contrary view of Flaunden Parish Council</b>	

This application was deferred by members at the last DMC meeting on 27.5.21 to allow time for a Dacorum Borough Council Trees and Woodlands Officer to visit the site and verify the condition of the row of trees adjacent to Barn A.

The Trees and Woodlands Officer visited the site on Friday 11<sup>th</sup> June and stated that his previous comment still stands as all trees are in the condition as was recorded in the arboricultural report.

He took photos on site and they match the arboricultural consultant's photos. Some of these photos will be shown as slides to members at the meeting.

The trees are severely decayed and are defected. No objection is therefore raised to their removal and replacement will the details as specified.

Condition 7 has also been amended to include the following sentence;

**"The replacement vegetation must be retained in perpetuity as shown in the approved soft landscaping details."**

The original Committee report is set out below.

## **1. RECOMMENDATION**

That planning permission be granted.

## **2. SUMMARY**

2.1 The proposed repositioning of the tree planting screen is considered acceptable in this case as there will be no detrimental impact on the visual amenity of the area or the Flaunden Conservation Area and no loss of residential amenity.

2.2 The raising of the roof, change of roof pitch, conversion of barn to residential use and the changes to the fenestration were approved at the Development Management Committee meeting on 21.5.20. These works have already been completed.

2.2 The proposal will comply with Core Strategy Policies CS12 and 27.

## **3. SITE DESCRIPTION**

- 3.1 The site (outlined in red) is located on the eastern side of Birch Lane, Flaunden and is accessed via an unnamed access lane. The site comprises the access and a partly converted Barn – which for the purposes of this and previous applications is called “Barn A”.
- 3.2 The adjacent land (outlined in blue) on the site location plan includes large open fields located to the north-east and north-west and to the south of the site there are three buildings which include:
- Barn B – now called “Honeysuckle Cottage” – which is in residential use and the Manager’s cottage;
  - Large U shaped stable building and a menage; and
  - The Coach House – a residential unit which historically was the manager’s cottage for the equestrian use.
- 3.3 The site is located within the Metropolitan Green Belt and partly covered by the Flaunden Conservation Area. The boundary of the Conservation Area runs along the western side of Barn A and includes the access road.

#### **4. PROPOSAL**

- 4.1 The proposal is for the raising of roof, change of roof pitch, conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen.

#### **Background**

- 4.2 The whole of this site was the subject of a holistic approach considered under planning application 4/03481/15/MFA which aimed to allow some residential use on the site whilst re-establishing the previous equestrian use. Conversion of Barn A to form a 4 bedroom dwelling was approved as part of this application.
- 4.3 A later application 4/01658/16/FUL granted planning permission for conversion of the existing agricultural barn to two semi-detached dwellings on 24.3.17.
- 4.4 4/02327/19/DRC approved a landscaping plan which showed protection of the trees and a footpath along the western side of Barn A.
- 4.5 The raising of roof, change of roof pitch, conversion of barn to residential use and changes to fenestration part of the current scheme has already been granted by the Development Management Committee at its meeting on 21.5.20 under planning application number 20/00089/FUL. For assessment of these aspects please see the Development Management Committee report for this application.
- 4.6 Due to the other works having been already approved and built it is considered necessary to only discuss the repositioning of tree planting screen. Please refer to the previous report for details on the acceptability of the these other works.

#### **5. PLANNING HISTORY**

Planning Applications (If Any):

19/03114/ROC - 3114 Removal of condition 11 of planning permission 4/01658/16/FUL (conversion of existing agricultural barn to 2 semi detached dwellings)  
*WDN - 4th February 2020*

20/01452/DRC - Details as required by condition 4 (Tree protection plan) and condition 9 (garage details) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration).  
*GRA - 3rd August 2020*

20/03219/DRC - Details as required by condition 2 (Materials) and 8 (Hard \_ Soft Landscaping) of planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration)  
*REF - 15th December 2020*

20/03345/FUL - Construction of 2 new dwellings.  
*REF - 23rd December 2020*

21/00614/FUL - Raising of Roof, front extension within the courtyard. Conversion of stable building to residential use and changes to fenestration.  
*REF - 9th April 2021*

4/02327/19/DRC - Details as required by condition 2 (materials) condition 3 (landscaping) condition 4 (contamination), condition 7 (layout of use) condition 8 (fire hydrants) condition 10 (business plan) attached to planning permission 4/01658/16/FUL (Conversion of existing agricultural barn to 2 semi-detached dwellings.)  
*GRA - 12th February 2020*

4/01674/19/NMA - Non material amendment to planning permission 4/03481/15/mfa - conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear  
*GRA - 10th September 2019*

4/01300/17/DRC - Details required by condition 3(landscaping), 4(contaminated land), 5(contaminated land), 7(approved plans), 8(fire hydrants), 11 (materials) and 12 (business plan) attached to planning permission 4/02937/16/ful - conversion of agricultural barn to form a  
*GRA - 13th July 2017*

4/01239/17/RET - Material change of use from workshop and office to bedroom, interior reconfiguration and external minor amendment (retrospective).  
*WDN - 20th May 2019*

4/01192/17/DRC - Details of materials, landscaping, contamination, horse and pedestrian safety, sustainability, fire hydrants and business plan as required by conditions 2, 3, 4, 7, 8 and 10 of planning permission 4/01658/16/FUL (conversion of existing agricultural barn t  
*REF - 3rd January 2019*

4/01069/17/ROC - Variation of conditions 2 (materials) & 11 (approved plans) attached to planning permission 4/01658/16/FUL (conversion of existing agricultural barn to 2 semi detached Dwellings.  
*WDN - 20th May 2019*

4/02937/16/FUL - Conversion of agricultural barn to form a pair of semi detached dwellings comprising a two-bedroom unit for a stable manager with associated tack storage, lockable office and a one-bedroom dwelling for open market Housing.  
*GRA - 24th March 2017*

4/02298/16/DRC - Details required by conditions 3 (hard and soft landscaping), 4 (phase 1 report), 6 (layout of equestrian use), 7 (fire hydrants), 10 (external materials), 11 (external materials) and 12 (business plan) attached to planning permission 4/03481/15/mfa - con  
*GRA - 13th February 2017*

4/01658/16/FUL - Conversion of existing agricultural barn to 2 semi detached Dwellings.  
*GRA - 24th March 2017*

4/03688/15/FUL - Part demolition of existing agricultural barn and change of use to a daytime community centre and warden's office. change of use of existing parking area to 7 traveller and gypsy pitches including 7 day units  
*INSFEE -*

4/03481/15/MFA - Conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear extension to coach house; and refurbishment and improvement of  
*GRA - 5th July 2016*

4/01123/15/FUL - Conversion of an existing stables to form a single four bedroom house with garage and workshop (revised Scheme).  
*REF - 21st August 2015*

4/01569/05/FUL - Stationing of caravan for safety and welfare of horses  
*REF - 19th September 2005*

4/02292/03/FUL - Extension to cottage and conversion of adjoining stables. demolition of tack/feed room  
*GRA - 18th December 2003*

4/00567/03/FUL - Demolition of existing tack and feed room, conversion of stables and extension to accommodation  
*REF - 8th May 2003*

4/02089/01/CAC - Removal of barn  
*REF - 21st February 2002*

4/02088/01/FUL - Replacement of existing barn with new dwelling house  
*REF - 21st February 2002*

4/00848/01/CAC - Demolition of barn  
*REF - 28th August 2001*

4/00821/01/FUL - One dwelling  
*REF - 28th August 2001*

20/01889/FUL - New Dwelling  
*PDE -*

21/00196/DRC - Details as required by condition 2 (Materials) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.)  
*GRA - 16th March 2021*

4/02200/19/FUL - Conversion of two rooms in existing building to make residential accommodation. Internal re-configuration and minor external Alterations.(retrospective).  
*GRA - 11th November 2019*



4/01674/19/NMA - Non material amendment to planning permission 4/03481/15/mfa - conversion of existing agricultural barn to form a 4 bed detached dwelling; conversion of existing agricultural barn to form a 2 bed detached dwelling with manager's office; single storey rear  
*GRA - 10th September 2019*

4/01300/17/DRC - Details required by condition 3(landscaping), 4(contaminated land), 5(contaminated land), 7(approved plans), 8(fire hydrants), 11 (materials) and 12 (business plan) attached to planning permission 4/02937/16/ful - conversion of agricultural barn to form a  
*GRA - 13th July 2017*

20/00089/FUL - Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.  
*GRA - 28th May 2020*

20/01452/DRC - Details as required by condition 4 (Tree protection plan) and condition 9 (garage details) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration).  
*GRA - 3rd August 2020*

20/03219/DRC - Details as required by condition 2 (Materials) and 8 (Hard \_ Soft Landscaping) of planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration)  
*REF - 15th December 2020*

21/00196/DRC - Details as required by condition 2 (Materials) attached to planning permission 20/00089/FUL (Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration.)  
*GRA - 16th March 2021*

21/00614/FUL - Raising of Roof, front extension within the courtyard. Conversion of stable building to residential use and changes to fenestration.  
*REF - 9th April 2021*

Appeals (If Any):

21/00005/REFU - Construction of 2 new dwellings.  
*INPROG -*

4/02986/15/FUL - Development Appeal  
*- 17th August 2016*

4/01123/15/FUL - Development Appeal  
*- 17th August 2016*

4/02089/01/CAC - Development Appeal  
*- 4th September 2002*

4/02088/01/FUL - Development Appeal  
*- 4th September 2002*

4/02987/15/FHA - Development Appeal  
*- 17th August 2016*

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Control  
CIL Zone: CIL2  
Flaunden Conservation Area  
Former Land Use (Risk Zone):  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Flaunden CP  
RAF Halton and Chenies Zone: Green (15.2m)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 2  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS5 – Green Belt

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment

Supplementary Planning Guidance/Documents:

Parking Standards (Nov 2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
Impact on Green Belt;  
The impact on visual amenity and the Flaunden Conservation Area; and

The impact on residential amenity.

#### Principle of Development

- 9.2 To fell one group of trees and provide a new tree planting screen outside a Conservation Area would not normally require planning permission but these trees are protected by a condition set on the previous approval 20/00089/FUL.
- 9.3 The reason for the condition was:
- “To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).”
- 9.4 Retention of this row of trees was an important part of the previous approvals to ensure that there was a visual buffer between the barn conversion and the dwellings to the west. These trees are still important but have significant decay and defects.
- 9.5 The current scheme will replace the existing tree screen with a row of Hornbeam trees set on the other side of the existing unmade access road beside the dwelling so would be acceptable in principle as long as the details accord with other relevant policies.

#### Impact on Green Belt

- 9.6 The red line for this application is larger than in the previous application to include the track to the west of Barn A and some of the adjacent equestrian paddock. The row of trees are proposed to be planted along the side of this equestrian paddock.
- 9.7 It is not intended that this area of land be within the curtilage of Barn A – a condition has been placed to ensure that this land remains open land and not be part of the residential curtilage.

#### The impact on visual amenity and the Flaunden Conservation Area

- 9.8 The Conservation and Design Officer has stated that he does not have an issue with the re-positioning of the tree planting. The existing trees are in poor condition, and the proposed replacement hornbeam trees, 5-6 metres in height, and under hedging should provide a sufficient new screen.
- 9.9 The Trees and Woodland Officer has advised that the existing vegetation has severe decay and significant defects. He considers the replacement of this vegetation with the proposed screen of Hornbeam trees (to be planted at a height of 5-6 metres across the lane) would create a thicker and healthier screen of vegetation between the converted barn and the neighbours to the west.
- 9.10 The proposal will comply with CS12 and CS27.

#### Impact on Residential Amenity

- 9.11 The nearest dwelling to Barn A is in excess of 50 metres away to the west. The relocation of the screen will still provide a visual buffer between the barn conversion and the two dwellings to the west so there will be no loss of amenity as a result of the proposed scheme.
- 9.12 The proposal will comply with CS12 with regard to amenity.

#### Other Material Planning Considerations

## Conditions

- 9.13 Some of the conditions placed on the previous approval have been discharged so can be modified for this application. The agent has prepared an Addendum with a schedule of the previous conditions already discharged together with the associated details. The conditions have been amended accordingly.

## Ecology

- 9.14 As the tree line is mature and well established vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the Wildlife & Countryside Act 1981 (as amended) and applicants and sub-contractors may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

- 9.15 The above will be set as an informative for any approval.

## The impact on highway safety and car parking

- 9.16 As the report is only assessing the repositioning of the tree planting screen there are no highway safety or car parking issues to address.

## Response to Neighbour Comments

- 9.17 These points have been addressed above.

## Community Infrastructure Levy (CIL)

- 9.18 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable due to resulting in more than 100m<sup>2</sup> of additional floor space.

## **10. CONCLUSION**

- 10.1 The proposed repositioning of the tree planting screen is considered acceptable in this case as there will be no detrimental impact on the visual amenity of the area or the Flaunden Conservation Area and no loss of residential amenity.
- 10.2 The proposal will not result in an expansion of the residential curtilage of Barn A so there will be no impact on the openness of the Green Belt.
- 10.3 The proposal will comply with Core Strategy Policies CS5, CS12 and 27.

## **11. RECOMMENDATION**

- 11.1 That planning permission be granted.

**Condition(s) and Reason(s):**

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The materials to be used between the windows must comply with those materials submitted to discharge condition 2 of 20/00089/FUL under 21/00196/DRC.**

**(A covering letter was submitted with the DRC showing the details of the materials to be used between the windows as Vertical Timber Cladding painted Black - a photo showing part of the building constructed with these materials was submitted.)**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form submitted with application 20/00089/FUL with the exception of those which describe boundary treatment and the materials between the windows - these are to be addressed via other conditions which require details of boundary treatment and materials.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **As shown on the approved plans the full size windows at ground floor on the eastern elevation must be non – opening to ensure that no permanent access is allowed to this side of the dwelling and thus further enlargement of the curtilage of the dwelling.**

Reason: To avoid any encroachment into the Green Belt by the construction of a footpath along this side boundary and therefore to comply with the NPPF and CS 5 Green Belt.

5. **All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) of planning application 4/01658/16/FUL shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development and to comply with CS32.

6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or**

**without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2 Part 1 Classes [A, AA, B, C, D, E, F and G]**

**Part 2 Classes [A, B and C].**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of an agricultural building in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

7. **Prior to occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure: no fencing will be permitted along the western side of the Barn;**
- **An elevation plan showing the siting, height (to be between 5-6 metres high) and coverage of replacement vegetation - a screen of Hornbeam trees and under hedging; and**
- **A floor plan showing the replacement vegetation and the distance between each tree.**

**The planting of the mature trees must be carried out prior to the removal of the row of vegetation (tree planning screen) shown immediately adjacent to Barn A on the proposed site plan.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

**The replacement vegetation must be retained in perpetuity as shown on the approved soft landscaping details.**

Reason: To improve the appearance of the development and its contribution to biodiversity, the local environment and the Conservation Area, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) and CS27 of the Dacorum Borough Council Core Strategy (2013).

8. **The design and materials to be used for the garage doors must comply with those details (a drawing and text) submitted to discharge condition 9 of 20/00089/FUL under 20/01452/DRC.**

Reason: In the interests of protection of the rural character of the countryside and the Flaunden Conservation Area. To comply with CS5 and CS27.

9. **The curtilage will be restricted to the approved site plan as per the previous application 20/00089/FUL.**

Reason: To avoid any encroachment into the Green Belt by the extension of the curtilage of Barn A and therefore to comply with the NPPF and CS 5 Green Belt.

10. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Site Location Plan**

**A. 47499. 04J Proposed Floor Plans and Elevations**

**Existing and Proposed Site Plan 02E**

**Addendum containing information relating to discharged conditions**

Reason: For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
3. It is noted that the horse exercise area is not shown on the proposed or existing site plan - this was part of the MFA approval for continuing equestrian use and should not be removed without permission.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Hertfordshire Highways (HCC)	I have read the email below and understand their points. I was not aware that the application was for the relocation of the planter as within our system it is named ;

	<p>"Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen"</p> <p>The proposal website page includes additional documents for the barn conversion and therefore, I thought it was a new proposal. Consequently, I accessed the site in terms of a conversion of the barn to residential use. My concerns regarding fire appliance access to that specific barn still stand, however, the applicant has stated that they have been in contact with the fire department regarding the wider site. I cannot confirm this but if HCC Highways have already granted this application and this application is just for the repositioning of planters, then this would not be a highway issue. I may have got confused because I am unsure why HCC Highway would be asked to comment on the tree planting screen as this is not within the Highway nor anywhere near.</p> <p>Therefore, in regards to the reposition of the planter, this does not impact the highway network and is deemed acceptable.</p> <p>I would like to take specific note of comment 3 by the applicant below</p> <p>"In my view, this comment is as relevant as it was then. Exploring the history of the site beyond the recent approval appears to me to serve no useful planning purpose. "</p> <p>This statement is misled, the wider site in terms of the highway is served by one access and therefore the barn must be judged in relation to the wider site through the intensification of the existing single access. Consequently, viewing the site as a whole gives HCC Highways a clearer view of how the cumulative impacts of development affect the highway.</p>
Conservation & Design (DBC)	<p>I do not have an issue with the re-positioning of the tree planting. The existing trees are in poor condition, and the proposed replacement hornbeam trees, 5-6 metres in height, and under hedging should provide a sufficient new screen.</p>
Conservation & Design (DBC)	<p>I'm slightly confused why this application needs to refer to raising the barn roof etc, when it is addressing solely the boundary treatment.</p> <p>Also should there not have been an application to regularise the cladding, as per my e-mail of 30/11/20?</p> <p>'Not sure why horizontal boarding is being proposed here, when the original application clearly stated vertical timber cladding, and was the basis on which the application was approved. This is important given that this is not a 'traditional' barn but a large, more modern agricultural building - these were never treated with horizontal timber cladding.</p> <p>There was doubt as to what was being proposed between the windows - hence the condition to ensure consistency with the vertical cladding. '</p>



<p>Environmental And Community Protection (DBC)</p>	<p>Noise and Qir Quality</p> <p>No objection in principle to the application or further comment.</p> <p>Contaminated Land (19.2.21)</p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the proposal will result in a more sensitive end use, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p>
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	<p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Parish/Town Council	<p>Flaunden Parish Council recommend refusal of this latest application. When the original application 20/0089/FUL was granted it was a condition that the existing tree screen would remain.</p> <p>It appears from the submitted plans that the outline in red is the proposed boundary of Barn A. This boundary is different from that agreed in the previous granted permission and is a further encroachment into the Green Belt. The result is an extension of the</p>

	<p>area allocated to the west of Barn A which covers the track and some of the adjacent equestrian paddock. This track is used as access from the stables to the lower fields and horses are led along this path on a regular basis.</p> <p>It is important to note that the roof has been raised by 1.6m and it has significantly more fenestration, a front door and domestic lighting particularly on the western elevation --these were not shown on the original plan. This makes it a much more imposing structure in the Green Belt and the Conservation Area.</p> <p>The trees that are currently there are clearly, based on the earlier refusal, deemed to be safe and healthy. They are mature trees with proportional spans and provide an effective, vegetative screen to the converted barn. The property was converted with the full knowledge of the vegetation in place and the screen was deemed necessary at that time and it remains so. It is important for the landscape in the Green Belt and the Flaunden Conservation Area.</p>
Thames Water	<p>Waste Comments</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water would advise that with regard to WASTE WATER</p>

	<p>NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
Hertfordshire Highways (HCC)	<p>The proposals is for the raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen at Barn A, Birch Lane, Flaunden. I would note that the general area of this application and the private route that serves properties around this site has had extensive planning permission in the past 5 years. This is an interim response for this application as I have concerns that a fire appliance cannot manoeuvre on site to enter and exit the site in forward gear in case of an emergency. Within drawing A 47499 02E it illustrates that on the proposed site plan the hardstanding will be reduced which concerns me regarding the turning of large vehicles such as a fire appliance. I would also note that I have concerns regarding the narrowest point leading to the site on the private route. This must be in excess of 3.1 metres to enable a fire appliance to move through freely, this is not clear from the drawings.</p> <p>Therefore, HCC would like to see the following before a recommendation can be made ;</p> <ol style="list-style-type: none"> <li>1) Swept path analysis to ensure large emergency vehicles (fire appliance) can reach the dwelling and manoeuvre on site to exit and enter the highway in forward gear.</li> <li>2) To illustrate the width of the private route at its narrowest to the dwelling to ensure it is above the 3.1 metres required.</li> </ol> <p>This is to ensure that the dwelling is safe in case of an emergency</p>
Trees & Woodlands	notes from meeting with Luke Johnson on 7.5.21

	<p>The existing vegetation suffers from severe decay and has significant defects.</p> <p>Provision of a screen of Hornbeam vegetation of a similar height to the existing would be an improvement to the existing situation.</p>
Environmental And Community Protection (DBC)	<p>Yes happy with this Condition.</p> <p>All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) of planning application 4/01658/16/FUL shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
33	6	1	5	0

### Neighbour Responses

Address	Comments
Copse Cottage 96-97 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP	<p>We would like to object to this application on the grounds that this has become a much larger and more imposing building on the sky line than the original planning application granted. The present row of trees has been there for many years and were already there when the original building application was made and so the impact of the trees on the building should have been taken into consideration then, and it not to be assumed if they became inconvenient that they could be cut down.</p> <p>The present row of trees provides screening of Barn A and maintain the natural character of this part of the Conservation Area. Any new</p>

	<p>replacement trees would not provide anywhere near the same level of screening to what is now a very imposing residential building.</p>
<p>The Old Chapel Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>As much as I understand that the owner of Flaunden Stables files new applications as the project moves forward - it would be nice to fully understand what the final development of the whole property is supposed to look like. Are we going to deal with further applications for the next few years, until the whole hill looks different?</p> <p>I object to this specific application: I don't feel like old, high and beautiful trees should be taken down. Particularly as they hide the new building, which is almost 2m higher than the previous barn.</p> <p>New trees would be low and would have to grow for many years to provide privacy. I guess that is one of the reasons, a similar request was rejected already.</p>
<p>Birch Lane House Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>With regard to the latest planning application Ref: 21/00365/FUL to remove the trees next to Barn A.</p> <p>Attached below are my previous comments submitted for the earlier application to remove this tree line Ref: 20/03219/DRC which remain valid.</p> <p>In addition I would also like to make the following comments specifically relating to this latest application.</p> <p>The previous application was refused for the following reason:</p> <p>'The soft landscaping details submitted (loss of mixed species hedgerow along the western side of the barn conversion with no suitable replacement) will result in the loss of the vegetative screen along this side of the converted barn and cause harm to the character of the Conservation area and the local countryside.'</p> <p>This remains the case for this latest proposal, which differs from the earlier one simply in the fact that is now proposing 12-14cm stem hornbeam trees rather than 6m Leylandii. The trees that are currently there are clearly, based on the earlier refusal, deemed to be safe and healthy. They are also around 30 to 50 years old and stand to a height of 15-20 metres with proportional spans (see attached picture), providing an effective vegetative screen to the converted barn as well as forming an integral part of the natural landscape in this Conservation and Greenbelt area of the countryside. This is why they have always been seen as an important part of all of the earlier planning approvals and have been specifically protected as a condition of the planning permission granted (Ref 20/00089/FUL - Condition 8). The replacement of these very mature trees with immature hornbeams will provide virtually no effective screening, the trees when planted will be thin and wispy at around 3m tall and typically even after 20 years Hornbeam would be expected reach 7m x 4m, less than half the size of the existing trees.</p>

It is also important to restate a point made earlier, namely that the barn has also been raised 1.6m taller than the original simple barn that was there previously. It also has significantly more fenestration, particularly on the western elevation which also has a front door and associated domestic lighting which was not in the original plans approved. All of this has been done knowing the existing protected trees would conflict with these design changes. It is now a much more imposing structure on the landscape than was there historically the case, which, if coupled with removing the existing trees, will conflict greatly with the intent of the original planning granted which stressed the need for a sympathetic conversion in keeping with the existing building and with limited impact on the surrounding countryside. The importance of this was further endorsed by the other reason given for the recent refusal (Ref: 20/03219/DRC) which deemed horizontal timber cladding to be unacceptable as it would 'cause harm to the character of the Flaunden Conservation area and local countryside'. Taking out these mature trees, which will effectively amplify the impact of this now substantially larger residential dwelling, clearly visible from the road, surrounding countryside and neighbouring properties, with virtually no effective screening, will do far greater harm to the character of the Flaunden Conservation area and local countryside.

I would finally also like to again stress that these trees were there long before the domestic dwelling and that conversion of the building commenced knowing they were a condition of the planning granted and protected as such. The fact that they are now deemed inconvenient to the new dwelling is not in itself a reason for them to be removed.

I would therefore strongly ask that you again refuse this application.

Previous objection:

I have seen a formal application has now been registered to cut down the trees on the west boundary of Barn A.

When I was first notified of the developer's plans to do this in July, I contacted both you and Philip Stanley highlighting my concerns and action was taken to stop this process.

Having read this latest application and the attached report from Paul Empson, a local tree contractor, I would like to make the following comments.

The report and application place great emphasis on the fact that this tree line is a hedge that has been maintained as a hedge in the past. The report specifically states;

'The hedge has in the past been maintained at a height of approx. 1.2m this is evident by the growth patterns of the stems. The majority of the stems are all suffering from signs of decay at around 1.2m due to past pruning cuts.'

This is not an accurate statement, these are clearly trees and not a hedge as evidenced by the pictures attached. Additionally, we have lived in the adjoining property that overlooks this boundary for 30 years

	<p>and never in that time has this treelike been maintained as a 1.2 metre hedge.</p> <p>Given this, the statement within the report that 'As is normal with rural hedges this damage was more than likely inflicted by mechanical hedge maintenance prior to the hedge being allowed to become overgrown.' is also misleading.</p> <p>This tree line was specifically formed part of the original planning application granted that specified that it was to be maintained as part of the landscaping to minimise the impact on the Green Belt and the natural surroundings of this development and the impact on surrounding properties.</p> <p>This tree line is very much in keeping with the local environment in and around Flaunden, where indigenous trees and hedgerows are an important part of the natural Green Belt. Pictures of the immediate local around the Flaunden House Stables development are attached demonstrating this. The suggestion that 6m Leylandii could be used for screening as an alternative also demonstrates little empathy in maintaining the natural character of the development and minimising the impact on the Green Belt, both of which were important requirements when the planning application for this rural barn conversion development was granted.</p> <p>From a personal viewpoint, this tree line is very important in maintaining the natural screening of the new property, as it did with the original barn, and ensuring that this development is in keeping with the rural Green Belt aspect of the surrounding landscape.</p> <p>The claim that these trees form a risk due to the proximity to the property is also questionable. They have never been perceived as a risk prior to now, and have traditionally been sited next to the original, well used commercial stable. They have also for 30 years plus, had a walkway frequently used each day, to lead horses to the adjoining fields immediately next to them. In this time no safety issues have resulted from these trees. This pathway and the entire construction of the new properties has also taken place with the safety of the trees not having been brought into question until July 2020, at the end of the construction. I understood, when we last spoke that you would be contacting an Arboriculturist within Dacorum to provide an independent professional assessment.</p> <p>In conclusion, the trees have formed part of the natural landscape long before these houses were built. Whilst their close proximity is an inconvenience to the developer, this does not provide a valid reason to fell them. Their presence was rightly deemed an important part of the initial planning application granted and should remain so. As such I object to this latest application which should be rejected and the protection currently afforded to these trees maintained.</p>
<p>103 Flaunden Flaunden Hemel Hempstead</p>	<p>Within the following document: <a href="https://planning.dacorum.gov.uk/publicaccess/files/D6CEEA334F2C04638DCAC7C2F87BB073/pdf/21_00365_FUL-TREE_REPORT-1154">https://planning.dacorum.gov.uk/publicaccess/files/D6CEEA334F2C04638DCAC7C2F87BB073/pdf/21_00365_FUL-TREE_REPORT-1154</a></p>



<p>Hertfordshire HP3 0PW</p>	<p>231.pdf</p> <p>Paul Empson Tree Care makes the following recommendation: "To provide an instant screen I would recommend the use of mature Leylandii up to a height of 6m. These should be planted using a trench system and provided with adequate irrigation and support."</p> <p>If the proposed planting is going to affect other residents it will directly contravene the Anti-Social Behaviour Act 2003 that is detailed on the council website here: <a href="http://www.dacorum.gov.uk/home/environment-street-care/environmental-health/high-hedges">http://www.dacorum.gov.uk/home/environment-street-care/environmental-health/high-hedges</a></p> <p>There is an example of such a contravention on the southern perimeter of the applicants plot. Please do not let this be precedent for another breach.</p>
<p>Flaunden House Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I wish to object to planning application Ref: 21/00365/FUL relating to Barn A.</p> <p>With particular reference to the proposed removal/replacement of trees to the west of Barn A, these are currently mature trees (not 'hedgerow' as per the tree report) that have been there for well over 30 years and definitely pre-date the barn.</p> <p>They provide a vital screen and are an important part of earlier planning approvals, namely condition 8 of 20/00089/FUL. It is totally inappropriate to consider replacing these trees - which are at least 15 m high, and need to be so - with 3 m hornbeam trees, which would only grow to about 7 m after some years.</p> <p>This is particularly important as the barn roof is 1.6 m higher than originally planned and there is more fenestration than on the original plans, especially on the western elevation where there is now a front door and lighting. The original planning approval stressed the need for the conversion to be in keeping with the existing building with minimal impact on the surrounding area. I sincerely hope that this will be adhered to.</p> <p>I therefore urge you to refuse this application.</p>
<p>Lavender Cottage 101-102 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>21/00365/FUL BARN A, FLAUNDEN STABLES</p> <p>I wish to comment on the above application, with particular respect to the proposed removal and replanting of the line of trees to the west of the property.</p> <p>The plan outlines in red the proposed boundary of Barn 1 - this boundary is a change from that agreed in previous planning approvals and results in an extension of the area allocated to the west of Barn 1, which covers the track and some of the adjacent equestrian paddock.</p> <p>At present the track through this area is used as access from the stables to the lower fields and horses are led along this path on a regular basis. The plans do not show any re-routing of this track, but it would follow that a re-routing of the track would be necessary if the proposed plan was approved. I assume the area created in this</p>

	<p>proposal would be used as a garden to Barn A, therefore constituting a change of use for this land.</p> <p>The present row of trees (which appear to be mature trees of more than 30 years growth and not 'hedging' as described in the application), provide screening of Barn A and maintain the natural character of this part of the Conservation Area. Any new replacement trees would not provide anywhere near the same level of screening to what is now a very imposing residential building.</p>
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**ITEM NUMBER: 5e**

<b>20/02125/RES</b>	<b>Submission of reserved matters on appearance, Landscaping, Layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access, parking and amenity Space.</b>	
<b>Site Address:</b>	<b>Land For Development Love Lane Kings Langley Hertfordshire</b>	
<b>Applicant/Agent:</b>	<b>Mr Kevin Kelly</b>	<b>Mr Robert Whittle</b>
<b>Case Officer:</b>	<b>Briony Curtain</b>	
<b>Parish/Ward:</b>	<b>Kings Langley Parish Council</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>	<b>Contrary views of the Parish Council</b>	

**1. RECOMMENDATION**

That the Reserved Matters (access, appearance, layout and scale) Application be **GRANTED**.

**2. SUMMARY**

2.1 Outline planning permission was allowed at appeal for the construction of two detached dwellings on land to the western side of Love Lane, Kings Langley 4/00783/17/OUT. In allowing the appeal the inspector was satisfied that the site could accommodate two dwellings without harm to the street scene, the wider area or this part of the Green Belt. The principle of two new dwellings therefore is already established and this application deals solely with the details of the development.

2.2 The plans considered at outline stage were indicative only and as such Condition 1 required details of the proposed access, appearance, landscaping, layout and scale (the reserved matters) to be submitted to and approved in writing by the Local Planning Authority. This application seeks approval of all matters other than landscaping (which has been omitted from this application for submission at a later date).

2.3 The access, appearance, layout and scale now submitted relate well to the surrounding properties, are considered acceptable and would be appropriate as an in-fill development. Whilst the two buildings are fairly large they are comparable to the indicative plans (width, depth and height). The area is characterised by a variety of dwellings sizes and styles and in such a mixed setting the development would not appear out of keeping. The scale (height, width and depth) are appropriate to the surroundings and similar to the indicative plans before the Inspector. The historic hedgerow to the front of the site has already been removed and consent was not required for this.

2.4 The proposed details would ensure a satisfactory appearance to the development, would retain the low density, spacious feel of the area and as the details are considered to comply with Policies CS1, CS5, CS11, CS12 and CS27 of the Core Strategy 2013.

2.5 There is a public right of way to the front of the site which may require extinguishing/diverting. As the inspector noted; a separate legal order will be required to deal with the Rights of Way and as this is dealt with under separate legislation there is no reason to withhold planning permission on this basis. The plans have been amended to ensure there is no obstruction of the right of way (the garages have been omitted as they would have caused an obstruction) such that permission can be granted and the matters in relation to the RoW can then be addressed separately.

**3. SITE DESCRIPTION**

3.1 The application site comprises an open field which is generally rectangular in shape, located at the edge of Kings Langley village and lies within the Green Belt. The immediately surrounding area

is mixed in terms of use and building character. Land abutting the south and west of the site are dwellings with a low density rural residential character. To the east on the opposite side of Love Lane are residential properties which are suburban in character with a more formal layout fronting the street. North of the site is the entrance and associated grounds and car park to Kings Langley School (a major developed site in the Green Belt). The Kings Langley village boundary straddles Love Lane so that the application site, school and dwellings to the south and west of the site are outside of the boundary and within the Green Belt. Agricultural fields are located further west of the site.

#### **4. PROPOSAL**

4.1 This application provides details of the reserved matters (access, appearance, landscaping, layout and scale) required by condition 1 of planning permission 4/00783/OUT.

4.2 The dwellings would be accessed via a single vehicular access to the centre of the site, the dwellings would be one and a half storeys in height and located in a linear form across the site. The dwellings are of a similar size and scale to the indicative plans considered by the Inspector as part of the appeal.

4.3 The proposals have been amended during the course of the application to omit the detached garages. There is a Public Right of Way (PROW) which runs parallel with the front of the site and the garages as originally proposed obstructed this. The mass and bulk of garages together with the dwellings was considered excessive.

4.4 Details of the landscaping proposed to the front of the site have been omitted to avoid obstructing the RoW. An application will be made to divert or extinguish the Row and landscaping details will be submitted at a later date.

#### **5. PLANNING HISTORY**

##### Planning Applications

4/00783/17/OUT - Construction of two chalet bungalows with associated access, parking and amenity Space.

*REF - 5th January 2018*

4/02147/16/OUT - Construction of four chalet bungalows with associated access, parking and amenity space

*REF - 4th January 2017*

##### Appeals (If Any):

4/00783/17/OUT - Construction of two chalet bungalows with associated access , parking and amenity Space.

*ALW - 22nd March 2019*

4/02147/16/OUT - Construction of four chalet bungalows with associated access, parking and amenity space

*DIS - 12th December 2017*

#### **6. CONSTRAINTS**

Special Control for Advertisements

CIL Zone: CIL2  
Former Land Use (Risk Zone):  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Large Village: Kings Langley  
Parish: Kings Langley CP  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (King Langley)  
SPD Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – The Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design, impact on visual amenity, scale and appearance;

The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 Planning permission has already been granted for the construction of two detached dwelling houses. The principle of the development is therefore acceptable and not a matter for consideration in this application. This application is concerned only with the detail of the development.

### Quality of Design / Scale / Impact on Visual Amenity

9.3 The siting of the two dwellings differs from the indicative plans in relation to the allowed appeal, which saw the dwellings at right angles to each other. The layout now proposed is linear and sees the dwellings side by side across the site. Whilst this increases the built form across the site when viewed from Love Lane, both dwellings are set in from the common boundaries, occupy a fairly central position and as such have generous spacing around them to avoid a cramped or over developed feel. The linear forms sees both properties face Love lane and the layout is considered to relate well to the setting and surrounding street pattern. The proposed layout would have a physical and visual affinity with the linear development immediately opposite that is characteristic of Love Lane. Given the variety in the area and the section of Love Lane in which the application site is located a linear layout is considered acceptable and appropriate.

9.4 The size and scale of the dwellings proposed is similar to the indicative plans assessed as part of the appeal. The case officer at outline stage noted the overall building form would be a maximum of 40m wide and 22m deep. Whilst there are no scale bars on the plans, the dwellings at indicative plan stage were approximately 20m wide and 11m deep (based on estimations from the current plans). The proposed units are 17m (14m at first floor) and 12m deep at the deepest point. Whilst of different design the height of the dwellings now proposed is identical to the larger unit assessed by the inspector. The indicative plans showed a steep roof pitch with roof lights only. The plans now submitted retain the steep pitch but incorporate dormers to increase the floor area at first floor level. There is therefore additional mass and bulk at first floor level but this would not appear out of keeping in the area and would be set against the backdrop of existing development behind.

9.5 Whilst relatively large the Inspector noted that 'the area of one of mixed dwellings, sizes and styles. In such a mixed setting this is not out of keeping'. The scale of the units is considered acceptable and appropriate to the setting which see larger dwellings to the rear at Hill Farm.

9.6 The size, scale, height, mass and bulk of the dwellings is similar to the dwellings set out on the indicative plans but the design and materials differ. The introduction of pitched roof dormers relate well to the context, with many properties exhibiting gables of varying sizes and styles.

9.7 As well as being comparable to the indicative plans, the footprint of the dwellings is similar to that of surrounding existing developments and would be appropriate in their setting. Whilst the height exceeds that of the adjacent bungalow, the two units are set well back within the plot at over 16m from the footpath and furthermore they would be viewed against the backdrop of taller dwellings which were constructed as part of the Hill Farm development immediately behind such that they would not appear dominant or out of keeping.

9.8 The materials were conditioned as part of planning permission 4/00783/17/OUT and as such whilst annotated on the plans these do not form part of the current application. These must be submitted as part of a Details Required by Condition (DRC) application.

9.9 The site is in close proximity to the Kings Langley Conservation Area, such that the proposed dwellings will affect the setting of the Conservation Area. Policy CS27 and Section 16 of the NPPF place great weight on the preservation of heritage assets. The design of the dwellings is appropriate

to the setting and would not result in visual harm to the character, appearance or setting of this part of the Kings Langley Conservation Area.

9.10 The size, scale, design and siting of the two approved dwellings are all considered acceptable and would comply with Policies CS11, CS12 and CS27 of the Core Strategy 2013.

#### Impact on Residential Amenity

9.11 The siting and layout of the two dwellings together with their design will ensure no significant adverse impact on the residential amenities of surrounding properties with regard to light, privacy or visual intrusion. The dwellings are set well within the site and away from the common boundaries with all adjacent dwellings. To the south; Meadow Views is located approximately 8m away and is set slightly forward of the proposed dwellings. Given the separation distance the dwellings would not appear visually intrusive or overbearing and given the orientation would not result in significant overshadowing. There are no windows proposed to the side elevations that would result in any overlooking. The original plans proposed a first floor projecting balcony which would have permitted views to the side and over the rear garden and rear elevation of Meadow View. The balcony has now been omitted and replaced with a Juliette balcony which would not permit views to the side.

9.12 To the west are the properties recently constructed at Hill Farm; closest are The Oak Barn and Long Meadow. Again the generous separation distances (over 23m) and the angle of the dwellings to each other will ensure no significant adverse impact. Saved Appendix 3 of the Dacorum Borough Local Plan requires a back to back distance of at least 23m which is met, and furthermore the dwellings are not directly behind but at an angle.

9.13 The dwellings are set over 18m back within the site and as such despite them occupying an elevated position would not have a significant adverse impact on the properties of Love Lane which are sited beyond the highway to the east and over 36m away. The favourable orientation will ensure no overshadowing and the separation distance means the front facing windows will not result in a loss of privacy to the front facing windows, especially when considering these windows are visible from the public domain already.

9.14 The proposal avoids harm to surrounding properties to comply with Policy CS12.

#### Access / Impact on Highway Safety and Parking

9.15 The site is sufficient in size to accommodate the parking requirements of the new units. Each dwelling will benefit from at least 2 off street spaces and this will ensure there is no adverse impact on the safety or operation of the adjacent highway. In allowing the appeal the Inspector deemed it necessary to condition details of the access itself but not parking provision.

9.16 The access is sited centrally to the site and is of sufficient width to allow safe entry and exit for the vehicles associated with the two units proposed. Sufficient visibility splays are achievable in both directions.

9.17 Herts County Council Highways have not raised any objections to the access point and note; there is an existing farm access onto Love Lane and this will be upgraded for residential use. Each property will have ample parking on the proposed new forecourt. HCC as Highway Authority considers that this proposal would not have a severe residual impact on the safety and operation of the surrounding Highway network. Conditions and informatives were requested. Given this is a reserved matters application, conditions cannot be imposed, however the plans clearly show that there is no obstruction of the visibility splays and the development must be constructed in accordance with the approved plans.

## Other Material Planning Considerations

### Materials

9.18 Details of the materials to be used on the external surfaces of the development are required by condition 4 planning permission 4/00783/17/OUT they are not therefore for consideration in this application.

### Contamination

9.19 Former land uses mean there is the potential for the site to be contaminated. However conditions 5 and 6 of the consent require further investigations and the submission of additional information for approval. The layout and details submitted in this reserved matter application would not prevent compliance with the condition nor negate the need for the applicant to comply with it.

### *Impact on Trees and Landscaping*

9.20 Hedging from the front of the site has been removed. Whilst its loss is unfortunate, permission was not required for the removal of this hedgerow so there is no breach of planning control. The current proposal does not seek approval for the landscaping works these will be the subject of a future application.

### *Waste Management*

9.21 The site is of sufficient size to accommodate bin storage facilities without them cluttering the street scene or appearing unsightly. In addition in allowing the appeal bin storage details were not required to be submitted for approval so these are not a matter for consideration.

### Response to Neighbour Comments

9.22 Concern has been expressed by neighbouring properties with regard to the size and scale of the dwellings, overlooking and loss of privacy, over shadowing, increase in traffic, parking and the omission of the garages. It is also requested that conditions be imposed.

9.23 The majority of these points have been addressed above. Given the plans clearly show the position and layout of the proposed dwelling it is not considered necessary or reasonable to condition the distance to the boundary with Meadow View as requested. The garages were omitted at the request of the case officer due to the mass and bulk over and above the buildings and the impact on this has on the spacious semi-rural feel of the area. The plots are large enough to accommodate the parking needs of the properties such that there would be no overspill or displacement onto Love Lane. The additional traffic associated with the 2 units is not for consideration as part of this application, the Inspector has already allowed the principle of the dwellings and in doing so considered the additional traffic to be acceptable.

### Community Infrastructure Levy (CIL)

9.24 The development is CIL liable.

## **10. CONCLUSION**

10.1 To conclude the details of the two dwelling already approved are considered acceptable and comply with Policies CS11, CS12, and CS27 of the Core Strategy 2013.



## 11. RECOMMENDATION

11.1 That reserved matters be **GRANTED** subject to the following condition:

1. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**1091-SP-01 Rev B**

**1091-EL-01 Rev B**

**1091-GA-01 Rev B**

Reason: For the avoidance of doubt and in the interests of proper planning.

### Informatives:

#### 2. INFORMATIVES

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the

Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the

development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Property Services (HCC)	<p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p>

	<p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Proposal  Submission of reserved matters on appearance, Landscaping, Layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access , parking and amenity Space.</p> <p>Decision  Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:  <b>CONDITIONS</b></p> <p>1. Prior to the first occupation / use of the development hereby permitted the proposed on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.  Reason: In the interest of highway safety.</p> <p>3. Pedestrian visibility splays of .65m x .65m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.  Reason: In the interest of highway safety.</p> <p><b>INFORMATIVES</b></p> <p>1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public</p>

highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the

	<p>applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx</a> or by telephoning 0300 1234047.</p> <p><b>COMMENTS</b></p> <p>This application is for Submission of reserved matters on appearance, Landscaping, Layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access , parking and amenity Space. The site is located on Love Lane, which is an unclassified local access road with a 20mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.</p> <p><b>ACCESS</b></p> <p>There is an existing farm access onto Love Lane and this will be upgraded for residential use.</p> <p><b>PARKING</b></p> <p>Each property will have a double garage as well as ample parking on the proposed new forecourt..</p> <p><b>CONCLUSION</b></p> <p>HCC as Highway Authority considers that this proposal would not have a severe residual impact on the safety and operation of the surrounding Highway network, subject to the conditions and highway informatives above.</p>
Parish/Town Council	Object as the landscaping is not sufficient to replace the ancient hedgerow which was ripped out without any authorisation or to screen the new development.
Hertfordshire Property Services (HCC)	<p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services,</p>

	<p>although you may be contacted separately from our Highways Department.</p> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
19	8	0	8	0

### Neighbour Responses

Address	Comments
3 Love Lane Kings Langley Hertfordshire WD4 9HW	<p>I am writing concerning the latest amendments to the above planning application. As far as I can see the amendments do not address most of the points previously made in earlier objections and I therefore wish to reiterate my continued objection to the proposals as follows:</p> <p>Size</p> <ul style="list-style-type: none"> <li>-The application is far bigger in stature than the adjacent property (which is a bungalow).</li> <li>-The application is in fact comparable to the large barn conversions at the rear of the plot.</li> <li>-The application is at an elevation far above the properties on the opposite side of Love Lane.</li> <li>-The application would create a significant imbalance in property size and scale along the frontage of Love Lane.</li> </ul> <p>Design:</p> <ul style="list-style-type: none"> <li>-The application is well beyond the generally accepted style for bungalows / chalet bungalows</li> <li>-The application shows significant roof height above "dormer window" ridge - not in keeping with the original outline permission.</li> <li>-The application made is for a house disguised as a chalet bungalow.</li> </ul> <p>General comment:</p> <p>The houses on the opposite side of Love Lane are already about a metre below the road level of Love Lane. The elevation plans do not show the impact of such large buildings to the surrounding views as the land for which this planning application is made is at road level.</p>
1 Tylers Close Kings Langley	The new application follows on from the (eventually) permitted application for two reasonable sized chalet bungalows. These new

<p>Hertfordshire WD4 9QA</p>	<p>plans reflect two large two-storey houses. The houses are substantially larger than the original approved plans and appear to affect the surrounding houses, in terms of light and height. It looks strange to have such a large house next to an existing bungalow. There needs to be maintenance of an openness of the countryside. The planned developments are close to nearby homes and overlook existing windows.</p> <p>As this is greenbelt land, it is unfortunate that approval was not given for sustainable housing, or passive houses, rather than two executive-style homes that will probably make the builder a lot of money. Houses of this size can sell for over £1M, meaning a possible 100% profit.</p> <p>I find it incredulous that planning permission was ever granted for two, rather than one, house. I would have preferred a one storey, low impact, sustainable house. This application is entirely inappropriate, being on green belt land, and outside the settlement boundary.</p> <p>I trust that Dacorum will see this as a step too far and show respect for the countryside. Thank you very much, Kim Goode</p>
<p>The Oak Barn Love Lane Kings Langley Hertfordshire WD4 9HL</p>	<p>Land for Development Love Lane Kings Langley</p> <p>Submission of reserved matters on appearance, landscaping, layout and scale attached to planning permission 4/00783/17/OUT - Construction of two chalet bungalows with associated access, parking and amenity space.</p> <p>We have viewed the amended Proposed site plan and amended Proposed elevations posted on 16 December 2020 under Planning ref no 20/02125/RES and are concerned at the continued lack of detail. We therefore wish to object on the following grounds:</p> <p>We are surprised that the two vehicle garages have now been removed from each property and that the designated parking areas have been reduced dramatically. Where are they planning to park their vehicles when parking in Love Lane is already at a premium?</p> <p>Our main objection concerns the site plan referencing the existing hedgerow on the western boundary which forms a 60m boundary with our property The Oak Barn, Love Lane. This was an ancient mixed hedgerow of 4-5m in height and 1-2m in width. Despite assurances to the contrary the first 20-25m of the hedge have been removed by the applicant. This stretch of hedge was the key element to our privacy and its clearance has removed visual boundaries and resulted in a complete loss of privacy and security to our garden and property. So whilst we note the balconies have been removed from the proposed site plans we shall still suffer a complete loss of privacy without a screen.</p> <p>The approval documents on the Dacorum website, ref no 20/02125/RES state that, amongst others, the Ecology Report and the</p>

	<p>Planning Report incorporating Design and Access Statement which were part of the original applications are still relevant to this application and its subsequent approval.</p> <p>The Planning Report incorporating Design and Access Statement Item 7.2.7 Factor no 4. Impact on adjoining occupiers states:  "... Further, substantial boundary hedging will be retained and supplemented where appropriate such that there will be very limited visibility of the proposed single storey dwellings nor will there be any material overlooking from the existing houses to the proposed properties." No regard or interest has been paid to these submitted documents by the applicant.</p> <p>Whilst we were previously willing to accept the inevitability of this green belt development when measures were built in to maintain our privacy, we now strongly object to what will now be a complete loss of privacy and increased visual intrusion resulting from the inclusion of full height windows across the whole of the rear of the Proposed plan without adequate and effective screening. We request that the rear elevation window area be substantially reduced and that the applicant, prior to the commencement of building, be required to replace the 4m high natural screening lost by the destruction of the existing hedgerow.</p>
<p>7 Love Lane Kings Langley WD4 9HW</p>	<p>I have received a letter concerning the above application for two chalet bungalows at Love Lane Kings Langley.</p> <p>I would like to make the following comments:</p> <p>The Planning Inspectorate on appeal allowed for two Chalet Bungalows the current design appears to be very much larger so the two properties will look as though they are houses.</p> <p>The buildings are far too large for the site especially in width hence plot No. 2 has to be angled making it look cramped and badly designed.</p> <p>As Plot No. 2 is angled the distance from the adjoining property is extremely intrusive.</p> <p>The properties are significantly larger than on the opposite side of the road so will be imposing and unbalanced.</p> <p>The proposal to remove sapling oak tree. This I believe to be much larger than a sapling and needs to be addressed.</p> <p>Please confirm receipt of this email</p>
<p>Meadow View Love Lane Kings Langley Hertfordshire WD4 9HL</p>	<p>Dear Sir or Madam</p> <p>We live at Meadow View, Love Lane, Kings Langley with our family and have done so since 2003. Our home is a 1930s bungalow with considerable character and charm. It is called Meadow View as it is adjacent to a meadow; the plot considered for planning in application 04/00783/17/OUT (20/02125/RES).</p>



	<p>We have reviewed the revised plans for this site and have the following comments:</p> <ol style="list-style-type: none"> <li>1. Property Location. We see that the two proposed properties have been moved closer to the center of the plot of land and that the garages have been removed. We also note that the proposed balconies have been removed from the rear of the properties. We consider these changes to be an improvement to the previous plans and will reduce overlooking to our property.</li> <li>2. Explicit Statement of Property Location. To ensure that these changes are strictly adhered to we request that a condition of the planning permission is that the South West corner of the property is built at least 8.2m from the existing fence as per the supplied plan. We feel that it is necessary for this to be explicitly stated as we have seen previous commitments such as not removing hedges have been subsequently ignored by the developer.</li> <li>3. Much increased Height over neighbouring building. It can be seen clearly that the proposed buildings are much taller than Meadow View (Ref: 20_02125_RES-PROPOSED_ELEVATIONS-1098548). The proposed buildings are over 3m taller which amounts to a complete additional story in height. The proposal states these are 2 chalet bungalows but this is in name only. The extra 3m puts this a full story higher as shown in figure 1.</li> </ol> <p>We would be grateful if our comments can be taken into account and would be happy to accommodate a site visit at Meadow View if this could assist.</p> <p>Many thanks Andrea Bartlett and Jason Tisdall</p>
<p>The Brick Barn Hill Farm Love Lane Kings Langley  Hertfordshire WD4 9HL</p>	<p>These properties look quite a lot larger than first indicated.</p> <p>Further, one of them appears to encroach unnecessarily on the close neighbours...especially as it has a balcony overlooking.</p> <p>They represent further traffic in an already overloaded road which can only be more dangerous due to the local schools.</p> <p>We recognise the need for more properties in the country but ideally not here, or not as big or as many (is it not still greenbelt?) We have previously objected but were somewhat satisfied that two bungalow type dwellings would be acceptable to the area provided that adequate off road parking was provided for and the developer was mindful of the immediate neighbours and the environment. There is insufficient detail in the proposal. We feel it is too high as to encroach on the neighbours. There is inadequate garaging/parking and would not feel that any further vehicles on Love Lane is sensible. Further, we do not believe this developer has any regard for privacy of neighbours and certainly not for the environment whereby he has had constant bonfires and has destroyed the hedgerows on the site.</p>
<p>5 Love Lane Kings Langley Hertfordshire</p>	<p>With reference to the submitted documents the current plan raises concerns about the following items:</p>

WD4 9HW

1. Removal of the trees to the east side of the site (the side next to Love Lane) generates a "loss of privacy" issue for 5, 7 & 9 Love Lane. This is also a breach of previous commitments in relation to the planning permission given. See previously submitted documentation: Planning Report incorporating Design and Access Statement: Item 7.2.7 Factor no 4. Impact on adjoining occupiers' states:

"... Further, substantial boundary hedging will be retained and supplemented where appropriate such that there will be very limited visibility of the proposed single storey dwellings nor will there be any material overlooking from the existing houses to the proposed properties."

The opposite to this statement has happened.

2. Previously submitted documentation: Planning Report incorporating Design and Access Statement: Item 7.2.7 Factor no 4. Impact on adjoining occupiers' states:

"... Further, substantial boundary hedging will be retained and supplemented where appropriate such that there will be very limited visibility of the proposed single storey dwellings nor will there be any material overlooking from the existing houses to the proposed properties."

The above makes reference to "single story buildings" and it is clear the proposed building are not "single story" Again a clear breach of previous commitments.

3. The original layout proposed the building referred to as "Plot 2" would face "North / South". The previous and now revised layout directly faces the properties of 5, 7 & 9 Love Lane and therefore enables the windows of the proposed building on plot 2 to generate additional loss of privacy issues. Again the removal of the pre existing trees and hedge line exacerbates this privacy issue.

4. The proposed height of the buildings (plots 1 & 2) is substantially higher than the property directly south of the proposed buildings and is not in keeping with the general visual layout. The removal of the boundary trees and hedge lines further exposes and highlights this size difference. This is seen as a "design and appearance issue"

5. The proposed height and layout of the buildings will impact directly the sun reaching the properties of 5, 7 & 9 Love Lane. The impact will be in the latter part of the day and this is seen as "overshadowing".

6. It is noted the buildings cannot be described as "Dorma Bungalow" in terms of design and layout but are in fact substantial four bedroomed properties - not what planning was given for nor what was applied for.

7. The removal of the tree and hedge line along Love Lane in addition to the substantial height of the buildings create a "visual intrusion" to the outlook from the properties of 5, 7 & 9 Love Lane.

8. Overall, the plans lack clarity as to the proposed ridge height - the figures provided have no key and cannot be clearly understood. The plans need to be clear and detailed such that the application can be properly considered.

I would urge the planning office reject the plan now submitted and, in addition, previously given commitments need to be adhered to and where deviation has occurred then remediation is required.

With reference to the submitted documents the current plan raises concerns about the following items:

1. Removal of the trees to the east side of the site (the side next to Love Lane) generates a "loss of privacy" issue for 5, 7 & 9 Love Lane. This is also a breach of previous commitments in relation to the planning permission given. See previously submitted documentation: Planning Report incorporating Design and Access Statement: Item 7.2.7 Factor no 4. Impact on adjoining occupiers' states:

"... Further, substantial boundary hedging will be retained and supplemented where appropriate such that there will be very limited visibility of the proposed single storey dwellings nor will there be any material overlooking from the existing houses to the proposed properties."

The opposite to this statement has happened.

2. Previously submitted documentation: Planning Report incorporating Design and Access Statement: Item 7.2.7 Factor no 4. Impact on adjoining occupiers' states:

"... Further, substantial boundary hedging will be retained and supplemented where appropriate such that there will be very limited visibility of the proposed single storey dwellings nor will there be any material overlooking from the existing houses to the proposed properties."

The above makes reference to "single story buildings" and it is clear the proposed building are not "single story" Again a clear breach of previous commitments.

3. The original layout proposed the building referred to as "Plot 2" would face "North / South". The previous and now revised layout directly faces the properties of 5, 7 & 9 Love Lane and therefore enables the windows of the proposed building on plot 2 to generate additional loss of privacy issues. Again the removal of the pre existing trees and hedge line exacerbates this privacy issue.

4. The proposed height of the buildings (plots 1 & 2) is substantially higher than the property directly south of the proposed buildings and is not in keeping with the general visual layout. The removal of the boundary trees and hedge lines further exposes and highlights this size difference. This is seen as a "design and appearance issue"

5. The proposed height and layout of the buildings will impact directly

the sun reaching the properties of 5, 7 & 9 Love Lane. The impact will be in the latter part of the day and this is seen as "overshadowing".

6. It is noted the buildings cannot be described as "Dorma Bungalow" in terms of design and layout but are in fact substantial four bedroomed properties - not what planning was given for nor what was applied for.

7. The removal of the tree and hedge line along Love Lane in addition to the substantial height of the buildings create a "visual intrusion" to the outlook from the properties of 5, 7 & 9 Love Lane.

8. Overall, the plans lack clarity as to the proposed ridge height - the figures provided have no key and cannot be clearly understood. The plans need to be clear and detailed such that the application can be properly considered.

I would urge the planning office reject the plan now submitted and, in addition, previously given commitments need to be adhered to and where deviation has occurred then remediation is required.

## ITEM NUMBER: 5f

<b>21/01261/FUL</b>	<b>Demolition of Garage/Outbuildings and the construction of a detached bungalow and carport (amended scheme).</b>	
<b>Site Address:</b>	<b>93-95 High Street Markyate St Albans Hertfordshire AL3 8JG</b>	
<b>Applicant/Agent:</b>	<b>Bristow</b>	<b>Mr Andrew Whiteley</b>
<b>Case Officer:</b>	<b>Briony Curtain</b>	
<b>Parish/Ward:</b>	<b>Markyate Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Contrary views of Parish Council</b>	

### 1. RECOMMENDATION

That planning permission be GRANTED.

### 2. SUMMARY

2.1 The site is situated within the large village of Markyate wherein the principle of housing development is acceptable in line with Policies CS1 and CS4 of the Core Strategy 2013. Policy 10 of the DBLP promotes the effective and efficient use of urban land. Therefore, consideration of this application rests on appearance, impact on street scene and heritage assets (listed buildings and conservation Area) impact on neighbouring properties and highway safety.

2.2 This application is an amended scheme following the refusal of application 20/01843/FUL. Members refused permission for the construction of a detached one and a half storey dwelling due to the adverse impact on the adjacent properties. The size, scale and height of the dwelling was considered to affect privacy, result in an unacceptable sense of enclosure and appear visually intrusive.

2.3 The development now seeks permission for a single storey dwelling which is considered to integrate with its surroundings. The size, scale, design and siting of the property respects its setting and context without causing harm. Given its limited height, the proposal would not result in material detriment to adjoining residential amenities. The proposals utilise the existing vehicular access point. Given a single unit is proposed, adequate parking is provided (car port and driveway) and the fact there is no change to existing access arrangements the proposal would not give rise to adverse highway issues.

2.4 The sub-division of the plot is considered to be acceptable and would not have a significant impact upon the character and appearance of the surrounding area or residential amenity of surrounding properties. Sufficient amenity space and residential amenity is provided for future occupants.

2.5 The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12, CS17, CS26 and CS26 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

### 3. SITE DESCRIPTION

3.1 The application site is located to the north-eastern side of the High Street in Markyate and comprises a parcel of land to the rear of No.s 93-95. The site is currently very overgrown and comprises a dilapidated outbuilding. The site is only accessed via the rear garden and parking area of No.s 93-95 via an archway onto the main High Street.

### 4. PROPOSAL

4.1 It is proposed to clear the rear of the site, demolish the outbuilding and construct a detached single storey three bedroom dwelling.

4.2 The plans have been amended during the course of the application to address the comments of the Conservation Officer, the roof pitch has been increased and the elevations have been broken up (timber cladding on brick plinth).

## **5. PLANNING HISTORY**

### Planning Applications

19/02994/FUL - Demolition of garage/outbuildings and the construction of one new detached house and carport  
*REF - 4th February 2020*

20/01843/FUL - Demolition of Garage/Outbuildings and construction of a detached house and carport  
*REF - 4th February 2021*

4/00784/79 - Historic File Check DMS for Documents and Further Details  
*DET - 12th July 1979*

4/02872/18/FUL - Demolition of garage/outbuildings and construction of three 2 bedroom terraced houses with associated parking  
*WDN - 11th June 2019*

## **6. CONSTRAINTS**

Area of Archaeological Significance: 2  
EA BankTop EPlanning Tool: Banktop 20m Buffer  
CIL Zone: CIL3  
Markyate Conservation Area  
EA: Flood Zone 2  
EA: Flood Zone 2  
EA: Flood Zone 3  
Former Land Use (Risk Zone):  
Large Village: Markyate  
Listed Building, Grade: II,  
Listed Building, Grade: II,  
Parish: Markyate CP  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Markyate)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management

Supplementary Planning Guidance/Documents:

Parking Standards (Supplementary Planning Document (Nov 2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

9.2 The site is situated within the large village of Markyate, where, in accordance with Policy CS4 of the Core Strategy, residential development would be acceptable in principle subject to a detailed assessment of its impact.

9.3 The site is also situated within Flood Zones 1 (lowest risk of flooding), 2 and 3 (highest risk of flooding). The NPPF makes clear that a sequential, risk-based approach should be taken to the location of development. Para 158 of the NPPF sets out that the aim of the sequential test is to steer development to areas with the lowest flood risk. Development should not be permitted if there are other sites appropriate in the area with a lower probability of flooding (the sequential test).

9.4 The sequential test has been applied and the new dwelling (building) would now be sited within Zone 1 and thereby avoiding areas of the site at higher flood risk (zones 2 and 3). The principle of

residential development in this location is thus acceptable subject to a detailed assessment of its impact.

9.5 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

9.6 The NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that is underused or has been previously developed. Saved Policy 10 of the Local Plan (2004) echoes this and seeks to optimise the use of available land within urban areas.

#### Quality of Design / Impact on Visual Amenity / Heritage Assets

9.7 The overall quantum and scale of the proposed development is considered acceptable. The site is of sufficient size to accommodate the single dwelling proposed with sufficient private amenity space and parking being provided in and around the building without appearing cramped or over developed.

9.8 Turning to its design and layout, the site is located in close proximity to several Grade II listed buildings and within the Markyate Conservation Area. Policy CS27 of the Core Strategy (2013) requires all development to favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and un-designated assets will be protected, conserved and if appropriate enhanced. The NPPF (para 189) makes clear that in determining applications the LPA should require applicants to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal. The development involves the demolition of some outbuildings which may be attached / affect the structural integrity of adjacent listed structures / buildings.

9.9 The application is supported by a revised heritage statement which sets out the significance of surrounding heritage assets and a full impact assessment has therefore been undertaken by the Council's Conservation Officer.

9.10 The Heritage Statement concludes that the proposed development would have a relatively low impact on the adjacent listed buildings and this part of the Markyate Conservation Area. The Council's conservation Officer agrees with these findings. The development forms backland development and therefore given its setting within the Conservation Area and behind/adjacent listed buildings should appear modest and subservient when compared to the historic existing houses facing the High Street.

9.11 The scale of the dwelling and the fact it is now single storey mean it will clearly appear subservient in its context. The design of the building has been amended during the course of the application in line with the comments of the conservation officer; the pitch of the roof have been increased and the elevations have been broken up to better reflect the surroundings (steeply pitched clay roofs). As amended, the design, detailing, form and single storey height now proposed are now considered acceptable. The dwelling is one storey in height to ensure it does not dominate or distract from the historic high street properties, and the design as amended is acceptable. The timber cladding with a brick plinth help to give the appearance of a more traditional vernacular building expected to be found to the rear of the higher status buildings to the high street. The proposal respects and responds to the character of the conservation area to comply with Policy CS27.

9.12 Concern was originally expressed in relation to the car port (which was omitted as part of the previous scheme) and its impact on the setting of the adjacent listed buildings/conservation area,



however given its concealed location it is not considered that a refusal on this element alone could be sustained. The applicant/agent is not willing to omit the car port as its inclusion in the scheme is a specific request from the nearest neighbour.

9.13 The development does not result in harm to the significance of heritage assets. Notwithstanding this in accordance with para 196 of the NPPF even if less than substantial harm were caused, the public benefits the scheme provides, namely the provision of an additional market dwelling would outweigh the very limited harm identified.

9.14 The proposal is considered acceptable in terms of its layout, siting and design and it is concluded to preserve the integrity, setting and distinctiveness of the surrounding heritage assets. The proposals comply with Policies CS11, CS12, and CS27 of the Core Strategy 2013 and section 16 of the NPPF.

#### Impact on Residential Amenity (surrounding properties and future occupants)

9.14 Members concluded that the previous one and half / two storey dwelling was harmful to the adjacent properties, appearing dominant and intrusive and they refused application on these grounds.

9.15 The dwelling now proposed is single storey and as such would be much less prominent. Given its siting the building would still be visible from surrounding properties but not to such a degree as to appear oppressive or visually intrusive. The height and design means there would be no overlooking or privacy concerns to neighbouring properties and no adverse impact in terms of loss of light or over shadowing.

9.15 The dwelling is sited at an acceptable distance from both the High Street properties and those to the rear in Roman Way. The separation distances would ensure an acceptable level of privacy is maintained and that the new dwelling would not result in visual intrusion. Some properties adjacent to the site, along the high street, have rear ranges which project closer to the proposed dwelling but these either don't have rear facing habitable rooms or feature high levels windows only such that there would be no significant intensification of overlooking levels.

9.16 Given the built up setting there is already a high level of mutual overlooking. The rear garden areas and rear facing windows of the High street properties are already overlooked from the application site. As such it is concluded a refusal on these grounds alone could not be sustained.

9.17 The adjacent property No. 97 has an extant planning permission to convert an existing barn into additional residential accommodation that includes a rear facing window. The works have not yet been undertaken. The previous application was refused partly due to the harm caused were those conversion works to be implemented. The current plans clearly show the position of the future window and demonstrate that the proposed dwelling, given its limited height would not have a significant adverse impact with regard to light, privacy or visual intrusion.

9.18 Turning to the residential amenity of future occupants, the building is set over 23m away from the main rear walls of existing dwellings to ensure an acceptable level of privacy, each habitable window has an acceptable outlook and aspect, and the property is served by a private, enclosed rear garden which is of functional size and shape to accord with Policy guidelines (exceeding the minimum 11.5m depth required in appendix 3 of the DBLP).

#### Impact on Highway Safety and Parking

9.18 Given the scale of the development at a single three-bedroom unit, it is concluded that the development would not have a severe residual impact on the safety or operation of the adjacent High Street.

9.19 The new unit would be accessed via an existing vehicular archway to the High Street, which is narrow at only 2.9m wide and given the stagger of the building line has limited visibility in both directions. However Herts County Council (HCC) have raised no objection and consider the intensity of use generated by the single dwelling, compared to the unrestricted current use would not give rise to significant concerns. If to be granted an informative suggesting 'H' markings to the access way should be included as noted by HCC.

9.20 The proposal complies with the Parking Standards Supplementary Planning Document (Nov 2020). The site is located in Zone 3 and provides sufficient on-site parking spaces to serve the 3-bedroom unit proposed. A minimum of 2.25 allocated spaces would be required. The plans show 4 off street parking spaces and sufficient space remains to the front of the proposed dwelling to allow turning space to ensure vehicles can enter and exit the site in a forward gear. Three spaces would serve the proposed dwelling and one the existing property (93-95). A condition will be included requiring details of at least one electric charging point. The proposed parking meets the standards and as such are acceptable.

9.21 Concern has been raised by locals in relation to the loss of existing parking but it is understood that there are no formal parking spaces serving the high street properties, they have just been allowed to park on this land over the years. Access could be prevented at any time and as such any loss of parking has been given limited weight in current considerations. A single space would serve the existing dwelling which is considered acceptable given there are currently no formal parking spaces serving it.

9.22 With the inclusion of the conditions as requested by Hertfordshire County Council Highways the proposal would provide sufficient parking provision to serve the dwelling and would not result in significant harm to the safety or operation of the adjacent highway.

9.22 Given the restricted access to the site, through a coach/archway access in the Listed Building and the busy high street location it is considered necessary and reasonable to require details of a construction management plan.

## Other Material Planning Considerations

### Trees / Landscaping

9.22 Some existing trees across the site and within adjacent sites will be lost and affected by the proposed new dwelling. A tree report accompanies the submission and sets out which trees would be affected and how those to be retained would be protected during construction. The Council's Woodlands Officer has been consulted and is satisfied that the details submitted are acceptable. The existing trees within the development area are not worthy of retention or protection. A condition will be imposed ensuring the development is constructed in accordance with the submitted details.

### Ecology

9.23 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, minimising the impacts on and providing net gains for biodiversity. Policy CS2 states that the Green Infrastructure Network will be protected, extended and enhanced, and that development and management action will contribute towards:

- ☐ the conservation and restoration of habitats and species;
- ☐ the strengthening of biodiversity corridors;
- ☐ the creation of better public access and links through green space; and a greater range of uses in urban green spaces.

9.24 The existing site is overgrown, comprises dilapidated outbuildings and contains numerous trees/shrubs. The site would be cleared as part of the proposals. A Preliminary Ecological Appraisal has been submitted and the County Ecologist is satisfied with its content and recommendations.

9.25 With regard to bats the appraisal found no evidence or the potential for the presence of bats within the outbuildings however since the outbuildings are proposed for demolition, it has been advised that a precautionary approach to the works is taken and an informative added to any permission.

9.26 The submitted Ecology report highlights a potential for the presence of nesting birds and hedgehogs. These species are protected by National legislation and suitable mitigation measures are recommended and should be followed in full. A condition requiring this will be included.

9.27 Lastly with regard to biodiversity the County Ecologist notes '*The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development. Consequently, I would support their inclusion in any final approved plans.*' Subject to the inclusion of a compliance condition the proposed development would comply with the NPPF and Policy CS26.

### Archaeology

9.28 The site is within an area of Archaeological Significance. The County archaeologist has been consulted and concludes the development is likely to have an impact on heritage assets of archaeological interest. However, he is satisfied that the inclusion of pre-commencement conditions requiring a full WSI would provide the necessary levels of investigation and would be sufficient to safeguard and protect potential heritage assets. The use of pre-commencement conditions has been agreed with the agent.

### Contamination

9.29 The application is for the introduction of a residential land use on to a site that has been previously developed and so the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. However, as with archaeology, further investigations prior to the development commencing would need to be undertaken. The Council's scientific Officer is satisfied that conditions requiring full investigations and mitigation / remedial works would be sufficient to ensure any contamination is identified and remediated accordingly.

### Flood Risk

9.30 As set out in the principle section above, since the refusal of previous schemes the new dwelling has now been sited wholly within Flood Zone 1 which is at lowest risk of flooding. The

proposal therefore complies with the NPPF sequential test in this regard and is acceptable in principle.

9.31 The application is accompanied by a Flood Risk Assessment (FRA) which assesses the impact of the development on flood risk across the site and wider area and goes on to set out mitigation measures to prevent future flooding. The Environment Agency has been consulted and are satisfied with its content and recommendations. Conditions have been requested and it is considered necessary and reasonable to include them.

9.32 Based on the relocation of the building/dwelling to Zone 1 and the submitted FRA the proposal is acceptable and complies with Policy CS31 and the NPPF.

#### Refuse

9.33 Refuse would be collected from the High Street in the same way that it is currently. Bins would be stored to the front of the dwelling and transported to the high street for collection as per the existing high street properties.

#### Fire Access.

9.34 Herts Fire and Rescue were consulted as part of the previous application for a larger dwelling and confirmed that they have no objection to the proposal. Whilst a fire appliance would not be able to access the site due to the restricted cartway/archway the dwelling proposed is located within the specified distance (within 45m of the appliance location).

#### Permitted Development

9.35 Given the sensitivity of the site, its size and its position in relation to surrounding residential properties careful consideration would need to be given to future development. To enable the Local Planning Authority to retain some control it is considered reasonable and necessary to remove permitted development rights from the dwelling with regards to extensions (Class A and B) roof alterations (Class C) and outbuildings (Class E).

#### Community Infrastructure Levy (CIL)

9.36 The development is CIL liable.

#### Response to Neighbour comments / parish objections.

9.37 One representation has been received from an adjacent property. No objections are raised to the dwelling itself but concerns are raised in relation to insufficient parking for the existing high street property (93-95 High Street). The Parish Council also object on these grounds. This matter is addressed in full above. The suggestion that the building be moved back to provide more parking to the front would be unacceptable as the building would then be in a high risk Flood Zone and contrary to national and local planning policy. Whilst it is acknowledged that the existing property currently parks to the rear this is not a formal arrangement and could therefore be prevented at any time and as such little weight can be attached to the displacement and a refusal on this ground alone could not be sustained. One space is provided for use and this is considered preferable to the previous proposal which included none.

## **10. RECOMMENDATION**

**10.1** It is recommended that planning permission be **GRANTED** subject to the following conditions:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**BURG/22105/BUNGIF rev X  
Location plan**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

**(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- (ii) The results from the application of an appropriate risk assessment methodology.**

**(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**

- (d) This site shall not be occupied, or brought into use, until:**

**(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

**(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

4. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3; above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

5. **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**
- 1. The programme and methodology of site investigation and recording**
  - 2. The programme for post investigation assessment**
  - 3. Provision to be made for analysis of the site investigation and recording**
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
  - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the **National Planning Policy Framework (2019).**

6. **i) demolition/development shall take place fully in accordance with the Written Scheme of Investigation approved under Condition 5.**
- ii) The development 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 (5) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 189 of the National Planning Policy Framework (2019).

7. **The development hereby permitted shall be carried out fully in accordance with the submitted Flood Risk Assessment reference RMA - C1995c dated 25th Feb 2021 and prepared by RMA Environmental and the following mitigation measures it details:**  
o Finished floor levels shall be set no lower than 123.72 metres above Ordnance Datum (AOD).

**These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.**

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Core Strategy 2013 and Section 14 of the NPPF.

8. **The development hereby approved shall be constructed fully in accordance with the submitted Tree Survey and Protection Plan prepared by C.A.T Landscape Consultancy (dated 9.2.21) and Tree Protection Plan NO. TPP 93 HSH 01.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019)

9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2, Part 1, Class A, B, C, and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

10. **The development hereby approved shall be constructed fully in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021).**

Reason: In order to ensure that ecological matters are satisfactorily addressed in accordance with Policy CS26 of the Dacorum Core Strategy (2013).

11. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

12. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;
- o any other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

13. **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**



Reason: To ensure satisfactory appearance to the development, to safeguard the visual character of the area and the adjacent listed buildings in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
  
2. Mud on highway  
 AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  
  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highway-s-roads-and-pavements.aspx> or by telephoning 0300 1234047.
  
3. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Conservation & Design (DBC)	<p>Original Plans; New dwelling to rear.</p> <p>The site is within the Markyate conservation area and there are a number of nearby listed buildings e.g. 93 and 97 High St Markyate. The proposal would impact on the setting of these designated heritage assets. A previous scheme which had an appropriate design was recently refused.</p> <p>The proposal is a revised scheme for a new dwelling to the rear of buildings to the High Street. Unlike the previous proposals this is a</p>

single storey bungalow with a low pitched roof. The building is not in keeping with the character of the conservation area. This is due to the proposed width of the property and low pitch of the roof of the building. It therefore fails to respect and respond the character of the traditional buildings within the conservation area and therefore it would be detrimental to the character of the conservation area. It would also detract from the setting of the adjacent listed buildings.

This would cause harm to the designated heritage assets. The harm caused would be less than substantial and at a low to moderate level. There would not appear to be any public benefits of the proposal and therefore following the balancing exercise as set out in the framework it would appear contrary to both policy and guidance.

Recommendation We would object and recommend refusal due to the detrimental impact on the designated heritage assets.

Amended Plans;  
New dwelling to rear.

The site is within the Markyate conservation area and there are a number of nearby listed buildings e.g. 93 and 97 High St Markyate. The proposal would impact on the setting of these designated heritage assets. A previous scheme which had an appropriate design was recently refused.

The proposal is a revised scheme for a new dwelling to the rear of buildings to the High Street. The proposal has now been amended in light of our comments. We now believe that it is acceptable. It would better reflect the character of the conservation area with regards to the steeply pitched clay roofs and the elevations being broken up. The timber cladding with a brick plinth help to give the appearance of a more traditional vernacular building expected to be found to the rear of the higher status buildings to the high street. As such we believe that it now respects and responds to the character of the conservation area and we would not object to the proposals.

We believe that the proposal would not harm the significance of the setting of the listed buildings. It would not harm the significance of the conservation area. As such the balancing exercise in the framework does not need to be undertaken.

Recommendation The proposals are now considered acceptable. External materials and finishes subject to approval. Hard and soft landscaping subject to approval.

Parish/Town Council	No parking, this application will make the problem worse. This is also infilling. Parking provision should be provided for the house on the High Street.
Planning Liason Officer	
Environmental And Community Protection (DBC)	<p>The application is for the introduction of a residential land use on to a site that has been previously developed and used for the parking and storage of vehicles and as a workshop. As such the possibility of the presence of ground contamination that could adversely impact the proposed development and its future residents cannot be ruled out at this time. Therefore, it is recommended that the following planning conditions are included on the planning permission, should it be granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p>

	<p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informatives: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology, I responded previously to a similar application ref 20/01843/FUL. The amended scheme is supported by the same Preliminary Ecological Appraisal by Samsara Ecology (report date January 2021) and does not raise any new ecological concerns. Consequently, I repeat my previous advice:</p>

	<p>No evidence or potential for the presence of bats was found within the outbuildings and I have no reason to disagree with this finding. However, since these are proposed for demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p> <p>The report highlights a potential for the presence of nesting birds and hedgehogs, which seems reasonable. These species are protected by National legislation and suitable mitigation measures are recommended in the report and should be followed in full.</p> <p>The proposals will require the removal of a number of shrubs and trees and loss of areas of garden, this will cause a local loss of biodiversity that is not replaced in the proposed plans. The NPPF and emerging legislation provide an increased emphasis on developments delivering a biodiversity net gain. The ecological report, in addition to compensatory nesting boxes for birds, recommends enhancements for birds, bats and hedgehogs. Whilst these are not strictly measures that will increase biodiversity, they do provide ecological opportunities for protected species at a scale proportionate to the development.</p> <p>Consequently, I would support their inclusion in any final approved plans</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public</p>

highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx)

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047. AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act

1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free

passage along a highway or public right of way. If this development is likely to result in the public

highway or public right of way network becoming routinely blocked (fully or partly) the applicant must

contact the Highway Authority to obtain their permission and requirements before construction works

commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf>

ormation/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or

other debris on the public highway, and section 149 of the same Act gives the Highway Authority

powers to remove such material at the expense of the party responsible. Therefore, best practical

means shall be taken at all times to ensure that all vehicles leaving the site during construction of the

development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the

highway. Further information is available via the website

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pave](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pave)

ments.aspx or by telephoning 0300 1234047.

Comments

The proposal is for the demolition of Garage/Outbuildings and the construction of a detached

bungalow and carport (amended scheme) at 93-95 High Street, Markyate. High Street is a 20 mph,

classified C local access route that is highway maintainable at public expense. HCC Highways has

previously commented on various iterations of this scheme all with a wish to not restrict a grant of

permission for the site.

Vehicle Access and Parking

	<p>The new dwelling will use the existing access from High Street through an old coach gateway leading to the rear. The new dwelling is not deemed to greatly impact the use of this existing access. Drawing number BURG/22102/BUNG1C illustrates that vehicles can manoeuvre on site to enter and exit the highway network in forward gear which is deemed necessary owing to the narrow arch entrance.</p> <p>Parking is a matter for the Local Planning Authority (LPA). However, HCC Highways would comment that the new dwelling will have 4 car parking spaces with two being under a double car port.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

### Neighbour Responses

Address	Comments
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	No parking, this application will make the problem worse. This is also infilling. Parking provision should be provided for the house on the High Street.

<p>97 High Street Markyate St Albans Hertfordshire AL3 8JG</p>	<p>Firstly, the building plan is satisfactory and we have no objection to this style of property being erected following our objection to the previous monstrosity.</p> <p>Our remaining and consistent objection, raised with both the developer and the agent, is the deliberate attempt to mislead in relation to parking and the relationship between this development and the 3 bedroom house at Number 93.</p> <p>For sake of clarity, this development is in land at the back of no 93. The property is held in trust for xxxxxxxx xxxxxxxx who is in long term care in St Albans. It is currently one property not two separate lots as described.</p> <p>While the various attempts at development (this is the 4th) have been presented No93 has been rented. Those tenants, similar to the previous ones have three (3) vehicles that are parked in the driveway and in front of the existing barn.</p> <p>The plan only sets aside parking for two cars in a car-port. Those cars relate only to the new development.</p> <p>A very simple question to the Committee is where are the existing 3 cars going to park? There is zero free space on the narrow high street where parking is only on one side. The agent is suggesting that No93 "needs no parking facilities" but is considering providing one space next to the car-port. Given the agent lives in the village he is well aware of the intense situation in relation to High Street parking.</p> <p>To ignore these cars is disingenuous.</p> <p>There is plenty of space for 5 cars if the property were placed at the back of the site, leaving space for cars to turn. I will email you separately pictures of existing cars which I would ask you to submit to the committee.</p>
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**ITEM NUMBER: 5g**

<b>21/00142/FUL</b>	<b>Demolition of existing dwelling and construction of a pair of semi-detached dwellings</b>	
<b>Site Address:</b>	<b>Woodley, 37 Chesham Road, Bovingdon</b>	
<b>Applicant/Agent</b>	<b>Mr D Dowling/Mr G Randall</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Bovingdon Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>The application has been referred to the Development Management Committee given the objections from Bovingdon Parish Council and following a request from Councillor Riddick.</b>	

**1. RECOMMENDATION –** That planning permission be **GRANTED**.

**2. SUMMARY**

- 2.1 The intensification in residential use of this site is considered to be acceptable in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy.
- 2.2 The proposed layout and design of this residential scheme is considered to be appropriate in accordance with Policies CS11 and CS12 of the Core Strategy and should not result in any significant detriment to the amenities of neighbouring properties.
- 2.3 The proposed development is not considered to be significantly or demonstrably harmful to matters of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

**3. SITE DESCRIPTION**

- 3.1 The application site is located on the south eastern side of Chesham Road approximately 47m from its junction with Hyde Lane. The site is just under 0.1ha in size upon which there is a modest bungalow and detached garage.
- 3.2 The site is located within the village of Bovingdon. The surrounding area is primarily residential with a variety of dwellings fronting Chesham Road.

**4. PROPOSAL**

- 4.1 The application involves the demolition of an existing bungalow on Chesham Road and the construction of a pair of semi-detached dwellings. This would provide 2 x 3 bedroom properties. A total of four off-street parking bays would be provided within the front garden with cycle storage provision being provided within the rear gardens.
- 4.2 The proposed dwelling would be two storeys in height, with the third bedroom within the roof space, and would be constructed in a mixture of red brick, white render and stone. A small study is provided at first floor level. The study is not capable of being occupied as a bedroom under the Housing Act 1985 given its size (below 50 sq.ft)

**5. PLANNING HISTORY**

- 5.1 A replacement dwelling was granted planning permission on 10.09.08 (ref: 4/01547/08/FUL). This permission, however, was not implemented and has lapsed.
- 5.2 In addition, the applicant has drawn our attention to two recent decisions for development on Chesham Road.
- 5.3 Planning permission was granted on the 21<sup>st</sup> May 2020 for the demolition of an existing bungalow at Rosecroft, 49 Chesham Road and the construction of 8 semi-detached dwellings under 19/02696/FUL. The highway authority raised no objection to four properties (6 spaces) reversing onto the highway. In doing so, they noted that a number of properties did not have the ability to enter and exit the site in a forward gear and that this did not appear to have resulted in any significant accidents in the vicinity of the site within the last five years.
- 5.4 Similarly the appeal decision for 9 houses on land at nos. 50-53 Chesham Road (APP/A1910/W/18/3202687) was granted by the Planning Inspectorate on the 1<sup>st</sup> March 2019. In this instance the Inspectorate concluded on matters of highways safety that:

“Appeal A would provide parking spaces to the front of proposed plots 50a and 50b but they would not allow a vehicle to turn on the site.....I observed on my site visit that many houses that front onto Chesham Road have access points which do not allow for the turning of vehicles.....there is nothing substantive in the evidence before me that indicates that the proposed arrangement would harm highway safety”

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

## **7. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS4 – The Towns and Large Villages  
CS8 – Sustainable Transport  
CS10 – Quality of Settlement Design  
CS11 – Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS17 – New Housing  
CS29 – Sustainable Design and Construction  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions.

#### Local Plan

Policy 10 – Optimising the Use of Urban Land  
Policy 13 – Planning Conditions and Planning Obligations  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

#### Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)  
Energy Efficiency and Conservation  
Water Conservation

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1. The application site comprise an existing dwelling within the built up area of Bovingdon. Bovingdon is defined as a large village within the Core Strategy, wherein there would be encouragement for the construction of new dwellings in accordance with Policies NP1, CS1, CS2 and CS4 of the Core Strategy. There is further support to optimise the use of urban land in accordance with the NPPF and Saved Policy 10 from the Local Plan 1991-2011.
- 8.2 Policy CS8 of the Core Strategy would encourage such developments to make appropriate arrangements to ensure that they are accessible and in particular that new residential development should provide safe, sufficient and convenient parking based on car parking standards within the Car Parking Standards SPD (2020).
- 8.3 All developments are expected to be well designed in the context of the site and surrounding land in accordance with Policies CS10, CS11, CS12 and CS13. This supports the government's objectives for a high standard of design, delivered at optimum densities and in the right locations.
- 8.4 The proposal would make a small contribution towards the delivery of the housing target of 430 new homes per annum over the plan period under Policy CS17 of the Core Strategy.
- 8.5 Sustainable design and construction is an essential part of the Council's response to challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. Accordingly the proposed dwelling has been assessed against the requirements of Policies CS28, CS29, CS31 and CS32 of the Core Strategy

### Layout and Design

- 8.6 High quality design is required in the context of the site and surroundings to comply with Policies CS11, CS12 and CS13 of the Core Strategy.

- 8.7 The proposed development is considered to be appropriate in terms of its design, bulk, scale, site coverage and use of materials and would make a positive contribution to the visual amenities of the area in accordance with Policies CS11 and CS12 of the Core Strategy. The properties within Chesham Road are varied and exhibit a variety of roof forms and designs. The submitted street scenes demonstrate that the proposed development, though increasing the height of the existing property would be similar in height to 35 Chesham Road and sit comfortably within the street scene and would not dominate neighbouring units.
- 8.8 The proposed residential units would be provided with a high level of amenity with both the internal space and external amenity spaces exceeding the standards in the National Space Standards and Appendix 3 of the Local Plan 1991-2011 respectively.

#### Impact on Amenity

- 8.9 The proposed dwellings have been carefully sited and designed to ensure that there is no substantial harm to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.10 The principle front and rear elevations of the properties are aligned and as such the proposed development would not breach a 45 degree angle to the main windows and rooms thereto.
- 8.11 It has also been demonstrated through the submission of daylight and sunlight assessments that any overshadowing of neighbouring property would not be significantly increased as a result of the proposals. These assessments were submitted and alleviate concerns that the proposals may have an adverse impact upon the solar panels on the flank elevation to No.38.
- 8.12 The proposals would not result in any significant overlooking of neighbouring properties and are not considered to be detrimental to the privacy of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3.

#### Access and Parking

- 8.13 In order to provide sufficient parking for future occupants in accordance with Policy CS8 and CS12 of the Core Strategy and to address the requirements of the Car Parking Standards SPD (November 2020) the applicants will provide hard standing to the front of each unit to allow for the off-street parking of two vehicles. The parking arrangement to the front of the properties has been amended such that 2 separate double dropped kerbs are created at the crossovers, separated by the access paths to the dwellings. The planting areas have been repositioned adjacent the boundaries.
- 8.14 A three bedroom dwelling in this location is expected to provide 2.25 allocated parking spaces (1.8 if unallocated) in accordance with the Car Parking Standards SPD (2020) and these spaces are expected to measure some 2.4m x 4.8m in accordance with paragraph 8.2 of the SPD. The proposed development would provide 2 spaces per dwelling and this is considered to be acceptable given a fraction of a space could not be accommodated.
- 8.15 Although the County Council as highway authority have objected to these spaces as they would require vehicles to reverse onto the highway, officers are of the opinion that this grounds for refusal would be difficult to substantiate in view of the planning decisions referred to in section 5 of this report and given the relatively modest increase in vehicular movements that would be associated with this site. There do not appear to be any material

differences between these locations that might lead one to conclude differently in relation to each case.

### Other Material Planning Considerations

#### *Noise and Ventilation*

- 8.16 The Council's Environmental Health team have raised some concerns with regards to the impact of traffic noise upon the residential amenities of future occupants. A condition is recommended to address this issue to comply with Core Strategy Policy CS32 and the NPPF to safeguard the health and wellbeing of future residents together with informative on construction noise and dust. This condition was applied in the case of other developments on Chesham Road.

#### *Sustainable Construction*

- 8.17 The proposals are not accompanied by any Sustainability Statement in accordance with Policy CS29 of the Core Strategy. The absence of this statement does not prevent the determination of the proposals although it would be useful to understand how the construction of this building would contribute to the aims and objectives of this policy and meet the requirements of the Car Parking Standards SPD, Energy Efficiency SPD and Water Conservation SPD. This should cover the requirements for EV parking spaces (one space per unit) and reflect the energy hierarchy at Figure 16 of the Core Strategy. It is recommended that further details are secured by a planning condition.

### Impact on Infrastructure

- 8.18 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards on-site, local and strategic infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable.
- 8.19 The Council adopted its CIL schedule in February 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre apply to the proposed development.

### Consultation Responses

- 8.20 There are no objections to this proposal from neighbouring properties or local residents.

### Conditions

- 8.21 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and only used where they satisfy tests that they are necessary, relevant to planning and the development to be permitted, reasonable, precise and enforceable.
- 8.22 The Conditions identified at 8.16 and 8.17 above are considered to be meet the relevant tests for the imposition of planning conditions. Given that they provide clear constraints as to how the development may be built out, it is considered that it would be appropriate to require this information prior to the commencement of works on the superstructure of the building hereby approved.
- 8.23 It would also be prudent to secure the provision of car parking at the site and a detailed landscaping proposal for the site prior to the occupation of the development and to ensure

an appropriate appearance to the scheme in accordance with Policies CS8, CS11, CS12 and CS13 of the Core Strategy

## **9 CONCLUSION**

- 9.1 The proposal demonstrates an efficient use of an existing developed site within Bovingdon and is considered to be sustainable development. It is supported by the NPPF and Policies NP1, CS1, CS2 and CS4 of the Core Strategy. The scheme will make a small contribution to the housing land supply under Policy CS17 of the Core Strategy
- 9.2 The development would not have any detrimental impacts on the character and appearance of the area, the amenity of neighbouring residents or on highway safety. The proposals are acceptable in accordance with Policies CS4, CS8, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and Car Parking Standards SPD (2020)

## **10 RECOMMENDATION**

- 10.1 That planning permission be **GRANTED** subject to the following conditions:

### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

#### **Plans**

**PL06 Revision B (Street Elevation)**  
**PL07 Revision C (Site Plan)**  
**PL08 Revision C (Floor Plans)**  
**PL09 Revision B (Elevations)**  
**PL10 Revision C (3D Views)**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. No development of the superstructure shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. The development, hereby approved, shall not be occupied until the access and parking arrangements shown on drawing PL07 Revision C (Site Plan) have been**

**provided. These parking arrangements shall be thereafter retained in accordance with the approved drawings.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 5. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).

- 6. No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.**

**The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:**

- **How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade**
- **Service and maintenance obligations for the MVHR, where required**
- **A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.**
- **Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.**
- **The strategy shall be compiled by appropriately experienced and competent persons.**

**The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.**

Reason: To ensure an appropriate level of residential amenity in accordance with Policies CS12 and CS32 of the Core Strategy.

- 7. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
  - **other surfacing materials;**
  - **means of enclosure;**
  - **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and**
- The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

- 8. The development hereby approved shall not be occupied until full details of the arrangements for the storage of refuse have been submitted to and approved in writing by the local planning authority. The proposed bin storage shall be provided fully in accordance with the approved details prior to occupation and shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the appropriate provision for the storage of waste in accordance with Policy CS12 of the Core Strategy.

#### **APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Bovingdon Parish Council	Object – Although the Parish Council support the improvement of the site but have concerns that there may be insufficient parking spaces if the four spaces are allocated. It would be unusual for a development of this standard not to have allocated spaces. There is no provision for visitor parking at either property. There are concerns that vehicles will have to reverse onto the Chesham Road (reportedly the busiest ‘B’ road in the county). In addition, there were comments made relating to whether the new houses would be positioned correctly within the existing building line. One detached property would be more suitable for the site and negate any of the above parking issues.
Councillor Riddick	I have re-checked the application on our website and have a number of concerns.  Pre App Advice The applicant repeatedly stated that they had been in discussions with our ‘Planning Office’, and quickly ‘defended’ the proposal when questioned about various elements.  Did the applicant seek any ‘Pre-App Advice’? because on their Application Form they have confirmed that NO PreApp Advice had been sought?  Public Comments The applicant stated that they had received SUPPORT as indicated on the DBC website. Having checked, one of the ‘SUPPORTERS’ is actually the applicant, Mr. Dowling, 22A Hyde Lane...and the second ‘SUPPORTER’ (38 Chesham Road) confirmed on the following day,



	<p>that they had '<i>discussed the application with Mr Dowling</i>'.</p> <p><b>Parking</b> The application is none compliant with the latest Parking Standards. 4 Bedroom Dwellings (for that is what they are – see below) require a <i>minimum</i> of 4 spaces each. The new sizing of the bays should be 5m X 3m to be of sufficient size for even a normal modern family saloon. Vehicles should also not 'back-out' into this busy main road.</p> <p>N.B. Chesham Road is a 'Blue Light – Rapid Response Route' for Emergency Vehicles attending the Mount Prison on a regular basis.</p> <p>The <i>stylised</i> 3D Front view appears to indicate surprisingly 'small' executive cars. There is no provision for visitor parking at either property.</p> <p><b>Site Plan (PL07)</b></p> <p>The plan is annotated for the <i>correct</i> number 6 Spaces – but only shows 4.</p> <p><b>Floor Plan (PL08)</b></p> <p>The First Floor Plans show an area identified as a 'Study' when this is in fact the 4th Bedroom which will be created by simply moving the wall between the 'Study' and the 'Hallway' and elimination of the 'Store' on the Landing.</p>
Hertfordshire County Council – Highways	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed access arrangements are not in accordance with Hertfordshire County Council's (HCC) specifications as documented in 'Roads in Hertfordshire; Highway Design Guide' and has the potential to interfere with the free and safe flow of highway users on the adjacent secondary distributor road. The proposals are therefore contrary to policy guidelines as outlined in 'National Planning Policy Framework (NPPF)' 2012 and HCC's 'Local Transport Plan' 2018 policies 1, 5 and 7.</li> <li>2. The development does not have the ability for vehicles to turn on-site and therefore vehicles cannot enter and exit the highway in forward gear which is against Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. Therefore, the site could pose a potential highway safety risk which is against policies 1 and 5 within Hertfordshire's Local Transport Plan (adopted 2018)</li> </ol> <p><b>Comments</b> The proposal is for the demolition of the existing detached dwelling and construction of 2 semi-detached dwellings at 37 Chesham Road,</p>

Bovingdon. Chesham Road is a 30 mph, classified B secondary distributor route that is highway maintainable at public expense. HCC has decided to recommend refusal for this application owing to the two reasons above involving the access arrangements for the site. Below will be the reasons for these refusals;

1) The position and layout of the new access are shown on the submitted drawing no.PL07 including a proposed VXO/dropped kerb of approximately 9.6m in width providing vehicle crossover access to four parking spaces. This is not clearly illustrated on the plans but can be seen within drawing no. PL10. This is not in accordance with HCC's Residential Dropped Kerbs: Terms and Condition and Roads in Hertfordshire, which recommends a maximum individual dropped kerb of 5.4m (made up of four flat kerbs) and maximum shared dropped kerb of 7.2m (made up of 6 flat kerbs). Therefore this would impact the pedestrian environment which is against policies within Hertfordshire Local Transport Plan (Adopted 2018). Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section, 4 – Design Standards and Advice, Chapter 1 – Road Design Criteria; Figure 4.1.14.1: Vehicular footway and verge crossovers.

2) The 4 parking spaces illustrated on drawing no. PL07 do not provide space for vehicles to enter and exit the Highway in forward gear. This is a requirement for a secondary distributor road as per Roads in Hertfordshire: Highway Design Guide 3rd Edition, Section 2: Highway Layout and Strategies, Chapter 9: Permitted Road Connections and Frontage Access; Table 2.9.1.1: Permitted Connections and Frontage Accesses. I would note that within the planning statement it states that an inspector dismissed a 'similar' scheme at 50 Chesham Road stating;

"I observed on my site visit that many houses that front on to Chesham Road have access points which do not allow for the turning of vehicles".

I would like to add that from observations, the adjacent properties to 37 in the immediate vicinity have some sort of ability to manoeuvre on-site to enter and exit the highway in forward gear. Therefore, the statement above does not hold as much weight for this proposal. The planning statement alludes to existing highway safety concerns but this does not mean that the new access will not impact the highway network. The prior application mentioned in the planning statement was consulted on before HCC's Local Transport Plan (adopted August 2018) was adopted, therefore our user hierarchy was not implemented for that site. The lack of ability to both enter and exit the site in forward gear not only has implications for the safety of road vehicles but also for pedestrians using the adjacent footway.

Reversing out of the site onto the highway network reduces visibility and untimely has a greater safety impact on the highway network. Therefore, in line with HCC guidance regarding secondary distributor routes, I would reinforce that vehicles must be able to enter and exit the highway network in forward gear which this site fails to achieve.

**Conclusion**

	<p>HCC as Highway Authority is recommending that the application be refused in its current form. The access arrangements are not in accordance with the Highway Authority's specifications and have the potential to interfere with the free and safe flow of vehicles, pedestrians and other highway users on Chesham Road. It is, therefore, unable to recommend the granting of permission for this application.</p>
<p>Environmental Health</p>	<p>Due to proximity to Chesham Road the site is likely to be impacted by road traffic noise. This can have a detrimental impact on health and quality of life. To ensure an adequate level of amenity can be achieved for future occupiers I would advise the following condition be applied.</p> <p>Suggested Condition - internal noise</p> <p>No development shall take place until a ventilation strategy has been submitted for the approval of the LPA to protect likely future occupiers of new housing from exposure to road transportation noise ingress.</p> <p>The ventilation strategy shall include an assessment of the likely impact on the residential occupation and shall also consider:</p> <ul style="list-style-type: none"> <li>- How the ventilation strategy impacts on the acoustic conditions. Where the provision includes any Mechanical Ventilation and Heat Recovery (MVHR) systems, to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade</li> <li>- Service and maintenance obligations for the MVHR, where required</li> <li>- A strategy for mitigating overheating impacts on the acoustic condition including a detailed overheating assessment to inform this.</li> <li>- Likely noise generated off-site where mechanical ventilation is introduced to site and, its impact on existing neighbours and any measures to be made to eliminate noise.</li> </ul> <p>The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and which remains in perpetuity in respect of the residential use.</p> <p>Reason: Policy CS32 - any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

Address	Comments
Rising Sun, 36 Chesham Road	I having lived next door to the derelict property and its weed infested garden for the last 20 years, we are looking forward to the proposed development on the site going ahead. Throughout the proposed development the developers have been in contact with my partner and myself (36) and the neighbours (38) on the other side of the property, from the plans that we have seen I can see no objections whatsoever.
Conway, 38 Chesham Road	As discussed with the developer, Mr Dowling, we would ask that the current building line is observed.

**ITEM NUMBER: 5h**

<b>21/01335/FUL</b>	<b>Construction of two new semi-detached cottages and new boundary wall.</b>	
<b>Site Address:</b>	<b>64 High Street Markyate St Albans Hertfordshire AL3 8HZ</b>	
<b>Applicant/Agent:</b>	<b>Mr &amp; Mrs Gower</b>	<b>Mr Andrew Whiteley</b>
<b>Case Officer:</b>	<b>Natasha Vernal</b>	
<b>Parish/Ward:</b>	<b>Markyate Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Contrary View of Markyate Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions.

**2. SUMMARY**

2.1 The principle of residential development in this location is acceptable, in accordance with the exceptions for appropriate development in the Markyate Conservation Area as set out under Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (NPPF) (2019). The proposed dwellings and associated works are considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the streetscene or the Markyate Conservation Area. Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or by resulting in a significant loss of light or privacy. Given the amendments made, following discussions with the Hertfordshire County Council's (HCC) Highways Department and Fire and Rescue Team, it is not considered that the proposal would give rise to significant highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would be provided for future occupiers of the site in line with the relevant policies.

2.2 Given all of the above, the proposal complies with Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (2019), Policies CS4, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, Saved Policies 119 and 120 and Saved Appendices 3 and 7 of the Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The site is located within the large village of Markyate, to the south west of the High Street. The site is situated to the rear of Grade II Listed Buildings at Nos. 56, 58, 60 and 62 (High Street) within the Markyate Conservation Area and an area of archaeological significance. The site contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site, separating it from the parking area to properties along Buckwood Road (North Court).

**4. PROPOSAL**

4.1 This application seeks full planning permission for the construction of two new detached dwellings and new boundary wall.

4.2 This current application is in conjunction with a listed building consent application under Local Planning Authority (LPA) reference: 21/01336/LBC.

4.3 It is noted that a previous application for the construction of two detached dwellings with new boundary wall under LPA ref: 20/03739/FUL was refused at the site for the following reason (in italics):

4.4 *The proposed development would fail to respect neighbouring properties along High Street and Buckwood Road in terms of layout, site coverage, scale and bulk appearing cramped and detracting from the existing urban grain. As such, the proposal is contrary to Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the relevant sections of the NPPF (2019).*

4.5 *The layout, design and scale of the proposed development are not sympathetic to the Markyate Conservation Area and would cause harm to the setting, historic plan form and fabric of the Listed Building. The proposed scheme therefore fails to comply with the NPPF (2019), Policy CS27 of the Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act (1990).*

4.6 The amended scheme addresses the concerns raised from the Conservation Officer by scaling down the development into a semi-detached pair of two bedroomed two storey dwellings. The proposal introduces traditional materials that is considered in-keeping with the Markyate Conservation Area and the Grade II listed buildings.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

20/02067/FUL - Construction of two new bungalows and garden boundary wall.  
*WDN - 16th September 2020*

20/03739/FUL - Construction of two new detached dwellings and new boundary wall  
*REF - 5th February 2021*

20/03740/LBC - Construction of two new detached dwellings and new boundary wall  
*REF - 5th February 2021*

21/01336/LBC - Construction of two new semi-detached cottages and new boundary wall.  
*PDE -*

4/0071/81 - Historic File Check DMS for Documents and Further Details  
*DET - 26th February 1981*

4/1071/86 - Historic File Check DMS for Documents and Further Details  
*DET - 3rd September 1986*

4/0835/83 - Historic File Check DMS for Documents and Further Details  
*DET - 2nd September 1983*

4/00274/17/FUL - New dwelling and garage  
*GRA - 23rd March 2017*

4/01743/13/FUL - New dwelling and garage within rear garden of existing house  
*REF - 13th February 2014*

4/00904/08/TPO - Works to trees  
*GRA - 14th May 2008*

4/00643/07/TCA - Works to trees  
*REF - 24th April 2007*

4/00460/05/LBC - Affix railings to front elevation, move house number sign and alterations to existing gates

WDN - 9th March 2005

4/01706/03/TCA - Works to trees

RNO - 2nd September 2003

4/00933/02/LBC - Alterations to garage to form a utility room

GRA - 19th July 2002

4/01157/00/TCA - Pruning of three yew trees

RNO - 27th July 2000

Appeals (If Any):

4/01743/13/FUL - Development Appeal

- 19th August 2014

## **6. CONSTRAINTS**

Area of Archaeological Significance: 2

CIL Zone: CIL3

Markyate Conservation Area

Former Land Use (Risk Zone):

Large Village: Markyate

Listed Building, Grade: II

Listed Building, Grade: II

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Markyate)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 454, Details of Trees: T1 Yew

Tree Preservation Order: 454, Details of Trees: T2 Yew

Tree Preservation Order: 454, Details of Trees: T3 Yew

Tree Preservation Order: 540, Details of Trees: T1 Common Yew

Tree Preservation Order: 454, Details of Trees: T4 Yew

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Planning (Listed Building and Conservation Areas) Act (1990)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Appendix A of the Parking Standards SPD (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal and impact on heritage assets;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of development and impact on heritage assets

9.2 The application site is located in Markyate Conservation Area where development should conserve and enhance the established character or appearance of the area in accordance with Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Local Plan (2004). In addition, Policy CS27 and Saved Policy 119 seek to ensure that the setting of designated heritage assets, including Listed Buildings, will be protected, conserved and if appropriate enhanced.

9.3 Saved Policy 119 states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.4 Regard has been given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.5 Paragraph 192 of the NPPF (2019) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public



benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 The application site is concealed from the public realm with glimpses of the application site seen from High Street. No. 64 High Street is a statutory Grade II listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders.

9.7 The Council's Conservation Officer was consulted and provided the following representation (in italics):

*9.8 "The site is an area of garden to the rear of the high street. Previously a dwelling was allowed at appeal. The proposal is now for two small cottages. These are on the site of the approved dwelling. They sit more comfortably within the general context of the street pattern and better reflect the character of the Conservation Area. We welcome the introduction of the visual interest and variation in treatment to the individual cottages. As such we believe that it would not cause harm to the character of the conservation area nor the setting of the nearby listed buildings. As such we believe that it is appropriate with regards to the national and local policy and guidance in that it does not harm the significance of either the listed buildings or conservation area.*

*9.9 Recommendation no objection. The external materials including rainwater goods and joinery details and finishes should be conditioned. As should the hard and soft landscaping."*

9.10 In light of the comments provided by the Conservation and Design Officer, no harm has been identified to the Markyate Conservation Area as the proposed works are considered to be sympathetic to the original design and character of the Listed Buildings on High Street, protecting and conserving the integrity, setting and distinctiveness of this designated heritage asset. In comparison to the previous refused scheme under LPA ref: 20/03739/FUL, the proposed scheme through design, scale and positioning are considered sympathetic to the Markyate Conservation Area and would not cause harm to the setting, historic plan form and fabric of the Listed Buildings on High Street.

9.11 Taking the above policies into account, the proposed construction of two dwellings and new boundary wall is considered acceptable in principle. In accordance with Core Strategy Policy CS27, Saved Policies 119 and 120 of the Local Plan (2004), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (NPPF) (2019).

#### Quality of Design / Impact on Visual Amenity

9.12 Policies CS10, CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and paragraph 127 of the NPPF promote new development that integrates with the surrounding area in terms of layout, design, scale and materials. In terms of the layout and design of residential areas, Saved Appendix 3 states that there should be sufficient space around residential buildings to avoid a cramped layout, maintain residential character and to ensure privacy.

9.13 Policies CS11 and CS12 of the Core Strategy (2013) all seek to ensure that development should preserve attractive streetscapes, integrate with the streetscape character and 'respect adjoining properties in terms of layout and site coverage. Furthermore, Section 12, paragraph 127 (b) and (d) of the National Planning Policy Framework (2019) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

9.13 The application site is concealed from the public realm with glimpses of the application site seen from High Street. The site is accessed from High Street via a narrow undercroft archway. No. 64 High Street is a statutory listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site separating the site from the parking area to properties along Buckwood Road (North Court). The rear garden has an unusual form, being fairly rectangular from the archway to the rear of the single storey rear element to No 64 then it widens to the north abutting the top half of the neighbouring garden.

9.14 The site of No. 64 extends from the High Street frontage to the rear, and the south-west boundary is the boundary of the conservation area at that point. Beyond is the modern buildings of the telephone exchange and housing, and there does not appear to be significant public views of the site of the proposed dwellings from outside the area in that location. Similarly the public view from the High Street through the archway would be limited but the re-alignment of the driveway approach would result in there being a view of part of this development.

9.15 The site comprises a pair of semi-detached dwellings featuring facing brickwork and smooth painted render, plain roof tiles and natural slates. The proposed fenestration materials are to be confirmed however, these would be secured by a condition if the application is approved. The proposed dwellings would be set back from the public highway by approximately 40 metres. Plots one and two would comprise a kitchen area, living room and a cloak room at ground floor with a bathroom and two bedrooms at first floor.

9.16 The properties along the High Street are characterised by a row of terraces set on large plots, comprising large rear gardens, giving a spacious feel and character to the area. The surrounding properties are characterised by terraced dwellings many of which are uniform in scale and design. The proposed dwellings would follow the conventional layout and linear build line and is not considered to have a detrimental impact on the character and appearance of the surrounding properties or the Markyate Conservation Area.

#### *Garden Space*

9.17 Saved Appendix 3 the Dacorum Local Plan (2004) states that:

9.18 *“All residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m.”*

9.19 Although the rear gardens fall short of the 11.5m minimum depth suggested in saved Appendix 3, they have sizable front gardens that would provide functional outdoor recreational areas.

9.20 It is considered that the layout, design and built form of the proposed dwelling will not have a detrimental impact upon the character and appearance of the existing dwelling or surrounding area. The proposal therefore complies with Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2019).

#### Impact on Residential Amenity

9.21 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.22 The neighbouring properties at Nos.58 (High Street) and 7 (North Court) objected on the grounds of scale, out of keeping within the Markyate Conservation Area, noise, removal of trees, construction of works and impact on traffic overflow.

#### *Privacy*

9.23 Windows on the first floor south-east elevation of the new dwellings are proposed to face towards the neighbouring properties at Nos. 1 to 8 (North Court), however the proposed dwellings would be sited approximately over 22 metres from the common boundary. The proposed north-west facing windows would serve bathrooms and landings. Whilst it is noted that bathrooms and landings are non-habitable rooms, an obscure glazed condition would be imposed to ensure no adverse impacts on neighbouring amenity. No fenestration at first floor is proposed to face towards Nos. 60 and 62. Therefore, it is not considered that the proposed fenestration would have any significant additional overlooking or loss of privacy to the surrounding dwellings or their amenity spaces.

9.24 Given the scale and positioning of the new units and the separation distances that would be retained between these dwellings and neighbouring properties at Nos. 60 and 62 (High Street), 10 and 12 (Buckwood Road), 1 to 8 (North Court) , it is unlikely that the proposal would have any adverse impacts to the residential amenity of these properties.

#### *Noise Impact*

9.25 The proposed works are set away from the public realm and from all neighbouring dwellings and there is existing mature landscaping to help soften their presence. Given the separation distance, the proposed development would not appear visually intrusive, overbearing or result in an increase in overlooking. Whilst the proposed structures may intensify the use of the application site, the intensification would not be significant enough to cause material harm to neighbouring properties.

#### *Private Amenity*

9.26 Externally, the rear garden would be subdivided to create separate private amenity spaces for each dwelling. The application site would provide private parking to accommodate at least five vehicles with private amenity space provided to the rear of plots.

9.27 The garden to number 64 is large, and as previously stated, extends along the rear of 60 and 62. The reduction, in order to provide the proposed dwelling with sufficient amenity space and parking, would still leave an area of garden that would be larger than many in the vicinity and would be a useable size and shape.

9.28 It is considered that the proposal would be acceptable with respect to the impact on the residential amenity of neighbouring properties, in terms of privacy, light provision and its visual impact, in accordance with Policy CS12 of the Core Strategy (2013).

#### Impact on Highway Safety and Parking

9.29 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 2-bedroom dwelling is 1.5 spaces.

#### *Parking*

9.30 The development proposes two off-street car parking spaces to each dwelling, Furthermore there are visitor parking spaces proposed to accommodate at least three vehicles. It is considered that the proposal meets the maximum requirements set out in Appendix A of the Parking Standards

SPD. In addition, there are local public transport routes situated in close proximity to the application site.

#### Access

9.31 HCC Highways were consulted and raised concerns regarding emergency access. Highways noted that the furthest part of the dwelling is greater than 45 metres from the highway network and as such, a fire appliance would have to enter the site, turn on site and exit the site in forward gear.

Hertfordshire Highways provided the following representation (in italics):

9.32 *“If this is the case then I have concerns regarding the width of the long access drive which should be a minimum of 3.7 metres wide. The ability for a fire appliance to turn on site and the height of the archway access as I fear this maybe too small for a large fire appliance.”*

9.33 Hertfordshire Fire and Rescue were contacted and raised concerns regarding the archway leading into the site is below the minimum requirement of 3.7m and also the minimum width of 3.7m, further due to the approach being narrowed by on street parking the appliance would be unable to turn into the entrance. As the appliance would have to remain on the highway the distance for laying of hose to the furthest habitable point of the dwelling will exceed the guidance as stated in Approved document B of 45m.

9.34 With further discussions with the agent, a detailed site plan “04/FIRE1 “ was received on 28<sup>th</sup> April 2021 showing that the fire station is located less than 40 metres from the application site. In addition, a domestic sprinkler system was proposed for extending the hose laying distance from the appliance to the furthest point of the two dwellings to 90 metres. Hertfordshire Fire and Rescue and Highways considered to this solution acceptable and raised no objections subject to conditions and informative notes.

9.35 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

#### Electric Vehicle (EV) Charge Points

9.36 The Parking Standards SPD requires 50% of all parking spaces to have an active charging point, with all remaining parking spaces having passive provision.

9.37 The terms active provision and passive provision are defined as follows:

9.38 *Active provision for electric vehicles: an actual socket connected to the electrical supply system that vehicle owners can plug their vehicle into.*

9.39 *Passive provision for electric vehicles: the network of cables and power supply necessary so that at a future date a socket can be added easily. It is significantly cheaper and less disruptive to install the underlying infrastructure for EV charge points during construction than to retrofit later.*

9.40 No details have been provided of EV charge points; therefore, this information will be required by condition (if approved) to be submitted and approved prior to commencement of development.

#### Other Material Planning Considerations

Markyate Parish Council

9.41 Markyate Parish Council has objected on the grounds that the infill development would be out of keeping and would overdevelop the plot. Further, the development would be dangerous in terms of access and would not allow appropriate access for emergency vehicles.

9.42 The application for a detached dwelling and garage was granted planning permission under LPA ref: 4/00274/17/FUL. Before that, an application for a detached dwelling and garage was allowed at appeal in 2013 under LPA ref: 4/01743/13/FUL.

9.43 The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposed dwellings would be concealed from the public realm and the arch way would be retained. Although HCC Highways and HCC Fire and Rescue raised concerns regarding the emergency access, these were resolved by a domestic sprinkler system and therefore, the proposal is considered acceptable in this regard subject to conditions and informative notes.

#### *Environmental and Community Protection*

9.44 Environmental and Community Protection were consulted and raised no objections to the proposal subject to informative notes.

#### *Thames Water*

9.45 Thames Water were consulted and raised no objections to the proposal.

#### *Historic Environment*

9.46 Historic Environment were consulted and raised no objections to the proposal subject to conditions and informative notes.

#### *Landscaping*

9.47 The site contains a significant number of trees around the perimeter and within the site that are protected by a Tree Preservation Order. The Councils Trees and Woodlands Officer were consulted and raised no objections to the proposal noting that the trees within the development site would be small ornamental varieties and have low amenity value. When evaluated against the merits of the scheme, the trees are not considered to pose a constraint to the development.

#### *Waste Management*

9.48 Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. These details have not been provided, however would be secured via a landscaping condition, should planning permission be granted. It is considered that there is adequate space within the site to provide secure space to store wheelie bins and therefore complies with saved Policy 129.

#### Response to Neighbour Comments

9.49 The neighbouring properties at Nos. 58 (High Street) and 7 (North Court) objected on the grounds of scale, out of keeping within the Markyate Conservation Area, noise, removal of trees, construction of works and impact on traffic overflow.

9.50 These matters have been addressed in the neighbour impact, highway safety, parking and landscaping sections above.

#### Community Infrastructure Levy (CIL)

9.51 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and the site resides within CIL Charging Zone 3.

## 10. CONCLUSION

10.1 Paragraph 59 of the NPPF seek to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas

10.2 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The proposal is in accordance with Policies CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2019).

10.3 The proposed semi-detached dwellings through layout, design and scale will not adversely impact upon the existing dwelling, Markyate Conservation Area or the residential amenity of neighbouring properties. The proposed scheme would provide two well designed properties, contributing to the boroughs housing stock and providing an attractive living environment for the future residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11, CS12 and CS27 of the Core Strategy (2013), Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 192, 193, 195 and 196 of the NPPF (2019).

## 11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

### Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- 22103/SEMIB  
- 04/FIRE1

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**
  1. **The programme and methodology of site investigation and recording**
  2. **The programme and methodology of site investigation and recording as required by the evaluation**
  3. **The programme for post investigation assessment**
  4. **Provision to be made for analysis of the site investigation and recording**
  5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  6. **Provision to be made for archive deposition of the analysis and records of the site investigation**
  7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**
5. **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 4.**  
**ii) The development 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 (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**
6. **No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:**
  - a. **Construction vehicle numbers, type, routing;**
  - b. **Access arrangements to the site;**
  - c. **Traffic management requirements**
  - d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
  - e. **Siting and details of wheel washing facilities;**
  - f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
  - g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
  - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
  - i. **Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019). The details are

required prior to commencement to ensure that the construction of the development does not result in any risks to highway safety.

**7. All new external rainwater and soil pipes shall be formed in metal and painted black.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).

**8. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

**9. No construction of the superstructure shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site
- o other surfacing materials
- o means of enclosure
- o soft landscape works
- o refuse or other storage units.

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

**10. The development, hereby approved, shall not be occupied until a scheme for the installation of a domestic sprinkler system complying with BS9251 has been submitted to and approved in writing by the local planning authority. The system shall be maintained at this standard. The system shall be fully installed and operational prior to the occupation of any residential unit.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Core Strategy.

**Informatives:**



1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2.
  1. The archaeological field evaluation, via trial trenching, of the proposed development area, prior to development commencing;
  2. such appropriate mitigation measures indicated as necessary by the evaluations in both areas. These may include:
    - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;
    - b) the appropriate archaeological excavation of any remains before any development commences on the site;
    - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
  3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results;
  4. such other provisions as may be necessary to protect the archaeological interest of the site.
3. Contaminated Land Informative 1:

In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.
4. Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:  
Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
5. AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the

website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Archaeology Unit (HCC)	<p>The proposed development is within an Area of Archaeological Significance, as identified in the Local Plan. This covers the core of the historic village of Markyate, which has medieval origins. The proposed works will take place within the centre of the medieval village (Historic Environment Record no. 2050), adjacent to the major Roman road of Watling Street (HER no. 9525).</p> <p>64 High Street itself (HER no. 12101) is a grade II listed late 16th century timber-framed building, once the Sun Inn. In one of its rooms is a significant late 16th century wall painting.</p> <p>The construction of two dwellings to the rear has the potential to impact on archaeological remains of medieval or post-medieval date in particular. I believe, therefore, that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest.</p> <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p>
Environmental And Community Protection (DBC)	<p>The proposed development is on a site that does not appear to have a potentially contaminative land use history so whilst there is no objection to the application and no requirement for land contamination planning conditions, because the development will involve ground works it is recommended that the following informatives are included in the</p>

	<p>decision notice.</p> <p>Contaminated Land Informative 1: In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
Hertfordshire Highways (HCC)	<p>Decision OTHER</p> <p>The proposal is for the construction of two new semi-detached cottages and new boundary wall at 64 High Street Markyate. This is another response owing to concerns regarding a fire appliances access in case of an emergency. As part of the highway authority's assessment of this planning application, we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. These include concerns that the furthest part of the dwelling is greater than 45 metres from the highway network and as such a fire appliance would have to enter the site, turn on site and exit the site in forward gear. If this is the case then I have concerns regarding the width of the long access drive which should be a minimum of 3.7 metres wide. The ability for a fire appliance to turn on site and the height of the archway access as I fear this maybe too small for a large fire appliance. As such I have contacted Herts fire and rescue. Therefore, details of the proposal have been passed to them for attention. This response will be sent separately to the case officer by the fire service. HCC would like to back any comment made by the fire service for this application in terms of highway safety.</p> <p><u>Further comments received 19-05-21</u></p> <p>As the main issue was raised with fire safety and fire safety are happy with the sprinkler system. The HCC Highways would have no objections</p>

to the site subject to the agreed upon points in the emails below relating to sprinklers.

#### Conditions

1) No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

	<p>AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300 1234047.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p>

	<p><a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p>
Trees and Woodlands	<p>According to the information submitted trees may require removal to facilitate the development. I consider trees within the development site to be small ornamental varieties and have low amenity value. When evaluated against the merits of the scheme, the trees should not pose a constraint to the development. Consequently, I have no objections to the application and recommend it being approved.</p>
Hertfordshire Fire and Rescue Service	<p>This matter was referred to HFRS due to access issues for fire fighting purposes. The archway leading into the site is below the minimum requirement of 3.7m and also the minimum width of 3.7m, further due to the approach being narrowed by on street parking the appliance would be unable to turn into the entrance. As the appliance would have to remain on the highway the distance for laying of hose to the furthest habitable point of the dwelling will exceed the guidance as stated in Approved document B of 45m.</p> <p><u>Further comments received 19-05-21</u></p> <p>I can confirm that HFRS find your solution acceptable in that the installation of a domestic sprinkler system complying to BS9251 will extend the hose laying distance from the appliance to the furthest point in the dwelling to 90m. The system must also be maintained to that standard.</p>
Markyate Parish Council	<p>Objection. We support what Highways say in their report regarding concerns for safety in case of a fire at this property. No objections to plans, per-se, although infilling is not favoured, as per our village plan. Also concerns regarding sightline onto High Street when exiting the site; this could be very dangerous.</p> <p><u>Further comments received 20-05-21</u></p> <p>Whilst taking note of your email below, it is my understanding that the Parish Council were happy with the design of these two houses, as an improvement to the single larger property previously proposed. So</p>

	<p>if objections to their being built were not accepted, they do not oppose their design. However, we did oppose any building at the rear of 64 High Street on several grounds:</p> <p style="padding-left: 40px;">Unsafe access in the case of fire - as per Highways comments. In filling behind High Street property - this was a policy for the village identified in the Parish Plan (not time sensitive) Unsafe access onto the High Street with insufficient sight lines onto a narrow road, almost opposite a gateway on the East of the High Street.</p> <p>Therefore my Council remain with an objection to this application.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	2	0	2	0

### Neighbour Responses

Address	Comments
7 North Court Markyate St Albans Hertfordshire AL3 8NT	<p>I wish to object most strongly to the proposed construction of two new dwellings next to the retirement housing of North Court, Buckwood Road, Markyate, AL3 8NT. As a resident of North Court, which is occupied by eight flat belonging to elderly and in some cases physically and mentally impaired residents, I cannot reiterate strongly enough the fears of myself and other residences to this proposed development.</p> <p>Any stressed caused by construction work and the removal of established vegetation destroying our present environment could seriously effect the health of some of the residents.</p> <p>The adjoining trees offer shade, privacy and noise shelter to our aging residents. This small area of communal land offers the only outside space available for out social and leisure needs.</p> <p>Building work would cause stress and countless worries for our aged inhabitants, noise, dust, the per removal of valuable vegetation, privacy and the fears of any future potential dangers from the new builds as access to the properties would be limited to emergency vehicles.</p> <p>There would be concerns for the mental health for some residents as issues arising would not be fully until the final usage of the proposed development becomes utilized.</p>
58 High Street Markyate	<p>Overriding objection to this proposal. Objection to infilling within a conservation area.</p>

<p>St Albans Hertfordshire AL3 8HZ</p>	<p>The properties are too tall and not in keeping with surrounding Grade II listed buildings. The scale of the development is excessive, particularly the height. Contravenes the Dacorum Plan ref CS11 and CS27 Markyate High Street has no further capacity at this location for additional traffic or overflow parking. Concern about waste removal. Point 6.2.3 within the AB Heritage statement is not correct.</p>
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**ITEM NUMBER: 5i**

<b>21/01336/LBC</b>	<b>Construction of two new semi-detached cottages and new boundary wall.</b>	
<b>Site Address:</b>	<b>64 High Street Markyate St Albans Hertfordshire AL3 8HZ</b>	
<b>Applicant/Agent:</b>	<b>Mr &amp; Mrs Gower</b>	<b>Mr Andrew Whiteley</b>
<b>Case Officer:</b>	<b>Natasha Vernal</b>	
<b>Parish/Ward:</b>	<b>Markyate Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Contrary view of Markyate Parish Council</b>	

**1. RECOMMENDATION**

1.1 That listed building consent be **GRANTED** subject to conditions.

**2. SUMMARY**

2.1 The proposed works are considered to be sympathetic to the original design and character of Grade II Listed Building at No.64 High Street, protecting and conserving the integrity, setting and distinctiveness of these designated heritage assets. Furthermore, it is also considered that sufficient information has been provided in support of the application to verify that the proposed works would be appropriate to the scale, proportion and internal/external appearance of the Listed Building. As such, the proposed works are acceptable in accordance with the aims of Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (2019); Saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013).

**3. SITE DESCRIPTION**

3.1 The site is located within the large village of Markyate and is to the south west of the High Street. The site is situated to the rear of Grade II Listed Buildings at Nos. 56, 58, 60, 62 and 64 (High Street), within the Markyate Conservation Area and an area of archaeological significance. The site contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site separating the site from the parking area to properties along Buckwood Road (North Court).

**4. PROPOSAL**

4.1 This application seeks listed building consent for the construction of a pair of semi-detached dwellings and new boundary wall.

4.2 This current application is in conjunction with a full planning application under LPA ref: 21/01335/FUL.

4.3 It is noted that a previous application for the construction of two detached dwellings with new boundary wall under LPA ref: 20/03740/LBC was refused at the site for the following reasons (in italics):

*4.4 It should be noted that the previous scheme was refused under LPA ref: on the grounds of: The layout, design and scale of the proposed development are not sympathetic to the Markyate Conservation Area and would cause harm to the setting, historic plan form and fabric of the Listed Building. The proposed scheme therefore fails to comply with the NPPF (2019), Policy CS27 of the*

*Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act (1990).*

4.5 The amended scheme addresses the concerns raised by the Conservation Officer by scaling down the development into a semi-detached pair of two bedroomed two storey dwellings. The proposal introduces traditional materials that is considered to be in keeping with the Markyate Conservation Area and the Grade II listed buildings.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

20/02067/FUL - Construction of two new bungalows and garden boundary wall.  
*WDN - 16th September 2020*

20/03739/FUL - Construction of two new detached dwellings and new boundary wall  
*REF - 5th February 2021*

20/03740/LBC - Construction of two new detached dwellings and new boundary wall  
*REF - 5th February 2021*

21/01335/FUL - Construction of two new semi-detached cottages and new boundary wall.  
*PDE -*

4/0071/81 - Historic File Check DMS for Documents and Further Details  
*DET - 26th February 1981*

4/1071/86 - Historic File Check DMS for Documents and Further Details  
*DET - 3rd September 1986*

4/0835/83 - Historic File Check DMS for Documents and Further Details  
*DET - 2nd September 1983*

4/00274/17/FUL - New dwelling and garage  
*GRA - 23rd March 2017*

4/01743/13/FUL - New dwelling and garage within rear garden of existing house  
*REF - 13th February 2014*

4/00904/08/TPO - Works to trees  
*GRA - 14th May 2008*

4/00643/07/TCA - Works to trees  
*REF - 24th April 2007*

4/00460/05/LBC - Affix railings to front elevation, move house number sign and alterations to existing gates  
*WDN - 9th March 2005*

4/01706/03/TCA - Works to trees  
*RNO - 2nd September 2003*

4/00933/02/LBC - Alterations to garage to form a utility room  
*GRA - 19th July 2002*

4/01157/00/TCA - Pruning of three yew trees  
RNO - 27th July 2000

Appeals (If Any):

4/01743/13/FUL - Development Appeal  
- 19th August 2014

## **6. CONSTRAINTS**

Area of Archaeological Significance: 2

CIL Zone: CIL3

Markyate Conservation Area

Former Land Use (Risk Zone):

Large Village: Markyate

Listed Building, Grade: II,

Listed Building, Grade: II,

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Markyate)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 454, Details of Trees: T1 Yew

Tree Preservation Order: 454, Details of Trees: T2 Yew

Tree Preservation Order: 454, Details of Trees: T3 Yew

Tree Preservation Order: 540, Details of Trees: T1 Common Yew

Tree Preservation Order: 454, Details of Trees: T4 Yew

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents/Policies:

Planning (Listed Building and Conservation Areas) Act 1990 – Section 16(2) and 66(1)

National Planning Policy Framework 2019 – Section 16

Dacorum Borough Core Strategy 2013 – Policy CS27

Dacorum Borough Local Plan 2004 – Saved Policies 119 and 120

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal; and

The impact on significance of heritage assets.

#### Principle of development

9.2 The main issue of relevance to the consideration of this application relate to the impact of the proposed works on the character and appearance of the Grade II listed building at No.64 High Street.

9.3 Policy 119 of the Dacorum Local Plan (2004) states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.4 Regard has been given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.5 Paragraph 192 of the NPPF (2019) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 The site is also located within Markyate Conservation Area, whereby development is expected to preserve and enhance the character and appearance of the surrounding area, in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004) and the NPPF (2019).

9.7 The application site is concealed from the public realm with glimpses of the application site seen from High Street. No. 64 High Street is a statutory Grade II listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders.

9.8 The site comprises a pair of semi-detached dwellings featuring facing brickwork and smooth painted render, plain roof tiles. The proposed fenestration materials are yet to be confirmed. The proposed dwellings would be set back from the public highway by approximately 40 metres. Plots one and two would comprise a kitchen area, living room and a cloak room at ground floor with a bathroom and two bedrooms at first floor.

9.9 The Council's Conservation Officer was consulted and provided the following representation (in italics):

*9.10 The site is an area of garden to the rear of the high street. Previously a dwelling was allowed at appeal. The proposal is now for two small cottages. These are on the site of the approved dwelling. They sit more comfortably within the general context of the street pattern and better reflect the character of the Conservation Area. We welcome the introduction of the visual interest and variation in treatment to the individual cottages. As such we believe that it would not cause harm to the character of the conservation area nor the setting of the nearby listed buildings. As such we believe that it is appropriate with regards to the national and local policy and guidance in that it does not harm the significance of either the listed buildings or conservation area.*

9.11 *Recommendation no objection. The external materials including rainwater goods and joinery details and finishes should be conditioned. As should the hard and soft landscaping.*

9.12 In light of the comments provided by the Conservation and Design Officer, no harm has been identified to the Markyate Conservation Area as the proposed works are considered to be sympathetic to the original design and character of the Listed Buildings on High Street, protecting and conserving the integrity, setting and distinctiveness of this designated heritage asset. In comparison to the previous refused scheme under LPA ref: 20/03739/FUL, the proposed scheme through design, scale and positioning are considered sympathetic to the Markyate Conservation Area and would not cause harm to the setting, historic plan form and fabric of the Listed Buildings on High Street.

9.13 Taking the above policies into account, the proposed construction of two dwellings and new boundary wall is considered acceptable in principle. In accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004) and the NPPF (2019).

#### Impact on significance of heritage assets

##### *Markyate Parish Council*

9.14 Markyate Parish Council has objected on the grounds that the infill development would be out of keeping and would overdevelop the plot. Further, the development would be dangerous in terms of access and would not allow appropriate access for emergency vehicles.

9.15 It should be noted that an application for a detached dwelling and garage was granted planning permission under LPA ref: 4/00274/17/FUL. Before that, an application for a detached dwelling and garage was allowed at appeal in 2013 under LPA ref: 4/01743/13/FUL.

9.16 The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposed dwellings would be concealed from the public realm and the arch way would be retained. Although HCC Highways and Fire and Rescue raised concerns on the current scheme under LPA ref: 21/01335/FUL, these were resolved by a domestic sprinkler system and therefore, HCC Highways and Fire Rescue raise no objections and considered the proposed development acceptable subject to conditions and informative notes.

## **10. CONCLUSION**

10.1 Paragraph 59 of the NPPF seek to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas.

10.2 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The proposal is in accordance with Policies CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2019).

10.3 The proposed works are considered to be sympathetic to the original design and character of Grade II Listed Building at No. 64 High Street, protecting and conserving the integrity, setting and distinctiveness of these designated heritage assets. Furthermore, it is also considered that sufficient information has been provided in support of the application to verify that the proposed works would be appropriate to the scale, proportion and internal/external appearance of the Listed Building. As such, the proposed works are acceptable in accordance with the aims of Paragraphs 192, 193,195

and 196 of the NPPF (2019); Saved Policy 119 of the Dacorum Borough Local Plan (2004), Sections 66 and 72 Planning (Listed Building and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013).

**11. RECOMMENDATION**

11.1 That listed building consent be **GRANTED** subject to conditions.

**Condition(s) and Reason(s):**

- 1. **The works hereby permitted shall begin before the expiration of three years from the date of this consent.**

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

- 2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- 22103/SEMIB
- 04/FIRE1

Reason: For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

- 1. Listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
<p><b>Markyate Parish Council</b></p>	<p>Objection. We support what Highways say in their report regarding concerns for safety in case of a fire at this property. No objections to plans, per-se, although infilling is not favoured, as per our village plan. Also concerns regarding sightline onto High Street when exiting the site; this could be very dangerous.</p> <p><u>Further comments received 20-05-21</u></p> <p>Whilst taking note of your email below, it is my understanding that the Parish Council were happy with the design of these two houses, as an improvement to the single larger property previously proposed. So if objections to their being built were not accepted, they do not oppose their design. However, we did oppose any building at the rear of 64 High</p>

	<p>Street on several grounds:</p> <p>Unsafe access in the case of fire - as per Highways comments.  In filling behind High Street property - this was a policy for the village identified in the Parish Plan (not time sensitive)  Unsafe access onto the High Street with insufficient sight lines onto a narrow road, almost opposite a gateway on the East of the High Street.</p> <p>Therefore my Council remain with an objection to this application.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
0	0	0	0	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>

# Agenda Item 5j

ITEM NUMBER: 5j

21/00956/FHA	Proposed open porch, attached single garage with new driveway, two storey side extension and single storey rear extension	
Site Address:	3 Bulstrode Close Chipperfield Kings Langley Hertfordshire WD4 9LT	
Applicant/Agent:	Mr & Mrs G Phillips	Mr Nigel Hammond
Case Officer:	Natasha Vernal	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/Flaunden/Chipperfield
Referral to Committee:	Contrary view of Bovingdon Parish Council	

## 1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

## 2. SUMMARY

2.1 The principle of residential development in this location is acceptable, in accordance with the exceptions for appropriate development in the Green Belt as set out under Paragraph 145 of the National Planning Policy Framework (NPPF) (2019). The proposed development will integrate with the existing dwelling and surrounding area by virtue of its sympathetic design and scale. Furthermore, given the scale and nature of the works and the positioning of the site in relation to neighbouring properties, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Whilst visible from the surrounding area, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it impact upon local parking provision.

2.2 The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS5, CS10, CS11 and CS12 of the Core Strategy (2013), Appendix A of the Parking Standards SPD (2020) and Paragraph 145 of the NPPF (2019).

## 3. SITE DESCRIPTION

3.1 The site is occupied by a two storey detached dwelling located on north side Bulstrode Lane in Chipperfield. The site is accessed off Bulstrode Lane and the rear garden fronts onto Chipperfield Road. The site is situated within the Metropolitan Green Belt.

## 4. PROPOSAL

4.1 This application seeks full householder permission for the construction of an open porch, attached single garage, two storey side extension and single storey rear extension.

## 5. PLANNING HISTORY

None.

## 6. CONSTRAINTS

Special Control for Advertisements: Advert Special Control

CIL Zone: CIL2

Green Belt: Policy: CS5



Heathrow Safeguarding Zone: LHR Wind Turbine  
Oil Pipe Buffer: 100  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Parking Standards: New Zone 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS5 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal and the impact on the Green Belt;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of development and impact on the Green Belt

9.2 The application site is located within the Green Belt. Core Strategy (2013) Policy CS5 aims to protect the character and openness of the Green Belt and states that small-scale development will be permitted, such as limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside. Paragraph 145 of the NPPF (2019) states that one of the exceptions to inappropriate development in the Green Belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In the context of the NPPF, 'original building' means a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Therefore, for the purpose of this application, the existing building on the site is taken to be the original building. According to the planning history, the existing dwelling does not benefit from any extensions.

9.3 Regard is also given to Saved Policy 22 of the Local Plan (2004), which requires an assessment based on the increase in floor area, allowing for a 30% increase. Policy 22 is only partly consistent with the more recent NPPF and Core Strategy and as such, Policy 22 is given less weight. The main issue is whether the proposed extension is 'limited' and 'proportionate' and whether it would have a significant impact on the character and appearance of the countryside.

9.4 Although percentage increases are no longer typically used as a limiting factor in establishing whether an extension is acceptable in principle, these measurements do provide a good starting point in an assessment of the proportionality of a development. The floor space of the original dwelling amounts to approximately 100 square metres. The proposed development would increase the floor space of the dwelling by approximately 104 square metres which would result in an additional percentage increase of approximately 106%. Whilst there would be a spatial impact in terms of the floor area increase, the visual impact would be limited as the property would be set back from Chipperfield Road by approximately 21 metres and Bustrade Lane by 8 metres. Furthermore, the application site is screened by vegetation along the side and rear boundaries, which is proposed to be retained.

9.5 Permitted development rights have not been removed from the property and therefore, the application property could benefit from fairly sizable floor area and volume increases without the need for planning permission. It is also important to note that it is likely that a 3 metre deep single storey rear extension and a 4 metre wide single storey side extension could be constructed without the need for planning permission under Class A, Part 1, Schedule 2 of the General Permitted Development Order (2015) (as amended). This is a material consideration that should be afforded weight.

9.6 Taking all of the above into account, it is considered that the proposed development would constitute a limited extension (in accordance with Policy CS5) and would not result in disproportionate additions over and above the size of the original dwelling (in accordance with Paragraph 145 of the NPPF 2019).

9.7 Additionally it is considered that, subject to the below assessment of design and finish, the proposed development will not have a significant impact on the character and appearance of the countryside, according with Policy CS5 of the Core Strategy (2013). The proposal is therefore considered acceptable in principle, subject to the considerations below.

#### Quality of Design / Impact on Visual Amenity

9.8 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.9 Policies CS11 and CS12 of the Core Strategy (2013) all seek to ensure that development should preserve attractive streetscapes, integrate with the streetscape character and 'respect adjoining

properties in terms of layout and site coverage. Furthermore, Section 12, paragraph 127 (b) and (d) of the NPPF (2019) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

9.10 The surrounding area is characterised by detached dwellings that maintain a uniform design, comprising hipped roofs and detached garages located at the end of Bulstrode Close.

9.11 The proposed garage would extend approximately 4 metres from the principal elevation with a height of 3.8 metres. The proposed two-storey side extension would extend approximately 4 metres from the side elevation and would not extend beyond the principle or rear elevation of the existing dwelling. The two storey side extension would be sited approximately 6.7 metres from the side boundary. The proposed single storey rear extension would extend approximately 3 metres from the existing rear elevation with a height of 3.4 metres.

9.12 The proposal would feature facing brick, cladding panels and aluminium door and windows to be in keeping with the existing dwelling and the surrounding area.

9.13 Although elements of the proposed development would be visible from the public realm, the proposal would be set back from the public highway by approximately 10 metres from Bulstrode Close. There is a large separation distance between Chipperfield Road and Bulstrode Close. Although the proposed development would be closest to Bulstrode Lane, it would be masked by vegetation. Therefore, the proposal would be less prominent when viewed from Bulstrode Lane. Furthermore, the proposal is considered to be in uniform and harmonise with the existing dwelling and the surrounding street scene, as the proposed development allows visual reading of the original elevation of the existing dwelling. The proposal is not considered to result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area.

9.14 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

#### Impact on Residential Amenity

9.15 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.16 The proposed garage and front porch would be sited approximately 7 metres from the common boundary with No.2 and no fenestration is proposed to face towards this neighbouring property. Given its single storey nature and separation distance, it is unlikely that that proposed garage and front porch would have a significant impact on loss of light, overlooking or overshadowing. The proposed two-storey side extension would be on the opposite side of the existing dwelling and would not project beyond No.2's front or rear elevation. In addition, no fenestration is proposed to directly face towards this neighbouring property.

9.17 Views of No.2's rear garden would be possible, however these views are similar to those existing windows at first floor. Therefore, it is unlikely that that proposed garage and front porch would have a significant impact on loss of sunlight / daylight, overlooking or overshadowing. Although the proposed single storey rear extension would extend beyond No.2, the rear extension is set in from the side boundary by approximately 0.4 metres. The proposed pitched roof of the rear extension slopes away from the side boundary reducing impacts on loss of light. Furthermore, no

side fenestration is proposed to face towards No.2, therefore, it is unlikely that the single storey rear extension would have significant impacts on loss of sunlight / daylight, overlooking or overshadowing.

9.18 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2019).

#### Impact on Highway Safety and Parking

9.19 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 4-bedroom dwelling is 3 spaces.

9.20 The block plan on drawing "01B" illustrates alterations to the frontage to accommodate the proposed garage. However, a landscaping condition requiring the hardstanding materials within the site will be imposed to ensure no adverse impact on the safety or operation of Bulstrode Close.

9.21 The proposal would not have an impact on parking provision as no additional bedrooms would be added to the subject property. Bulstrode Close only serves three properties and there is a mass of hardstanding located to the frontage. In addition, the proposed scheme introduces a new driveway and a garage that would accommodate additional parking spaces.

9.22 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

#### Other Material Planning Considerations

##### *Bovingdon Parish Council*

9.23 Bovingdon Parish Council has objected because they consider that the proposal constitutes overdevelopment and a disproportionate extension in the Green Belt. Furthermore, they feel it is overbearing on neighbouring properties. The Parish Planning Committee noted that the single storey rear extension is permitted development.

9.24 The amended plans received on 28<sup>th</sup> April 2021 illustrate that the reduction of depth from the two storey side extension by approximately 1.8 metres. Bovingdon Parish Council were re-consulted but the amendments did not satisfy their concerns and they still objected on the grounds of overdevelopment in the Green Belt. As permitted development rights are still intact, it should be noted that the ground floor single storey rear extension and ground floor side extension could be constructed without the need for planning permission under Class A permitted development rights. Overall, the proposal allows visual reading of the existing elevation and is considered to harmonise with the existing dwelling and the surrounding area.

##### *British Pipeline Agency*

9.25 The application site is situated within the 100 metres pipeline buffer zone. British Pipeline Agency were consulted and did not raise any concerns to the proposal.

#### Response to Neighbour Comments

9.26 No formal objections received.

## Community Infrastructure Levy (CIL)

9.27 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

## **10. CONCLUSION**

10.1 The proposed development through design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene, surrounding countryside or the residential amenity of neighbouring occupants. Furthermore, the proposal would not result in disproportionate additions over and above the size of the original dwelling in accordance with Policy CS5 of the Core Strategy (2013). The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS5, CS10, CS11 and CS12 of the Core Strategy (2013), Appendix A of the Parking Standards SPD (2020) and Paragraph 145 of the NPPF (2019).

## **11. RECOMMENDATION**

11.1 That planning permission be **GRANTED** subject to conditions.

### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- 1B
- 04E
- 05E

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;

- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- o retained historic landscape features and proposals for restoration, where relevant.

The planting must be carried out within one planting season of completing the development.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
British Pipeline Agency	No comments.
Parish/Town Council	<p>Comments on amended scheme:</p> <p>Object - comments remain unchanged from those submitted on the 4th May 2021. The Planning Committee noted that the single storey rear extension is within permitted development</p> <p>Original comments:</p> <p>Overdevelopment in the Green Belt. The extension is disproportional to the size of the existing property. Overbearing on neighbouring properties.</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

**ITEM NUMBER: 5k**

<b>21/01337/FHA</b>	<b>A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights (amended scheme).</b>	
<b>Site Address:</b>	<b>36 Victoria Road Berkhamsted Hertfordshire HP4 2JT</b>	
<b>Applicant/Agent:</b>	<b>Mike and Amy Smith</b>	<b>Paul Thomas</b>
<b>Case Officer:</b>	<b>Elspeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted East</b>
<b>Referral to Committee:</b>	<b>Due to the Contrary View of the Town Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The Conservation Officer is satisfied that the proposed single storey side return and rear extension and two roof lights have been designed to be in character with the Berkhamsted Conservation Area and is therefore considered to be acceptable in design/visual amenity terms as well as in terms of its impact on designated heritage assets. It is not considered that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy. Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

**3. SITE DESCRIPTION**

3.1 The application site comprises 36 Victoria Road a 19<sup>th</sup> century property of buff brick construction with red brick dressings. The site sits within a short terrace of 3 similarly designed properties on the western side of Victoria Road within a designated residential area of Berkhamsted.

3.2 The site is within an Area of Archaeological Significance and falls within the Berkhamsted Conservation Area.

**4. PROPOSAL**

4.1 A single storey side return and rear extension to the existing house, including interior reconfiguration and addition of two roof lights.

**5. PLANNING HISTORY**

Planning Applications (If Any):

20/03839/FHA - A single storey side return and rear extension to the existing house, including interior reconfiguration

WDN - 2nd February 2021

4/00730/07/FHA - Conversion of rear store to form garden room and alterations  
GRA - 14th May 2007

Appeals (If Any):

## **6. CONSTRAINTS**

Area of Archaeological Significance: 21

CIL Zone: CIL1

Berkhamsted Conservation Area

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Yellow (45.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

Town: Berkhamsted

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:



Accessibility Zones for the Application of Car Parking Standards (2002)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

- 9.2 The site is situated in close proximity to the High Street, in the Town of Berkhamsted, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 guides new development to towns and large villages, encouraging new development within these areas. Furthermore, Policy CS4 encourages a mix of uses in town and local centres, encouraging residential uses.
- 9.3 Taking the above policies into account, the proposal for a single storey side return and rear extension is acceptable in principle.

### Quality of Design / Impact on Visual Amenity and Designated Heritage Asset

- 9.4 The NPPF (2019) states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.5 With regards to designated heritage assets, the NPPF (2019), Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013) all seek to ensure that new development will protect, conserve and where possible enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets.
- 9.6 The existing additions and outbuildings to the rear of the dwellings along this part of Victoria Road vary in form and levels and create a diverse roof scape at ground floor.
- 9.7 The proposed extension has an asymmetric roof form and a contemporary design. To reduce massing the roof is pitched down towards both party walls but creates a simple form to respond to the existing dwelling.
- 9.8 The proposed used of facing bricks to boundary walls, the cladding of the rear wall of the extension in a textured stone tile to respond to the context but also gently distinguish itself from the original historic building and slate tiles to roofs ensures that the materials are in character with the existing building and the surrounding area. Powder coated aluminium frames are proposed for the sliding doors at ground floor level, while new roof lights to the existing roof of the main house will match the existing.

- 9.9 The extension will be partly visible from Three Close Lane and Rectory Lane Cemetery located to the rear of the site but due to its scale and siting close to the dwelling it is not considered that there will be a negative impact on this street scene.
- 9.10 In principle there is no objection in Conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation.
- 9.11 The Conservation Officer has no objections to the proposal subject to the inclusion of three conditions related to materials.
- 9.12 The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27. The proposal will not be visible from Victoria Road and will not project to the rear in a way that dominates in the Three Close Lane street scene to the rear of the site. The proposal is considered therefore to comply with CS12 in terms of streetscape character.

Impact on Residential Amenity

- 9.13 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.14 The proposed single storey rear extension projects to the rear by 1.25 metres beyond the existing single storey rear extension of No. 38 Victoria Road and No. 34 Victoria Road.
- 9.15 The proposed side extension will be 7.6 metres long with an eaves height of 2.2 metres and a ridge height of 3.2 metres from the garden level of No. 36.
- 9.16 The subject site is on land approx. 32.5 cm higher than No. 34 Victoria Road.
- 9.17 Currently a wooden fence runs along the boundary between No. 34 and the subject site. This fence is open at the top (trellis) but could be made into a fully boarded 2 metre high fence by the applicants under their permitted development rights.
- 9.18 The eaves height of the proposed extension adjacent to No. 34 will be 2.5 metres from the natural ground level of No. 34 Victoria Road.

*Visual Intrusion*

- 9.19 Given the scale, height and positioning of the proposed extension, it is not considered that the proposal would appear visually intrusive to neighbouring buildings – the eaves height will be 50 cm higher than a fence built under permitted development.
- 9.20 Whilst the new single storey side extension would extend along the shared boundary with no. 34 Victoria Road, it is not considered that it would appear visually overbearing in this context, given that it would comprise a single storey pitched roof structure.

*Loss of Light*

- 9.21 A 45 degree assessment of the Sunlight and Daylight for this proposal shows that the amount of sunlight and daylight reaching the ground floor window in the rear elevation serving the kitchen of 34 Victoria Road will not be significantly affected by the proposed development.

- 9.22 However the impact on the south facing window of No. 34 also serving their kitchen was uncertain.
- 9.23 A Daylight and Sunlight Impact Assessment report was prepared by “eight associates” and supports this application.
- 9.24 The conclusions of this report were summarised by the agent:-
- 9.25 The assessments have been carried out in line with the BRE guidance “Site layout planning for daylight and sunlight – A guide to good practice” (second edition).
- 9.26 In summary, when assessing internal rooms, daylights levels can be critical. In this regard, the Vertical Sky Component (VSC): all existing windows meet the BRE recommendation for VSC and for the No-Sky Line (NSL) assessments, all existing rooms meet the BRE recommendation for NSL. This is explained in more detail in the submitted report and subsequent revision that explains this more clearly. The aspect that required further clarification is in relation to a kitchen window.
- 9.27 The house at no. 34 orientates west towards the garden. There is one window that faces south and is attached to the kitchen. This is the window that looks directly into the kitchen at no. 36. This window orientates directly south and as such has formed part of the overall assessment. The important aspect to understand is that this window currently looks out to an existing 5 and a half metre high brick wall just 2.8 metres away and as such receives only 6.7% Annual Probable Sunlight Hours (APSH) - the average of total number of hours during a year in which direct sunlight reaches the centre of a window. As a result of the existing situation the small 1.9% loss of sunlight hours is negligible and would be entirely unnoticeable.
- 9.28 In conclusion the impact is negligible and demonstrated to be entirely in line with BRE guidelines.

#### *Loss of Privacy*

- 9.29 There are no new first floor windows proposed in the side elevations of the dwelling so there will be no loss of privacy for neighbours as a result of the proposal.
- 9.30 A terrace is proposed to the rear of the extension approx. 2 metres deep. The decking will be 300 mm lower than the existing decking with a 2.2 metre fence to ensure that there will be no loss of privacy for neighbours.
- 9.31 In light of everything considered above, the proposal would not be considered to have any adverse impacts on the residential amenity of neighbouring properties according with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the relevant sections of the NPPF (2019).

#### Impact on Highway Safety and Parking

- 9.32 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.33 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.
- 9.34 No changes have been proposed to the existing site access.

## Other Material Planning Considerations

### *Archaeology*

- 9.35 The site is situated within an Area of Archaeological Significance. The County Archaeologist was consulted in relation to the scheme and has raised no objections, considering the development to be unlikely to have a significant impact on heritage assets of archaeological interest.

### *Contamination*

- 9.36 The DBC Scientific Officer has reviewed the proposal and raised no objection to the proposal on the grounds of land contamination.

### *Impact on Trees and Landscaping*

- 9.37 No significant trees will be affected by the proposed scheme.

## Response to Neighbour and Town Council Comments

- 9.38 Neighbour comments have been addressed above.
- 9.39 The reason this scheme has been brought to the Development Management Committee is due to the Town Council's concerns over conservation matters and overdevelopment. The Conservation Officer has no objection to the proposal and states that the proposed single storey rear extension to 36 Victoria Road is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27. The issue of overdevelopment has been addressed above and a Sunlight and Daylight Assessment provided to ensure that the structure does not result in a loss of amenity for No. 34 Victoria Road.

## Community Infrastructure Levy (CIL)

- 9.40 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is not CIL liable.

## **10. CONCLUSION**

- 10.1 It is recommended that the application be granted planning permission.
- 10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed single storey side return and rear extension and two roof lights is considered to have been designed to be in character with the Berkhamsted Conservation Area and is therefore considered to be acceptable in design/visual amenity terms as well as in terms of its impact on designated heritage assets. It is not considered that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy. Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create the significant parking stress required to render the scheme unacceptable. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12, CS27, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved

Appendices 3, 5 and 7 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 11. RECOMMENDATION

11.1 That planning permission be granted.

### Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **No development (excluding demolition/ground investigations) shall take place until details of the proposed cladding for the gable end of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted except for those materials covered in condition 2 (especially brick and slates) shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the street scape character and the character of the Berkhamsted Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **The new and replacement roof lights hereby approved shall be conservation style roof lights and be retained in perpetuity.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the street scape character and the character of the Berkhamsted Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Site Location Plan P292\_LP\_01**

**Proposed Ground Floor Plan P292\_GA\_01-REV 2**

**Proposed Floor Plans P292\_GA\_02-REV 2**

**Proposed Front and Rear Elevations P292\_GA\_03-REV 2**

**Existing and Proposed Side Elevations P292\_GA\_04-REV 2**

**Proposed side and rear elevations with additional level information P292 GA 06**

Reason: For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Conservation & Design (DBC)	<p><u>Received 23.6.21</u></p> <p>36 Victoria Road is a 19<sup>th</sup> century property of buff brick construction with red brick dressings, it sits within a short terrace of 3 similarly designed properties and is considered to make a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. The rear elevation is part visible from Three Close Lane and can be glimpsed from Rectory Lane cemetery so am mindful that the rear extension may be publicly visible within the street scene / from the cemetery.</p> <p>In principle there is no objection in conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation, these reflect the palette of local building material. Conservation have some reservations regarding the stone cladding to the gable end (indicative details provided within the Design and Access statement). It is not clear how its use responds to the local context as stone is not a local building material and the use of brick would have been preferred (as previously recommended). However, from the examples given within the Design and Access statement the stone cladding looks muted in appearance so I do not consider it will be sufficiently visually harmful (particularly as the extension is single storey) to recommend refusal on this basis, nonetheless a condition requiring submission of details of the cladding material is recommended.</p> <p>The proposed single storey rear extension to 36 Victoria Road is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved it is recommended a condition requiring bricks / slates to match existing is applied.</p> <p>Details of the proposed cladding for the gable end of the extension to be submitted as a condition of consent.</p>

	<p>A condition requiring all new / replacement roof lights to be conservation style roof lights is recommended.</p> <p><u>Received 22.4.21</u></p> <p>36 Victoria Road is a 19th century property of buff brick construction with red brick dressings, it sits within a short terrace of 3 similarly designed properties and is considered to make a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. I have not visited the site but it seems as if the rear elevation is part visible from Three Close Lane and certainly could be glimpsed from Rectory Lane cemetery so am mindful that the rear extension may be publicly visible within the street scene / from the cemetery.</p> <p>In principle there is no objection in conservation terms to a replacement rear extension which infills the yard to the side of the 2 storey rear wing. The extension has an asymmetric roof form and a contemporary design but with slate roof and brick wall to the side elevation. I have some reservations regarding the stone cladding to the gable end and am not sure how it responds to the local context (stone is not a local building material) and the use of brick would have been preferred (as previously recommended). However, from the examples given within the Design and Access statement the stone cladding looks muted in appearance so I do not consider it will be visually harmful (particularly as the extension is single storey).</p> <p>The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved it is recommended a condition requiring bricks / slates to match existing is applied.</p> <p>A condition requiring all new / replacement roof lights to be conservation style roof lights is recommended.</p>
Archaeology Unit (HCC)	<p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Parish/Town Council	<p><u>Received 23.6.21</u></p> <p>Objection</p> <p>The Committee's reasons for objection remain as previous and are that this proposed wide structure fills the plot width with a solid and taller brick wall than the current fence and screen. The Conservation Officer</p>

	<p>suggests a lighter structure would be preferable. In its current format, the Committee agreed that the proposed extension is an overdevelopment.</p> <p>CS12 (g)</p> <p><u>Received 18.5.21</u></p> <p>Objection</p> <p>This proposed wide structure fills the plot width with a solid and taller brick wall than the current fence and screen. The Conservation Officer suggests a lighter structure would be preferable. In its current format, the Committee agreed that the proposed extension is an overdevelopment.</p> <p>CS12 (g)</p>
Environmental And Community Protection (DBC)	No objection

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	0	1	0

### Neighbour Responses

Address	Comments
34 Victoria Road Berkhamsted Hertfordshire HP4 2JT	<p>I am the owner and occupier of 34 Victoria Road HP4 2JT and I wish to lodge my objections to the proposed boundary alteration to the aforementioned property (36 Victoria Road HP4 2JT Ref 21/01337/FHA) .....on the grounds of overshadowing, loss of light to my property and creating a sense of enclosure to my property due to the close proximity of the proposed new boundary wall to that of my property and windows of my living areas.</p> <p>34 and 36 Victoria Road Victoria Road is a relatively steep sloping road, with the lower numbered properties being at a lower elevation.</p> <p>Properties number 34 and 36 Victoria Road have a front aspect of a South Easterly position. The sun therefore rises to the right side of the front of the properties, traveling around the left side of the properties to the rear. By early afternoon the sun will be directly to the left side of my property. As my property is attached to that of number 36 on the left</p>



side of my house....ie. attached on the side of the proposed new side extension, direct sunlight therefore comes across the garden of number 36 before reaching my garden. The amount of light and direct sunshine that enters my house and garden is therefore affected by the boundaries of number 36.

My property mirrors number 36 in size and room layout.

The room at the end of my side return (which may be regarded as the middle room) is my living room. This is where I and my partner spend the vast majority of our social and relaxing time. This room has only one window which looks down the length of my side return towards my garden.

Immediately to the left of this window is the boundary to number 36 and the site of the proposed new extension wall.

This room currently benefits from a good amount of ambient light particularly from morning light that flows along the side return from the sun rising at the front of the house and from late afternoon where both ambient light and direct sunlight is enjoyed from the sun setting in a Westerly position towards the end of the garden, thereby travelling along the side return towards the back of my house.

The side return to my house is narrow, approximately 1400mm wide and 6500mm long.

My garden is approximately 4.267meters wide (14feet) and approximately 9 meters long (30feet) from the rear of the kitchen, so small in proportions.

Like number 36 my kitchen is at the rear of the house, coming off from my living room. The end wall of my kitchen currently sits in a level position with the end of the current kitchen of number 36, with our existing two side returns between them.

As I enter my kitchen I have a sash window on the left wall. This looks into my side return towards number 36.

Between our two properties there is currently a wooden fence of 2000mm in height, with an open frame of 250mm above the enclosed fence panels. The frame above the panels is very open and does not hinder ambient light or sunshine entering into my living room or kitchen windows as it lets light and sunshine through.

The kitchen window currently has a sufficient supply of ambient light and in the afternoon direct sunlight into the first part of my kitchen and as there is no door between the kitchen and the living room the light flows directly into the living room.

The garden end of my kitchen is my dining area. Here I have tri-folding doors onto the garden, which again allows both ambient light and direct sunlight into the far end of my kitchen.

The Plans Submitted

The plans submitted by number 36 Victoria Road indicate that they wish to extend the rear of their property further into their rear garden and across their side return to the boundary of their property and mine and whilst doing so they wish to improve and maximise daylight into the

property.

From the plans I have been unable to see exactly the length that they wish to extend into the garden. I have been advised by Mr and Mrs Smith that this will be 1500cm, however I cannot see this documented on any of the plans submitted.

I am also unable to find on the plans the proposed height of the new side wall between 36 and myself.

The plans show the new wall at being 3/4 bricks higher than what is indicated to be the existing fence line. I estimate this (3/4 bricks with pointing) to be approximately 250/300mm (10/12inches)

However, please may draw to your attention that the plans show the existing fence height between our two properties at a height which includes the open frame section at the top. I would submit that the existing fence line that currently inhibits light and direct sunshine into my windows is 250mm (10inches) lower than indicated on the plans, the difference being the open frame section.

Taking this into account it would appear that the new extension wall would be approximately 500/550mm (20/22inches) higher than the existing fence height.

With my property being at a lower elevation to that of number 36, which I estimate from the plans to be approximately 300-400mm, the increase in wall height will have a significant impact on the sense of enclosure and to the light entering into my property

The plans also suggest a possible encroachment over my property boundary.

The ground floor plans and rear extension show the assumed boundary between our properties offset from the centreline between the original kitchen extensions to a noticeable benefit to number 36. As the 3 houses in the row, 34, 36 and 38 were built as 3 identical properties this offset would seem unreasonable and unlikely.

The ground floor plans also show an offset of the assumed boundary at the rear of the property from that at the front. The face of the new extension wall is aligned in such a way as to place half of this wall on my property.

There is also an implicit assumption on the proposed ground floor plan that the internal dividing wall between our 2 properties is a 9" wall (rather than 4½") which may be unjustified and further aggravate the apparent encroachment of the extension over the boundary.

Day and Sunlight Impact Assessment

Attached to this most recent application from Mr and Mrs Smith is a Day and Sunlight Impact Assessment.

I have interpreted the information in the report to the best that I am able and wish to note the following:

Page 5 Annual Probable Sunlight Hours (APSH) gives in Summary that 1 out of the 2 analysed South facing windows meet the recommendations for the ASPH (the second Fails).

However, window W1.c the window that it is suggested does meet the APSH recommendations does not exist in my property (and has not since prior to my ownership and occupancy) therefore there is no opportunity to receive light into my property from this source.

The second window that was analysed W1.d (the window into my kitchen directly as you enter from the living room) indicates that the light will be reduced by 28.4% and therefore FAILS on what is considered to be an acceptable reduction in light in BRE guidance.

Therefore my only South facing window FAILS within the APSH acceptable recommendations as the reduction in light is too great.

The report does not give a measurement in relation to APSH for window W2 (living room) as this falls marginally outside of facing 90' South, having a more Westerly aspect. However, this window does receive ambient light throughout the day as well as direct sunlight in the late afternoon. I have no doubt that there would be a reduction in ambient light to this room and direct sunlight greatly reduced in line with window W1.d to an unacceptable level this being the only window in my living room. .

Appendix A of the report indicates direct sunlight into my garden. It suggests that the area of the patio nearest to the house currently receives less than 1-2 hours a day of direct sunlight. This is inaccurate. This area of my patio receives direct sunlight from approximately 13.00hrs when the sun is directly to the left side of my garden moving Westward, until the sun goes down at around 18.30hours, being around 5 1/2 hours of direct sunlight. Additionally during this time the sunlight comes directly into my kitchen via the rear patio doors.

Please may I draw to your attention that it appears that this assessment was carried out by an expert working from plans provided to them rather than from their own survey. The author has stated that they do not know the dimensions or the use of the rooms in my property.

Working from plans provided would suggest that the expert is assuming that the existing garden fence is at the height shown on the plans submitted to you (ie. 250mm higher than it actually is). This I would suggest would make their assessment of the light that currently enters my property less than it actually is.

The report shows that should the planned extension go ahead there will be a reduction of ambient light in every room to the rear of my property. However, I would suggest that if the expert had worked from plans showing the correct height of the existing garden fence then the calculation of loss of light to each of my windows would be greater than indicated.

The report states that the failure of one window on the APSH guidelines would be considered negligible. However I would strongly argue that the failure of one window, being the only window assessed for APSH values, will have a significant impact on light entering my property should the proposed extension go ahead. This is in addition to the loss

of light through every other window to the rear of my property.

The impact of the proposed extension to number 36 on 34 Victoria Road.

All of the proposed alterations to the existing boundaries of 36 Victoria Road, extending the rear and to the side, will result in increased shadowing to my property, develop a sense of enclosure of such a long wall so close to the windows of my living rooms and will cause a substantial loss of ambient light and direct sunlight entering my property; into my living room via the only window at the house end of my side return, my kitchen from the side window again towards the house end of my side return (this window has failed the APSH recommendations) and into the end of my kitchen through the patio doors.

Any extension particularly in the length of the rear boundary wall to number 36, combined with extending sideways across to my boundary will definitely create additional shadowing to my garden patio area, which is sited directly to the right outside of my rear kitchen doors. This area currently enjoys increasing amounts of direct sunshine from approximately 11.30am when the sun rises over number 36 moving to the left side of my garden to through to sunset.

As my garden is only 4.267 meters wide (14foot) which means that already a good proportion of the left side of my garden is predominately in shade from the boundary fence between myself and number 36. Hence, this means that my patio area to the right side of my garden is already very small. Additional shadowing that will no doubt be the result from extending the rear of number 36 particularly in length will considerably increase the shadowing to across the width of my garden across my patio and reduce the sunlight in this area which we currently use for meals, entertaining and relaxation.

Victorian terraced houses can be dark by the nature of their original design. The plans for the extension to number 36 address this when they say that they wish to improve light into their property.

The proposed extensions to number 36 will only make the living areas of my house darker by the loss of light and the sense of enclosure. This along with loss of sunshine onto the patio area will no doubt have a significant negative effect on mine and my partner's quality of life.

I do believe that Victoria Road is within the Berkhamsted Conservation Area and as far as I am aware no other period properties in Victoria Road have been permitted to extend beyond the original footprint of the rear boundary of their property walls.

I do feel that there is important information missing from the application ....i.e. the length of the proposed new rear extension and the height of the proposed new side wall.

I would respectfully ask that this application not be considered without this information being provided and considered during your process.

I personally strongly object to number 36 extending the rear footprint of their property any further beyond its current position, particularly in

conjunction with extending sideways to the boundaries of our properties, as this will cause significant loss of ambient and direct sunlight into my property and garden patio area and give an unacceptable sense of enclosure from my living room.

Should you be considering approving the extensions as requested by number 36, I would respectfully ask that you consider placing a restriction on length of the new extension and to the height of the new wall keeping these to a minimum as possible, taking into account the lower level of my property, so that the loss of light to my living rooms and garden and the feeling of enclosure created by the height and length of the new walls is kept to a minimum.

I would be grateful if you would consider my concerns when reviewing this application.

I am available for further discussion should you wish to do so and have photographs should you wish to view them. Of course you may visit my property should you feel this would be of benefit to you.

# Agenda Item 6

## 6. APPEALS UPDATE

### 6.1 PLANNING APPEALS LODGED

Planning appeals received by Dacorum Borough Council between 24 March 2021 and 17 June 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/02947/DRC	W/21/3271893	Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Written Representations
2	20/02945/ROC	W/21/3271898	Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Written Representations
3	21/00613/LBC	Y/21/3272860	Witches Hollow, Ringshall Drive, Little Gaddesden	Written Representations
4	21/00612/FHA	D/21/3272861	Witches Hollow, Ringshall Drive, Little Gaddesden	Written Representations
5	21/00228/FHA	D/21/3273077	102 Scatterdells Lane, Chipperfield	Householder
6	4/02109/19/FUL	W/21/3273281	Land off Pipers Hill, Great Gaddesden	Written Representations
7	21/00544/ROC	W/21/3273994	Keepers Cottage, Half Moon Lane, Pepperstock	Written Representations
8	21/00542/FHA	D/21/3274011	2 Timberlakes, Church Lane, Hastoe	Householder
9	21/00358/FUL	W/21/3274202	Honeysuckle Barn, Birch Lane, Flaunden	Written Representations
10	21/00253/FHA	D/21/3274448	8 Dammersey Close, Markyate	Householder
11	21/00535/FUL	W/21/3274477	Land Sw Rosewood, Shootersway Lane, Berkhamsted	Written Representations
12	20/02711/FUL	W/21/3274531	Land Adj No 8 Red Lion Lane, Bridens Camp	Written Representations
13	21/00090/RET	W/21/3275075	Gable End, 1 Threefields, Sheethanger Lane, Hemel Hempstead	Written Representations
14	21/00563/FHA	D/21/3275428	23 Barncroft Road, Berkhamsted	Householder
15	19/02588/MFA	W/21/3275429	Lilas Wood, Wick road, Wigginton	Inquiry
16	20/03932/UPA	D/21/3275458	10 Delmar Avenue, Hemel Hempstead	Householder

17	21/00016/FHA	D/21/3276025	Little Shantock, Flaunden Lane, Flaunden	Householder
18	20/03612/FUL	W/21/3276964	103 Bathurst Road, Hemel Hempstead	Written Representations
19	21/00506/FHA	D/21/3276969	Cloverleaf, Chapel Croft, Chipperfield	Householder

## **6.2 PLANNING APPEALS DISMISSED**

Planning appeals dismissed between 24 March 2021 and 17 June 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/01927/FUL	W/20/3264515	Plot 17, Land SE Church Road, Little Gad.	Written Representations
<b>Date of Decision:</b>			29/03/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264515">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264515</a>				
<b>Inspector's Key conclusions:</b>				
<p>The Council has not raised an objection to the replacement of the sections of existing fencing on the site, and given these factors I see no reason to reach a different conclusion.</p> <p>The proposed post and rail fencing would be much more substantial in nature, and with the additional enclosure along the extent of the boundary would have a much greater visual impact overall. These features would be readily apparent in views from the surrounding landscape, including towards the Church from Little Gaddesden along Church Road and from the public right of way across the site which connects the Church to the village, and would encroach on the existing openness of the area.</p> <p>The fencing itself would be widely visible across the surrounding landscape, and together with the additional enclosure of this land, would result in a conspicuous and intrusive loss of openness.</p> <p>I find that the proposal taken as a whole would diminish the open and rural character and appearance of the site, detracting from the natural beauty and rural character of the landscape that it forms part of. This would be harmful to the character and scenic landscape qualities of the Chilterns AONB. The character and the appearance of the Little Gaddesden CA and the setting of the Church of St Peter and St Paul would also be harmed, adversely affecting the significance of these designated heritage assets.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">20/01236/FUL</a>	W/20/3265734	3 Gaveston Drive, Berkhamsted	Written Representations
<b>Date of Decision:</b>			30/03/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265734">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265734</a>				
<b>Inspector's Key conclusions:</b>				
<p>The scale and height of the proposed dwelling would be in keeping with other buildings nearby, and I am also satisfied that its overall appearance and external materials would be compatible with the mixed development in the vicinity.</p> <p>However, the depth and overall size of the plot to serve the dwelling would be far smaller than is typical within this area. The close relationship of the dwelling to its boundaries and limited spacing around the building would be apparent, including from the street scene, and would be strikingly at odds with the more generous plots and spacing afforded to other dwellings nearby. I find as a result that the dwelling would appear cramped on its plot.</p> <p>I conclude that the proposal would fail to provide acceptable living conditions for future occupiers of the dwelling with particular regard to the provision of private amenity space.</p> <p>An upper level window to the side of the rear projection would face towards 3 Gaveston Drive. This would be the sole window to a bedroom, and would afford elevated and uninterrupted views down onto the private amenity space immediately to the rear of the neighbouring dwelling at very close proximity. The resulting overlooking would cause a significant loss of privacy which I find would be detrimental to the living conditions of the occupiers.</p> <p>The proposal would make effective use of the site to provide one additional dwelling towards local housing supply. The contribution would be limited by the small amount of development, but I nevertheless give this moderate weight bearing in mind the lack of 5 year supply. There would also be social and economic benefits associated with construction and occupation of the dwelling, but these would similarly be limited by the modest scale of the development.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">20/01677/FUL</a>	W/20/3262312	13 Shrublands Road, Berkhamsted	Written Representations
<b>Date of Decision:</b>			06/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262312">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262312</a>				
<b>Inspector's Key conclusions:</b>				
<p>Although I appreciate that the house has been designed to reduce its impact within the street, its form and appearance would contrast with the established characteristics of the houses found in the locality, with one level of</p>				



<p>accommodation and part of its external space situated on sunken ground within the site. The later insensitive single storey flat roof extension to the rear of the appeal property would be removed, but replaced by a taller flat roof construction arranged on a larger floorplan. This would be sited close to the retained extension and project significantly closer to the Avenue. The proportions and form of the proposed house, including the balance between solids and voids and the extent of detailing would also appear cumbersome and jar with the refined architecture of the other houses nearby.</p> <p>The proposed house, which would be visible over the existing boundary wall and through proposed openings in it, would therefore stand out as an ungainly addendum to the street that would be more apparent than the extension it seeks to replace.</p> <p>I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the street scene and surrounding area, including the Berkhamsted Conservation Area.</p> <p>I ... conclude that the proposal would not provide suitable living conditions for future occupiers, in respect of private and shared outdoor space.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	4/00134/19/FUL	W/20/3256735	13 Shrublands Road, Berkhamsted	Written Representations
<b>Date of Decision:</b>			06/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256735">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3256735</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposed houses would be designed to reflect those within the vicinity of the site, with a carefully considered palette of materials, and the insensitive extensions to the rear of the appeal property would be removed... Nevertheless, the extent of built development proposed would appear cramped in comparison to the more spacious arrangement of houses set within gardens found in the immediate context.</p> <p>Most of the plot would be filled with development, with very little space remaining between it and the houses to the south and east. The overall scale of the proposed houses would therefore appear oppressive and out of step with the predominantly smaller, narrower fronted properties in the Avenue, and close the gap offering views of the verdant backdrop of surrounding properties.</p> <p>The public benefits I have outlined above would not justify allowing development that would fail to preserve or enhance the character and appearance of the Berkhamsted Conservation Area.</p> <p>The extent and quality of private and shared outdoor space that would be available to the future occupants of the proposed development would therefore</p>				

	<p>be so deficient that it would be harmful to the living conditions of future occupiers.</p> <p>Despite the absence of parking restrictions in Shrublands Road and Shrublands Avenue, the shortfall in vehicle and cycle parking provision is likely to encourage additional on-street parking in surrounding residential streets; and the capacity for on-street parking in Shrublands Avenue would be reduced by the vehicle crossovers for curtilage parking for the proposed houses. I therefore conclude that suitable cycle and vehicle parking would not be provided for the proposed development.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	4/02286/18/MFA	W/19/3242910	Plots 2&3 Kier Park, Maylands Ave, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			06/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3242910">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3242910</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposed use of the site for residential purposes is not cited in the Council's refusal notice and accordingly I understand that the principle of residential use is acceptable to the Council on this site. Nevertheless, its adopted policies and guidance on seeking a landmark building or high quality development across the whole site remain adopted policy...the design of the scheme would fail to deliver a landmark building in line with Policies CS10 of the Core Strategy 2013 and Saved Policy 111 of the Local Plan 2004.</p> <p>Although the proposed materials for buildings A and E differentiate them from the other blocks along the Maylands Avenue frontage this is insufficient to break from their uniformity, a feature which is reinforced through the continuous building line. The sense of uniformity is further maintained through the 'industrial rhythm' of regular spacing of windows with recessed bricks or louvred infill panels. These provide only granular distinctions in the design of this façade where stronger design features are required to enliven the whole of this frontage. This matter is compounded by the scheme's proposed location close to the back edge of the pedestrian footway. This adds to the perception of the scheme's dominance along this frontage which could have been addressed by a wider set back as suggested in the Council's guidance.</p> <p>Both parties accept that the flats along Maylands Avenue would experience noise disturbance generated by the high volumes of traffic from this road well in excess of noise levels recommended in guidance for external amenity spaces. Although within flats there would be adequate sound insulation, disturbance would arise when the doors/windows facing the road would be opened to allow ventilation. I do not accept the appellant's suggestion that mechanical ventilation would suffice and windows would not require to be opened or that a condition could be used to secure the doors/windows in order to minimise the impacts of noise. This would undermine both the integrity of the scheme and the living conditions of its occupiers.</p>				

<p>I conclude on [on the issue of sunlight and daylight] that the proposal would conflict with Policy CS12 which require new development to be of a good design including ensuring adequate levels of sunlight and daylight to rooms.</p> <p>The balconies/recessed spaces have only limited value as amenity space because of their small size. These problems are compounded in the case of balconies or the recessed space for flats along Maylands Road and on the north side of blocks B and D due to the impact of excessive levels of noise from traffic and a northerly aspect respectively. The appellants appear to recognise the limitations of this provision and as an alternative suggest that facilities located in 3 other locations in the wider area could suffice as alternative space. I conclude on this issue that the proposal would conflict with Policy CS12 which require new development to have a satisfactory level of amenity space.</p> <p>The quantum of development proposed is excessive for this site and would result in development which would compromise the living conditions of future occupiers. Accordingly, it is in conflict with Policies CS10, CS12 and CS34.</p> <p>Both parties acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">20/01639/FUL</a>	W/20/3264109	36 Kitsbury Road, Berkhamsted	Written Representations
<b>Date of Decision:</b>			12/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264109">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3264109</a>				
<b>Inspector's Key conclusions:</b>				
<p>Given the variation in the style and designs of buildings that make up the street scene of Kitsbury Road, I do not consider that the appearance of the proposed dwelling would itself be incompatible. Its smaller scale and position at a lower ground level also mean that it would appear subordinate to No 36.</p> <p>However, it would be positioned entirely forward of the strong building line formed by the side of No 36, the front elevations of dwellings on Kitsbury Terrace, and The Grey House...it would stand out against the prominent bays and detailing of their north-facing elevations...[it] would result in a significant reduction in the existing openness on the appeal site and loss of a large part of the landscaped setting to No 36.</p> <p>I find that the proposed dwelling would be intrusive, and that the development would cause significant harm to the setting of No 36, a locally listed building, and to the character and the appearance of the CA and thus its significance. Given the scale of the development and the magnitude of impact on the wider</p>				

<p>area, I find that harm to the CA would be less than substantial in the terms of the National Planning Policy Framework.</p> <p>I do not find that the public benefits [delivery of housing and economic/social] of the proposal would be sufficient to outweigh this harm.</p> <p>The proposal would not therefore introduce new overlooking to currently private space, and I do not find that it would cause a significant loss of privacy experienced by occupiers of No 5 in comparison to the existing situation so as to harmfully diminish their quality of life. I therefore conclude on this main issue that the proposal would not result in unacceptable harm to the living conditions of the occupiers of 36 Kitsbury Road or 5 Kitsbury Terrace.</p> <p>Even if I were to accept the Council's suggestion that the dwelling could be occupied as a 4-bedroom property increasing the overall shortfall on the site from 1.25 to 2 spaces, I consider that there would be likely to be sufficient on-street capacity to absorb additional unmet demand for vehicle parking arising from the development over and above the existing shortfall of 1 space. In this context, I am satisfied that flexible application of the standards within the Parking SPD would in this particular case be justified, and I see no reason that the proposal would cause unacceptable harm to the safety or convenience of users of the adjacent highway network.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">20/01587/FHA</a>	D/20/3260175	16 Horselers, Hemel Hempstead	Householder
<b>Date of Decision:</b>			13/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260175">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260175</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposed ground floor rear extension (the rear extension) would add bulk to the host dwelling and cover a not insignificant footprint. Its intended rear building line would fail to closely respect the usual extents of other properties contained within the row.</p> <p>When considered in conjunction with a generously sized flat-roofed two-storey rear addition (the two-storey rear addition) that is already in place and further additions now intended at roof level, the rear extension would promote the host dwelling appearing as excessively sized and of disjointed composition.</p> <p>The rear extension would be visible, at least in-part, from a range of privately accessible residential vantage points. For the above reasons, the proposal would cause harm to the character and appearance of the host dwelling and surrounding area.</p> <p>The proposal would not cause harm to the living conditions of neighbouring occupiers at No 18 having particular regard to potential visual intrusion.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">20/01166/FHA</a>	D/20/3260518	2 Bucklands Croft, Wilstone	Householder
<b>Date of Decision:</b>			23/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260518">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3260518</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposed extension would project to the rear of the building. It would be the first significant rearward projection to this part of Bucklands Croft and would break from the established linear form of development. As such, it would be harmful to the character of the group of buildings, and to that of the wider Conservation Area.</p> <p>The appeal proposal would preserve the appearance but harm the character of the Conservation Area, and therefore conflicts with the Act and with Policy CS27 of Dacorum's Core Strategy 2013.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	<a href="#">20/00818/FUL</a>	W/20/3259756	Akeman Business Park, Akeman Street, Tring	Written Representations
<b>Date of Decision:</b>			27/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259756">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259756</a>				
<b>Inspector's Key conclusions:</b>				
<p>I do not doubt that the relocation of the drying shed would be difficult and costly, but its removal would result in the loss of significance arising from its historic association with the industrial heritage of the site. While the shed is not attractive, and I do not find that its removal would be harmful to the appearance of the CA, there would be a loss of historic character because of the development.</p> <p>In addition, the removal of the drying barn from the site would result in the loss of a non-designated heritage asset. A balanced judgment is therefore necessary having regard to the scale of any harm or loss, and the significance of the drying shed.</p> <p>The development would deliver two new houses, supporting the Government's objective of significantly boosting the supply of homes. This is a public benefit and attracts additional weight given that there is a shortfall in the Council's supply of housing land. Set against this is the great weight to be given to the harm to the CA and the need to form a balanced judgment regarding the loss of the drying barn.</p> <p>I therefore find that the development would cause unacceptable harm to the character of the CA and the unjustified loss of a non-designated heritage asset.</p>				

No.	DBC Ref.	PINS Ref.	Address	Procedure
10	<a href="#">20/01406/FHA</a>	D/20/3259657	13 Clarence Road, Berkhamsted	Householder
<b>Date of Decision:</b>			27/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259657">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259657</a>				
<b>Inspector's Key conclusions:</b>				
<p>In Clarence Road the houses appear generally to retain much of their original appearance, which contributes to the overall character of the CA.</p> <p>The dormer window would be a large and bulky addition to the rear roof slope of the property, dominating the roofscape within this terrace of houses. While it would not occupy the full rear roof slope, its size would be such that there would be little of the roof slope retained, and as such it would be an incongruous and uncharacteristic feature in the area, harmful both to the character and the appearance of the CA. [The rooflights] would result in the reduction in the consistent and largely unaltered original character of the terrace as seen from the street. As such, the introduction of rooflights to the front roof slope would result in additional harm to the character and appearance of the CA.</p> <p>As the harm would be restricted to a single dwelling it would amount to less than substantial harm to the significance of the CA. No public benefits have been identified by the appellants. The appeal proposal would result in unacceptable harm to both the character and the appearance of the CA.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
11	<a href="#">20/02404/FUL</a>	W/20/3265286	34 New Park Drive, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			06/05/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265286">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265286</a>				
<b>Inspector's Key conclusions:</b>				
<p>The appeal scheme is for a detached property with flank garage. It would have a narrow frontage to Leverstock Green Road, in stark contrast to the established character of the area. The site's proposed garden area would be small, in contrast with those of the surrounding area and result in overlooking to the rear garden of No. 36 New Park Drive. Furthermore, the development of the site, would significantly reduce the rear garden areas of both the host property and the one which is being constructed. This would adversely impact on the living conditions of their future occupiers. For these reasons, the proposed development would be incongruous given the existing character and open qualities of the surrounding area.</p> <p>Furthermore, being set so close to the rear elevations of both the host property and the one which is being constructed, the proposed development would adversely impact on the living conditions of occupiers of these properties. This</p>				

	would be caused by an increased sense of enclosure which would be at variance the surrounding character of openness between dwellings.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
12	<a href="#">19/02948/RET</a>	W/20/3258742	26 Morefields, Tring	Householder
	<b>Date of Decision:</b>		11/05/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258742">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258742</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The decking covers a significant expanse of the watercourse, concealing the flowing water. The landscaping of the terraced banks with shingles interrupts the green appearance of the banks to either side of the decking, harming the overall natural appearance of the watercourse. The introduction of such a substantial expanse of decking and the hard landscaping of the banks results in a jarring and uncharacteristic appearance to the appeal site within its surroundings.</p> <p>The decking is a much larger and more substantial structure than the adjacent bridges which provide passage between banks of the watercourse. Given its size and the limited distance between its underside and the surface of the water it restricts access to the watercourse along its length. It also restricts light to the water underneath. The development therefore has an unacceptable effect on the watercourse.</p> <p>I consider that the development has harmed the ecological value and habitat potential of the section of watercourse within the appeal site. The presence of open, flowing water and green banks along the watercourse provides a habitat for birds, insects and other species. That is no longer the case within the appeal site due to the shading of the water and hard landscaping.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
13	<a href="#">20/00589/FUL</a>	W/20/3259290	R/O The Spice Village, Chapel Croft, Chipperfield	Written Representations
	<b>Date of Decision:</b>		11/05/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259290">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3259290</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>There are extant permissions for terraces of five and six houses and associated development on this site. These permissions are similar in nature to the appeal proposal. The appellant can implement either of these permissions should the appeal fail and has indicated that the six house scheme represents their fallback position. This attracts considerable weight in the determination of this appeal.</p>			

<p>The appeal proposal would be a denser form of development than those previously approved. The houses would be narrower than those previously approved, while the terrace as a whole would be wider. The terrace would sit much closer to the street than the neighbouring Chantry View development, emphasising its greater width with little relief provided by the setback of the three central houses in the row. The terrace would extend much closer to the properties on The Street, reducing the sense of spaciousness around them and encroaching significantly on the visibility of the Baptist church to the rear of the site from Chapel Croft, which is prominent in the street scene due to its elevated position, steeple and high ridgeline. The reduction in space between the terrace and properties on The Street would be significantly greater than in the extant permission, resulting in a harmful reduction of the spacious and open character in this location.</p> <p>The footpath to the residential parking would be reduced in length, resulting in potential conflicts between pedestrian and vehicle traffic using the access. [The parking and access] issues contribute to the overall impression of a cramped and overly dense development.</p> <p>The development would therefore fail to preserve both the character and the appearance of the CA.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
14	<a href="#">4/01709/19/FUL</a>	W/19/3237919	Land At Featherbed Lane, Hemel Hempstead	Inquiry
<b>Date of Decision:</b>			07/06/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237919">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237919</a>				
<b>Inspector's Key conclusions:</b>				
<p>The use for which planning permission is sought is two gypsy/traveller pitches. Based on all I heard, I am satisfied that the appellant and his family are persons of nomadic habit of life who meet the definition within the PPTS. I note the Council arrived at the same conclusion. With such limited and contradictory information, it is difficult to gauge with any level of clarity whether [the proposed occupier of the second pitch] and her son do still lead a nomadic way of life for an economic purpose or if indeed they have ceased to travel permanently for health or other reasons. In the circumstances, I simply cannot be satisfied that [they] meet the PPTS definition.</p> <p>In acknowledging that the use is inappropriate development in the Green Belt, the appellant accepts that there is an effect on openness which is not preserved.</p> <p>Clearly, the appeal site would not be free from development if the 2018 permission was implemented for the stables development which includes an access and hardstanding. Even so, openness has undoubtedly been reduced through the bulk of the caravans, parked vehicles together with the expanse of hardstanding. To my mind the loss of openness is significant. There is also</p>				



a failure to assist in safeguarding the countryside from encroachment contrary to one of the Green Belt purposes within paragraph 134(c) of the Framework.

The harsh solid fencing and hardstanding with introduction of caravans and vehicles associated with the residential use is not in keeping with the rural environment prevalent on this side of the A41. The level of harm can be mitigated to a limited degree through improved landscaping and layout of the site including removal of harsh boundary treatments. It would not overcome the harm to the character and appearance of this area of countryside which would remain significant.

I note that the Inspector in the 'Bobsleigh' appeal recorded how in 2017 there had been a backlog in supply of pitches with none delivered from 2012-2017 which would leave a net shortfall of 3 pitches even if the 12 pitches for LA1 and LA3 were delivered within 5 years. This demonstrates an historic under-supply of pitches and poor track record against delivery. The figures were revised by the 2019 GTAA but the Council is still yet to deliver any pitches. There is a current unmet need for sites and a backlog which should, but by the Council's own predictions, will not, be met by 2022. However, there is nothing to suggest that the planning permissions against policy allocations LA1 and LA3 will not be finalised in the short term. There is a very realistic prospect that those developments will be delivered within 5 years to meet the identified need over the next 5 years. On the evidence before me and with reference to Paragraph 10 PPTS and footnote 4, there is a 5 year supply of specific deliverable sites to 2026.

From all I heard, the appellant has a clear personal need for a site and his local connections weigh in his favour. The Council accepts that there are no lawful alternative sites currently available to the appellant in the Borough. [In respect of the proposed second occupier and her son] there are too many uncertainties over their circumstances to attribute more than limited weight.

As established by case law, the best interests of the children are a primary consideration. No other consideration can be inherently more important than the need to safeguard and promote their welfare. Information has been provided by the appellant regarding ongoing health and educational needs for the future. I have taken these into account. There are no alternative available sites. Clearly, eviction from this site would not be in the best interests of the children who would benefit from a settled base and ongoing schooling.

Unquestionably the development amounts to intentional unauthorised development in the Green Belt to which I attribute moderate weight against the grant of permission.

On balance, I consider that the other considerations do not clearly outweigh the totality of harm that I have identified. Consequently, the very special circumstances necessary to justify a permanent permission do not exist.

I am mindful of the delay [in delivering pitches] that has occurred already and overly optimistic forecasts in the past. Realistically, and to allow for slippage I

	<p>consider 5 years to be more appropriate should a grant of permission be warranted. This case is quite finely balanced. However, the lesser harm which would arise to the Green Belt and character and appearance of the area by making the grant of permission limited in time to 5 years would tip the balance in favour of a grant of personal permission to the appellant. In that scenario, the very special circumstances needed to justify a temporary permission would exist. A case is only made out on the basis of the best interests of the children and thus the personal circumstances of the appellant for one pitch. A case has not been made out to satisfy me that there are sufficient personal circumstances to weigh in the balance to warrant the grant of temporary permission for a second pitch.</p> <p>As Appeal B is for two pitches, there was consensus that a condition could not restrict the grant of permission to one pitch only for the appellant. This appeal shall be dismissed, accordingly.</p>
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### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 24 March 2021 and 17 June 2021.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<b>20/00758/FHA</b>	D/20/3258261	24 Finch Road, Berkhamsted	Householder
<b>Date of Decision:</b>			12/04/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258261">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258261</a>				
<b>Inspector's Key conclusions:</b>				
<p>The precise orientation of the site indicates that only during certain daylight hours, when the sun is rising, would there exist the realistic potential for the proposal to influence levels of sunlight able to reach the rear of No 22. It is important to note that the rear part of the proposed side extension would be served by a roof of subservient height and pitched form and would be set slightly forward when compared to the rear building line of the works intended at ground floor level beneath. The 45-degree rule has been referred to at various points in the written evidence that is before me, and annotations in this regard appear upon the submitted plans. This rule is supported by British Research Establishment guidance<sup>2</sup> and can assist in assessing the effects of a development proposal upon levels of sunlight. The submitted plans indicate that the 45-degree rule is passed when No 22's glazed double doors are assessed on either a horizontal or vertical axis.</p> <p>In the above context, whilst taking into account that No 24 sits at a slightly higher level when compared to No 22, I find that the proposal would not result in any undue loss of sunlight for the occupiers of No 22. This is even</p>				

<p>when acknowledging the recessed nature of No 22's patio area. I am similarly satisfied that levels of daylight would not be unduly diminished.</p> <p>Moving on to consider potential visual intrusion, the modest extent of the intended rear projection and the stepped-down nature of the proposed pitched roof to the rear are factors that offer assurances that the works would have an acceptable effect.</p> <p>For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 22, having particular regard to sunlight and potential visual intrusion.</p>				
<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
2	<a href="#">20/03046/FHA</a>	D/21/3271067	24 Lockers Park Lane, Hemel Hempstead	Householder
<b>Date of Decision:</b>			17/06/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271067">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3271067</a>				
<b>Inspector's Key conclusions:</b>				
<p>The proposal would increase the height of the closest part of the appeal building, but with regard to the existing relationship that I observed, I consider that any change in views or outlook from these windows to No 22 would in reality be limited, and would not detract from the quality of life experienced by these occupiers.</p> <p>Turning to consider light, I acknowledge that the development would be to the south of No 22. However, the appellant indicates that it would not intrude a 45 degree angle taken from the centre line of the ground-floor window to the front of the side projection to No 22. In addition, the facing ground-floor windows to the side of this neighbour serve a hallway rather than a habitable room, or are secondary to a room which includes other windows set forward of the extension. Moreover, I have already noted that the extension would be no higher or deeper than the host dwelling which is of fairly limited depth, and it would be of modest width. Given these factors and the orientation and existing relationship of the appeal building to No 22, I do not consider that the development would cause significant new overshadowing or loss of sunlight or daylight so as to impact meaningfully on the living conditions of occupiers.</p> <p>I conclude that the proposal would not unacceptably harm the living conditions of the occupiers of 22 Lockers Park Lane with respect to outlook or light.</p>				

## **6.4 PLANNING APPEALS WITHDRAWN**

Planning appeals withdrawn between 24 March 2021 and 17 June 2021.

**None.**

(Appeal below was not previously reported).

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	20/00274/RET	W/20/3265546	Berkhamsted Golf Club, The Common, Berkhamsted	Written Representations
	<b>Date of Decision:</b>		11/01/2021	

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 24 March 2021 and 17 June 2021.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	E/19/00444/NAP	C/21/3274933	Plot 1, Cupid Green Lane, Hemel Hempstead	Written Representations

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 24 March 2021 and 17 June 2021.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	E/20/00101/NPP	F/20/3262176	121 High Street, Markyate	Written Representations
	<b>Date of Decision:</b>		10/05/2021	
	<b>Link to full decision:</b>		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262176">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3262176</a>	
	<b>Inspector's Key conclusions:</b>			
	<p>Two galvanised metal fume extraction flues, subject of the notice, have been installed and emerge and project vertically from the flat roof of the single storey rear addition. They are large structures of overtly modern character and appearance constructed in modern materials. Without doubt they have affected the character of the building. LBC is required for the works carried out and has not been granted. The appeal on ground (c) therefore fails.</p> <p>it is clear from the appellant's submissions that he was aware of the poor operation of the older system for some time before installing the new equipment. He could therefore have sought advice and prepared an application for LBC before undertaking the works subject of the notice.</p>			

<p>10. Taking account of these factors, and with no other convincing evidence to suggest otherwise, I conclude that the installation of the new extraction equipment and flues, subject of the notice, was not so urgently necessary for safety and health, or for preservation of the building, that an application for LBC could not have been made beforehand. Consequently, the tests I have set out above have not been satisfied and the appeal on ground (d) fails.</p> <p>Contrary to the appellant's views, I consider that these large modern flues are highly prominent modernising features starkly at odds with the character of the listed building. In both short and long range views from Hicks Road the vertical projection of the bulky equipment cuts through the eaves line of the historic roof and also substantially obstructs views of the rear first floor timber casement windows. As such, the works result in considerable harm to the character and integrity of the listed building. As such, they also fail to preserve or enhance the character or appearance of the Markyate CA.</p> <p>While operation of the business indirectly contributes to the local economy, and cooking fumes and noise from extraction equipment has improved, these limited public benefits do not individually or cumulatively outweigh the harm I have identified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">E/20/00249/LBG</a>	F/20/3261709	57 St Johns Road, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			26/05/2021	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261709">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3261709</a>				
<b>Inspector's Key conclusions:</b>				
<p>The replacement windows now inserted into the openings are of uPVC construction. They have relatively thicker and wider frames with glazing bars surface-mounted across the outer glass, rather than being structural elements of the frame separating individual panes. The uPVC material also has a modern shiny finish with a precision machine-produced quality. The windows also give off a noticeable 'double-register' reflection. Taken together, these factors emphasise their appearance as modern alterations to a historic building. Irrespective of whether the works carried out result in any harm, or whether the rear elements are readily visible in public views, they have undoubtedly affected the character of the listed building. The appeal on ground (c) therefore fails.</p> <p>I am not convinced that the replacement of the door represented the minimum urgent works necessary for safety and health or to preserve the listed building. Moreover, the appellant did not purchase the property until later in April 2019, and so she had time after receiving her survey report to seek advice and make an application for listed building consent before undertaking the works. Thus the appeal on ground (d) fails.</p> <p>The uPVC replacement windows and door inserted have non-structural glazing bars, the white uPVC material has a modern production sheen finish</p>				

	<p>and the internal gap between the two panes of glazing is of a depth that results in a noticeable double reflection. The frames, with visible trickle vents, appear heavier in composition than the more slender and refined timber windows they replaced. Taking these factors in combination, the replacements overall have an unambiguously modern appearance. As such, they contrast sharply and inappropriately with the traditional and historic fabric and character of the listed building. Consequently, I conclude that the works carried out result in harm to the character and historic interest of the listed building. The appeal on ground (e) fails.</p> <p>The appellant's suggestion of adding timber beading and putty or paint to the frames does not address all of the harm previously described. Indeed I am not persuaded they would alleviate any of the harm to the historic character of the building. There is a significant risk that they could result in more harm. It is clear to me that the requirements of the notice do not exceed what is needed to alleviate that loss. Consequently, the appeal under ground (j) fails.</p> <p>I consider that a compliance period of 3 years for all of the LBEN requirements (1-38) would be more reasonable. The appeal on ground (h) therefore succeeds to this extent and I will vary the LBEN accordingly</p>
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## 6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 24 March 2021 and 17 June 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">E/19/00321</a>	C/19/3237920	Land At Featherbed Lane, Hemel Hempstead	Inquiry
	<b>Date of Decision:</b>			
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237920">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3237920</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appellant contends that there is no longer an agricultural use, but a mixed caravan site and equestrian use following implementation of the 2018 permission. The Council disputes that the approved development was ever begun or that it authorised an equestrian use. Even if an equestrian use could be inferred from the grant of the 2018 permission, I am not satisfied on the evidence before me that the development was begun under section 56 of the 1990 Act. Moreover, there was no change of use to an equestrian use at the time of issue of the enforcement notice. Not only were no horses identified as being present, there was no tack room to serve an equestrian use. I find as a matter of fact that those matters as alleged have occurred. The ground (b) appeal fails.</p>			

The use for which planning permission is sought is the siting of mobile homes/caravans for residential purposes.

In acknowledging that the use is inappropriate development in the Green Belt, the appellant accepts that there is an effect on openness which is not preserved. Clearly, the appeal site would not be free from development if the 2018 permission was implemented for the stables development which includes an access and hardstanding. Even so, openness has undoubtedly been reduced through the bulk of the caravans, parked vehicles (and a portaloo) together with the expanse of hardstanding. To my mind the loss of openness is significant. There is also a failure to assist in safeguarding the countryside from encroachment contrary to one of the Green Belt purposes within paragraph 134c) of the Framework.

The harsh solid fencing and hardstanding with introduction of caravans and vehicles associated with the residential use is not in keeping with the rural environment prevalent on this side of the A41. The level of harm can be mitigated to a limited degree through improved landscaping and layout of the site including removal of harsh boundary treatments. It would not overcome the harm to the character and appearance of this area of countryside which would remain significant.

I note that the Inspector in the 'Bobsleigh' appeal recorded how in 2017 there had been a backlog in supply of pitches with none delivered from 2012-2017 which would leave a net shortfall of 3 pitches even if the 12 pitches for LA1 and LA3 were delivered within 5 years. This demonstrates an historic under-supply of pitches and poor track record against delivery. The figures were revised by the 2019 GTAA but the Council is still yet to deliver any pitches. There is a current unmet need for sites and a backlog which should, but by the Council's own predictions, will not, be met by 2022. However, there is nothing to suggest that the planning permissions against policy allocations LA1 and LA3 will not be finalised in the short term. There is a very realistic prospect that those developments will be delivered within 5 years to meet the identified need over the next 5 years. On the evidence before me and with reference to Paragraph 10 PPTS and footnote 4, there is a 5 year supply of specific deliverable sites to 2026.

From all I heard, the appellant has a clear personal need for a site and his local connections weigh in his favour. The Council accepts that there are no lawful alternative sites currently available to the appellant in the Borough. [In respect of the proposed second occupier and her son] there are too many uncertainties over their circumstances to attribute more than limited weight.

As established by case law, the best interests of the children are a primary consideration. No other consideration can be inherently more important than the need to safeguard and promote their welfare. Information has been provided by the appellant regarding ongoing health and educational needs for the future. I have taken these into account. There are no alternative available sites. Clearly, eviction from this site would not be in the best

interests of the children who would benefit from a settled base and ongoing schooling.

Unquestionably the development amounts to intentional unauthorised development in the Green Belt to which I attribute moderate weight against the grant of permission.

On balance, I consider that the other considerations do not clearly outweigh the totality of harm that I have identified. Consequently, the very special circumstances necessary to justify a permanent permission do not exist.

I am mindful of the delay [in delivering pitches] that has occurred already and overly optimistic forecasts in the past. Realistically, and to allow for slippage I consider 5 years to be more appropriate should a grant of permission be warranted. This case is quite finely balanced. However, the lesser harm which would arise to the Green Belt and character and appearance of the area by making the grant of permission limited in time to 5 years would tip the balance in favour of a grant of personal permission to the appellant. In that scenario, the very special circumstances needed to justify a temporary permission would exist. A case is only made out on the basis of the best interests of the children and thus the personal circumstances of the appellant for one pitch. A case has not been made out to satisfy me that there are sufficient personal circumstances to weigh in the balance to warrant the grant of temporary permission for a second pitch.

Under the deemed planning application, the operations for the hardstanding are those that existed at the time of issue of the enforcement notice. These comprise bricks, rubble and crushed concrete which are not acceptable for the location nor is the close board fencing and boarding to the gate. The internal fencing which sub-divides the site should be incorporated within a site development scheme ('SDS') to be approved pursuant to a planning condition for the use of the site. I shall therefore uphold the enforcement notice in respect of the operations.

I conclude that the appeal on ground (a) and the application for deemed planning permission should succeed in part for the material change of use, subject to conditions. The appeal shall be dismissed for the operations and I shall issue a split decision.

The requirements of the notice in this case do not exceed what is necessary to remedy the breach. The ground (f) appeal fails.

Time is needed for a revised SDS to be agreed and implemented pursuant to a condition attached to the grant of permission for the use. For that reason, I shall extend the compliance period to 12 months to accommodate that timetable. To this limited extent the ground (g) appeal succeeds.

**Note:** The above appeal was 'Part Allowed and Part Dismissed'.



## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 24 March 2021 and 17 June 2021.

None.

## **6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 17 June 2021)**

<b>APPEALS LODGED IN 2021</b>	
PLANNING APPEALS LODGED	30
ENFORCEMENT APPEALS LODGED	1
TOTAL APPEALS LODGED	31

<b>APPEALS DECIDED IN 2021</b>	<b>TOTAL</b>	<b>%</b>
TOTAL	32	100
APPEALS DISMISSED	20	62.5
APPEALS ALLOWED	7	21.85
APPEALS WITHDRAWN	5	15.65

<b>APPEALS DISMISSED IN 2021</b>	<b>TOTAL</b>	<b>%</b>
Total	20	100
Non-determination	0	0
Delegated	17	85
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	3	15

<b>APPEALS ALLOWED IN 2021</b>	<b>TOTAL</b>	<b>%</b>
Total	7	100
Non-determination	0	0
Delegated	5	71.4
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	2	28.6

## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">4/02759/18/DRC</a>	C/20/3249358	Runways Farm Bovingdon Airfield	28-29 July 2021
2	<a href="#">20/00559/ROC</a>	W/20/3257756	Runways Farm Bovingdon Airfield	28-29 July 2021

## 6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	<a href="#">20/02060/LDP</a>	X/20/3261710	Parker House Maylands Avenue Hemel Hempstead HP2 4SJ	29 June 2021
	<a href="#">19/02588/MFA</a>	W/21/3275429	Lilas Wood Wick Road Wigginton	tbc

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 24 March 2021 and 17 June 2021.

None.

## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 24 March 2021 and 17 June 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">20/00758/FHA</a>	D/20/3258261	24 Finch Road, Berkhamsted	Householder
	<b>Date of Decision:</b>		12/04/2021	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258261">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3258261</a>			
	<b>Inspector's Key conclusions:</b>			

I first note that the Council's Planning Committee Members were entitled to come to a different decision to that recommended to them by its officers. This would not be unreasonable, provided that the conclusions drawn were properly substantiated.

The first-floor extent of the applied for side extension would project beyond the rear building line of the closest part of the neighbouring residential property positioned to the northwest. It would also be located in proximity to the site's side boundary and to neighbouring glazed openings. In such circumstances, notwithstanding either the BRE guidance or my decision upon the planning appeal that is the subject of this application, I do not consider that it was unreasonable for the Council to come to the conclusions that it did (in either a sunlight or visual intrusion sense). Indeed, its reason for refusal is clear, specific, and supported by a relevant development plan policy.

I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.