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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 2 SEPTEMBER 2021 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

#### Membership

Councillor Guest (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:

- deferred planning applications which have foregone a significant or material change since originally being considered
- resubmitted planning applications which have foregone a significant or material change
- 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.

**IF YOU WISH TO VIEW ONLY THE MEETING YOU CAN DO SO VIA THE BELOW LINK**

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## **5. INDEX TO PLANNING APPLICATIONS (Page 5)**

- (a) 21/00737/FUL - Change of use to house of multiple occupancy - 40 Valleyside Hemel Hempstead Hertfordshire HP1 2LN (Pages 6 - 27)
- (b) 21/01483/FUL - Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping - 45 - 46 Chesham Road Bovingdon Hertfordshire HP3 0EA (Pages 28 - 78)
- (c) 21/02260/FUL - Construction of two detached dwellings - Annapurna Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX (Pages 79 - 103)
- (d) 20/03194/MFA - Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios & creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/ or as film set. Construction of security building at entrance. - Bovingdon Airfield Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP5 3RR (Pages 104 - 149)
- (e) 21/02104/FUL - Replacement dwellinghouse - Garden Cottage, Kingshill Way, Berkhamsted, Hertfordshire, HP4 3TP (Pages 150 - 168)
- (f) 21/00072/FUL - New dwelling - 5 Highbarns Hemel Hempstead Hertfordshire HP3 8AF (Pages 169 - 183)
- (g) 20/01889/FUL - New Dwelling - Land At Birch Lane To Side Of Annexe Of 96/97 Flaunden Flaunden Hertfordshire HP3 0PT (Pages 184 - 270)
- (h) 20/03929/RET - Retention of agricultural building and glasshouse - Land East Of Delmer End Lane Flamstead St Albans Hertfordshire AL3 8ER (Pages 271 - 280)
- (i) 21/01882/FHA - Alteration to boundary wall including removal of a 3m section of 2.4m high garden wall at the rear of 17 Castle St. Replacement wall to be built on new boundary line - 17 Castle Street Berkhamsted Hertfordshire HP4 2BQ (Pages 281 - 291)

## **6. PLANNING ENFORCEMENT REPORT (Pages 292 - 309)**

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</b>	21/00737/FUL	Change of use to house of multiple occupancy . 40 Valleyside, Hemel Hempstead, Hertfordshire, HP1 2LN	
<b>5b.</b>	21/01483/FUL	Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping. 45 - 46 Chesham Road, Bovingdon, Hertfordshire, HP3 0EA	
<b>5c.</b>	21/02260/FUL	Construction of two detached dwellings Annapurna, Hogpits Bottom, Flaunden, Hemel Hempstead	
<b>5d.</b>	20/03194/MFA	Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios & creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/ or as film set. Construction of security building at entrance. Bovingdon Airfield, Chesham Road, Bovingdon, Hemel Hempstead	
<b>5e.</b>	21/02104/FUL	Replacement dwellinghouse Garden Cottage, Kingshill Way, Berkhamsted, Hertfordshire	
<b>5f.</b>	21/00072/FUL	New dwelling 5 Highbarns, Hemel Hempstead, Hertfordshire, HP3 8AF	
<b>5g.</b>	20/01889/FUL	New Dwelling Land At Birch Lane, To Side Of Annexe Of 96/97 Flaunden , Flaunden, Hertfordshire	
<b>5h.</b>	20/03929/RET	Retention of agricultural building and glasshouse Land East Of, Delmer End Lane, Flamstead, St Albans	
<b>5i.</b>	21/01882/FHA	Alteration to boundary wall including removal of a 3m section of 2.4m high garden wall at the rear of 17 Castle St. Replacement wall to be built on new boundary line. 17 Castle Street, Berkhamsted, Hertfordshire, HP4 2BQ	

# Agenda Item 5a

ITEM NUMBER: 5a

21/00737/FUL	Change of use to house of multiple occupancy .	
Site Address:	40 Valleyside Hemel Hempstead Hertfordshire HP1 2LN	
Applicant/Agent:	Mr Patel	Mr Abaan Suqlain
Case Officer:	Nigel Gibbs	
Parish/Ward:	Hemel Hempstead (No Parish)	Chaulden And Warners End
Referral to Committee:	Called in by Councillor Graeme Elliot due to overdevelopment and lack of car parking	

## RECOMMENDATION

1.1 That planning permission be **GRANTED.**

## 2. SUMMARY

2.1 No. 40 Valleyside is located within an established residential area of Hemel Hempstead wherein new residential development is considered to be acceptable in accordance with the Dacorum Core Strategy (2013) and the National Planning Policy Framework supporting new housing development.

2.2 The proposed layout and design are based upon the adaptation of the approved extended dwellinghouse, enabling the provision of alternative housing within this longstanding residential area.

2.3 With due regard to Hertfordshire County Council Highways advice, the use is considered to be compatible with the existing local highway and parking conditions.

## 3. SITE DESCRIPTION

3.1 No. 40 is an end of terrace extended 3 storey dwellinghouse located at the south eastern end of Valleyside which faces onto Shrubhill Common, with the dwellings served by a rear access road. A block of flats adjoins no. 40, separated by a footpath which links the roadway with the fronts of the dwellings.

3.2 The dwelling has been converted into building for multiple occupation. Its garage has been demolished to provide a parking and refuse storage area. The rear and front gardens are allocated communal amenity areas.

3.3 The unit provides communal kitchen, utility room and 7 habitable en-suite rooms that range from 14 sqm to 20sqm. Each unit is fully furnished with furniture and white goods.

3.4 The site is located within Character Area HCA 3 (Warners End), Parking Zone 3, CIL Zone 2 and Air Limits Areas.

## 4. PROPOSAL

4.1 This is a retrospective application for the change use of no. 40 to a building in multiple occupation. It has been confirmed by the Agent that the units are 'offered at competitive rates with all bills inclusive giving a cost-effective edge' and no. 40 is managed by a very experienced HMO property management team. The application is for a large HMO which is regarded as a 'sui generis' use through the Use Classes Order, involving more than 6 people sharing the accommodation.

4.2 On behalf of the HMO Property Management Team additional supporting information has been submitted which sets out the criteria for selecting sites and provides detailed operational information. Key elements of the scheme includes:

- The Location, which is very strategic to mainstream budget tenants.
- Room sizes are almost double the standard (6sqm to a max of 10sqm) and residents find this more appealing particularly given the Covid-19 pandemic. Demand exists because of the space provided and communal facilities. Normal 7 room HMOs are within 110 sqm properties. The £260,000 extensions have resulted in 140sqm of living space, allowing ample space for large rooms and excessive communal space.
- The reason to increase the number of occupants is to attract couples who are on a budget.
- Parking is not a concern as a high majority of existing tenants walk, cycle or use public transport to work.
- The majority of residents are on low budgets, away from their main homes or do not have any other option. The majority of the residents cannot afford to maintain vehicles.
- Accommodation is offered to disabled, homeless and council tenants.

## **5. PLANNING HISTORY**

Planning Applications

4/01890/19/FHA - Two storey rear extension

*GRA - 4th November 2019*

4/01425/19/FHA - Ground floor rear extension with first floor rear extension, full width of the property. Additional windows to end of terrace elevation on both ground floor & first Floor.

*REF - 26th July 2019*

## **6. CONSTRAINTS**

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA3

Smoke Control Order

Parking Standards: New 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. POLICIES**

### **National**

National Planning Policy Framework (July 2021)

National Planning Policy Guidance

National Design Guide

**Dacorum Core Strategy 2013**

NP1 - Supporting Development

CS1 - Distribution of Development

CS2- Selection of Development Sites

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

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

CS29 - Sustainable Design and Construction

CS32 - Air, Water and Soil Quality

Hemel Place Strategy

**Saved Policies of the Dacorum Borough Local Plan 2004**

Policy 10 –Optimising the Use of Urban Land

Policy 13- Conditions

Policy 18- Size of New Dwellings

Policy 19- Conversions

Policy 21 – Density of Development

Policy 51- Development and Transport Impacts

Policy 54- Highway Design

Policy 58- Private Parking Provision

Policy 62- Cyclists

Policy 113- Exterior Lighting

Appendices 3 and 8

**Site Allocations 2017**

**Supplementary Planning Guidance / Documents/ Advice Notes**

Parking Standards Supplementary Planning Document (Nov 2020)

Environmental Guidelines Supplementary Planning Document

Refuse Storage Advice Note (2015)

Area Based Policies Supplementary Planning Guidance including HCA 22:Adeyfield South p177 to 181

Energy Efficiency and Conservation Supplementary Planning Document

Sustainable Development Advice Note

Water Conservation Supplementary Planning Document

Planning requirements for waste water Advice Note

Hertfordshire County Council Local Transport Plan 4

## **9. CONSIDERATIONS**

### **9.1 Key Issues**

These are:

1. Policy and Principle Residential Use /Housing.
2. Layout and the impact upon the residential amenity of the area.
3. The highway/ parking implications.

### **9.2 Policy and Principle: Residential Use /Housing**

9.2.1 The site is located within the urban area of Hemel Hempstead. Policies CS1 and CS4 of the Dacorum Core Strategy wherein residential development is acceptable in principle. CS1 confirms Hemel Hempstead is to support new homes, as expressed through Hemel Place Strategy. CS4 clarifies that in residential areas appropriate residential development is acceptable

9.2.2 CS1 explains that Hemel Hempstead will be the focus of new homes and other development with an emphasis upon a range of factors. These include (d) maintaining the existing neighbourhood pattern. Any new development is required to comply with 3 criteria including being based upon the neighbourhood concept.

9.2.3 Policy CS2 also supports the development of previously developed land and building, as defined by the NPPF.

9.2.4 Policy CS17 supports new residential development to meet the Borough's housing needs with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This is set against the Framework's emphasis upon delivering sustainable development, with the social objective of providing a sufficient number and range of new homes, as expressed through the NPPF's Part 5. Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure. This echoes the Framework's Paragraph 61 with Policy CS19 addressing affordable housing.

9.2.5 Saved DBLP Policy 19 relates to the conversion of buildings to residential which includes a range of criteria specifying standards regarding layout.

9.2.6 Layout is also addressed by the Framework's Parts 12 and 8 relating to high quality design/promoting healthy and safe communities. The NPPF and the National Design Guide are

complemented by Policies CS10, CS11, CS12, CS13, saved DBLP Appendix 3 which establishes the parameters for new development and the Area Based Policies Supplementary Planning Document, with Area HCA22 being directly relevant.

9.2.7 These housing based policies are set against the Framework's approach to 'making effective use of land' under Part 11 with specific regard to achieving appropriate densities under paragraphs 124 and 125. Paragraph 125 notes where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. This provides a context for saved DBLP Policy 21 regarding Density of Residential Development.

9.2.8 HCA22's approach to new development is for minimal change. Page 93 addresses the conversion to smaller units. This is to be discouraged, but proposals may be permitted where they do not harm the character and appearance of the site and surrounding area. In particular, larger detached dwellings from the 1950's and 1960's era' may be appropriate.

9.2.9 This policy predates the Framework regarding delivering housing and has to be considered against the Council not having a demonstrable 5-year supply of deliverable housing sites. Under the Framework's paragraph 11 planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF that protect areas or assets of particular importance provide clear reasons for refusal.

9.2.10. In this case, the Council's previous support for no. 40's significant enlargement enables scope for its conversion / subdivision in diversifying its housing supply, as an up to date position in delivering new housing. It represents an opportunity to provide alternative accommodation to the long established family housing and provides a transition in housing type to the adjoining flats. In the circumstances it is not considered that HCA22's approach to discouraging smaller units should be given overriding weight. In this context there is a case for the principle of the subdivision.

### 9.3 Design/ /Impact upon the Character of the Area/Streetscape /Layout and the impact upon the residential amenity of the area.

#### Policy Context

9.3.1 This is with reference to Policies CS11, C12 and CS13, saved DBLP Appendix 3 and HCA22, saved DBLP Policy 19 the Framework's Part 12 and the National Design Guide.

9.3.2 Policies CS11, CS12 and CS13 are generally consistent with the relevant aims of the Framework. These expect that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm, reinforced by the Framework's Part 12 and National Design Guide. The Framework's Paragraph 130 explains that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.3.3 The National Design Guide notes under H1 the importance of a 'Healthy, comfortable and safe internal and external environment' with reference to its Paragraphs 124 to 128. Paragraph 124 explains good design promotes quality of life for the occupants and users of buildings.

9.3.4 This is set against the aforementioned NPPF's approach to 'making effective use of land' under Part 11 with specific regard to achieving appropriate densities under paras 124 and 125.

#### Layout Issues

9.3.5 There is no specific Local Plan policy for HMOs. Based upon the existing site conditions and the submitted information, it is considered that the external and internal layout represent an appropriate approach to the building's conversion. This takes into account that there are no objections from the Environmental and Community Protection Unit and HCC Highways, with the

HMO subject to Building Regulations, Fire and Gas technical approvals. This is set against the provision of communal front and rear gardens, boundary fencing, refuse storage, cycle storage and 2 car parking spaces. The rear amenity area can be used for clothes drying.

#### The Impact upon the Residential Amenity of the Area

9.3.6 This is with due regard to the site conditions, the expectations of Policy CS12 and saved DBLP Appendix 3. It is with reference to the physical impact, privacy, the receipt of daylight and sunlight and in respect of noise and disturbance, the local representations to the application and the Council's Environmental and Community Team's response.

9.3.7 It is fully acknowledged that there would be an intensification of the building's use, including the garden area and parking implications.

9.3.8 With significant weight given to the Council's Environmental and Community Team's advice in conjunction with that of Hertfordshire County Council Highways, it is not considered that there would be harm to the residential amenity of the locality. This includes consideration of the relationship with no. 38 and the associated boundary fencing.

#### 9.4 Highway Safety / Access/ Parking Issues

9.4.1 Hertfordshire County Council Highway Authority raises no objections, following its initial response. It is acknowledged that the parking spaces feature limited visibility.

9.4.2 It has been confirmed by the submitted supporting information that access of residents to car ownership is limited. The site is relatively close to the Local Stoneycroft Centre, with the Town Centre and railway station also accessible by bus, walking and cycle. The site is therefore a reasonably sustainable location. There is cycle storage which could be extended by providing a small communal secure outbuilding in the garden.

9.4.3 It should be taken into account that the 2019 extension enables the provision of a large family dwelling which could have significant car parking demands

9.4.4 The adopted Parking Standards paras 6.12 and 6.13 note:

'Dwelling Houses with Multiple Occupation (HMO):

- A property is an HMO if it is let as a main or only home to at least three tenants, who form more than one household and who share a kitchen, bathroom or toilet.
- When assessing planning applications, the Council will seek to ensure that the proposals provide adequate levels of car parking to meet the future standards of the likely occupants. Where possible, the car parking should be provided off street.

9.4.5 In this Zone 3 location there is a requirement for 0.5 spaces per bedroom i.e. 3.5 spaces for this 7 bedroom unit. Therefore, there is a shortfall of 1.5 spaces. With due regard to the submitted supporting information, HCC Highways advice and the overall benefits of providing alternative accommodation with the provision of an additional room, it is considered that there is a case to support the proposal. This is with due regard to the local representations regarding the parking implications.

9.4.6 A fire tender can park close to the site and the ground floor can be adapted for access for persons with disabilities and limited mobility, there is cycle and refuse storage.

## 9.5 Other Matters

9.5.1 There are no apparent crime prevention / security issues. There have been no responses to the drainage/ water supply implications from Thames Water and Affinity Water, set against Regulations approval. Although opposite the ecologically important Shrubhill Common, there are no apparent ecological implications. An Environmental Impact Assessment is not necessary.

9.5.2 The relevant concerns and objections raised by neighbours have been addressed above.

## 10. CONCLUSIONS

10.1 The proposal is in accordance with the Framework's social objectives in providing additional housing with associated economic benefits, with a limited expectation of a high level of reliance upon cars and with no objections from Hertfordshire County Highways.

10.2 These objectives are summarised by the supporting statement:

'Our properties purchased and converted to HMOs are carefully selected based on their central locations. Daily shopping is done within 10 min walk. Majority if not all our residents are employed within the town Centre, local nursing homes and industrial estate. Our room concepts appeal to those that have a higher budget than a simple room but not quite enough for a self-contained property. They are most suitable for couples that are saving monies. These tenants can rarely risk affording a car and rely on public transport, cycling and walking. Our tenants are thoroughly vetted, educated, and reminded of their responsibilities through inventories, inductions, inspections, and maintenance interactions. Each of residences have a notice board for ease of communication between house mates. Our live synopsis proves that only 25% HMO tenancies own vehicles. Based on these ratios 2 spaces are required. Currently we have 2 live tenancies and 3 tenants undergoing referencing. Among the 5 tenancies only one tenant owns a vehicle and two own a bicycle. It is the same ratio among our other residences of convenient locations. We are proud to confirm that more than 10% of our residents are sourced by the local housing, homeless prevention, and private sector officers. We follow regulations to core to meet the requirements of all local authorities to grow their trust in our residences'.

10.3 With due regard to the position regarding the parking implications and the quality of the housing accommodation, there are no overriding environmental objections. This is in the context of the local representations to the contrary. It is concluded that the converted no. 40 would deliver a sustainable development in accordance with the Framework's economic, social and environmental objectives.

10.4 With due regard to the lack of a 5 year housing supply, it is concluded that there are significant housing benefits in providing this additional type of housing in accordance with the Framework's paragraph 62. With reference to the tilted balance and National Planning Policy's Paragraph 11 (d), this social benefit outweighs the implications of the parking shortfall of 1.5 spaces.

## RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

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

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

## **Site Location Plan**

**VSHH 504 -P01  
VSHH 505-P01  
VSHH 506 -P01.**

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

- 2. The use hereby permitted shall cease within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:**
- (i) Within three months of the date of this decision full details of the provision of two parking spaces, cycle storage, refuse storage and a rear communal area, shall be submitted in writing to the Local Planning Authority. These details shall include a timetable for their implementation in full.**
  - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the details in (i) or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.**
  - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Secretary of State.**
  - (iv) The approved details shall have been carried out and completed in accordance with the approved timetable.**

**Upon implementation of the approved details, the parking spaces, cycle storage, refuse storage and rear communal area shall thereafter be retained in accordance with the approved details.**

Reason: To ensure that adequate facilities are provided to residents/occupiers of the approved development in accordance with Policy CS12 of the Dacorum Core Strategy and Saved Policy 19 of the Dacorum Borough Local Plan.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Planning Enforcement	Response awaited.
Valuation & Estates Unit (DBC)	Response awaited.
Environmental And Community Protection (DBC)	<p>Pollution</p> <p>Thank you for your consultation on the above planning application. I have reviewed the details and information provided. I have no objection to the application and make no further comments.</p> <p>Scientific Officer</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>
Strategic Planning & Regeneration (DBC)	Response awaited.
Waste Services (DBC)	Response awaited.
Hertfordshire Highways (HCC)	<p>UPDATED ADVICE: 08.06.2021</p> <p>Thank you for providing me with the report and section '1.1 Parking spaces &amp; Location of Residence' illustrating the parking. The report was not included within the documents provided online for comment which is why it was unclear. Now the parking has been sorted due to the abundance of communal parking which was mentioned in my response. Following the report, HCC Highways has no further comment on the application as there will be no impact on the adjacent highway network. Therefore we would not wish to restrict a grant of permission for the application</p> <p>ORIGINAL ADVICE</p> <p>Proposal Change of use to house of multiple occupancy Decision Interim</p> <p>The application is for the change of use to house of multiple occupancy at 40 Valleyside, Hemel Hempstead. The site is at the end of a dead-end street but from observations it seems to lack dedicated</p>

	<p>parking other than that of communal parking adjacent. Within the application form it states that there will be 3 parking spaces. HCC Highways would like to see on a scaled drawing the location of these 3 parking spaces to access it's viability for parked cars. The dwelling also lack drawings on the location of secure cycle parking which is recommended owing to the increased number of people in the property and lack of car parking for each dwelling.</p> <p>Therefore, HCC Highways would like to see diagrams illustrating the location of vehicle parking and secure cycle parking on site. Once this has been provided, HCC Highways can fully comment on this application.</p>
Affinity Water - Three Valleys Water PLC	Response awaited.
Thames Water	

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	19	0	19	0

### Neighbour Responses

Address	Comments
34 Valleyside Hemel Hempstead Hertfordshire HP1 2LN	<p>at 34 object to the application of MOH. Parking provided for 3 cars?</p> <p>That allocated parking Space will be filled with at least seven maybe more bins in this space black bin blue bins and food bins which will be lovely in the hot weather. So a potential of 14 people residing at number 40 would also give you the potential of 14 cars extra in the street when parking is overcrowded already makes way for hazards for large vehicles or emergency vehicles to access Valleyside. Mr Patel paid an amount of money to have variation of deed which would allow for multiple occupancy or a single family as the houses were designed for. But this does not mean that other rules and regulations can be flouted example keeping the building to fit in with the rest of the area which it does not. There is no chimney on number 40 which again looks odd to not in keeping and there is just a sagging patch in the middle of the roof which looks structurally unstable. There has been suffering due to this build with the constant disregard to residents close by with mental health the wall at the end of the building with an apex into the alleyway encroaching onto public land with unsightly patching up of an old wall that should've been fixed two mortgages ago and also screws and</p>

	<p>sharp objects and unsightly filler filling up gaps in brickwork and what can I say pretty shoddy work. The public path at the side of Valleyside has like I said been encroached upon holes and everything dug for foundation and very poorly and rectified after the build and yeah it's a trip hazard and I've turned out my ankle myself in that area and another sign of just disregard to the local residents. The plan for this site at number 40 Valleyside was meant to be multiple occupancy home all along before the application was even accepted the house had been completely gutted chimneys stairs just a shell so the applications from then on were just part of the deceitful plan I feel that was being carried out. There is absolutely no regard to the wildlife area that we live in the families that could bring their children up in this safe Rural beautiful area is it's going to be spoilt with pollution cars Which will be detrimental to the wildlife, residents health and the area itself. In section 254 of the Housing act mental health should be be a concern for people making the applications and the impact that it's going to have on these people there are two that I know of myself being one of them and others that have declined severely with their mental health due to that the trouble stress and noise caused and will continue with new residents in number 40.</p> <p>I feel the next thing to do is involve Mike Penning and the media not because of progression but because of the detrimental effects of this build on the progression of a natural family community. Are Water pipes being checked for blockage from building debris we have had some issues in the road. This build was always going to be multiple occupancy MrPatel has the intention all along to have 7 rooms getting the property back to breeze blocks before build has even been approved</p> <p>Besides the house of many colours not fitting in and very poorly finished. The residue of damage from building work is awful. I recently had an ambulance crew trying to use the alleyway next to 40 Valleyside and it is so poorly rectified the stretcher nearly toppled also walking on it is no better.</p> <p>I cannot believe the council are going to allow this build applied for with utter deceit on his eventual plans for this once lovely family home. The developer seems to have been allowed to flout any rulings with boundary wall in such bad repair, it has been there since at least 1969! Please let's have our family home back.</p>
<p>64 Varney Road Hemel Hempstead Hertfordshire HP1 2LR</p>	<p>I would like to register an objection to application for planning permission to allow 40 Valleyside to be used as a house of multiple occupancy under the following grounds:</p> <ol style="list-style-type: none"> <li>1. The property has been further converted in advance of the application for a HMO (21/00737/FUL) and in contravention of the originally permitted application for extension (4/01890/19/FHA) in order to maximise profit and make a mockery of the planning department as a Fait Accompli if the application is passed.</li> <li>2. There is not adequate provision of parking for what would be likely to be a minimum of 7 persons and potentially up to 14 persons at the property, any of which could be vans or other work/trade based large vehicles which will have to overflow into neighbouring areas including Varney road, which is already showing increased parking caused by a HMO at 68 Varney road.</li> </ol>

	<p>3. The planning department has the power to order the return of the development to comply with the original plans (4/01890/19/FHA) before considering any further changes or developments. There are other developments where such orders have been successfully applied and this development is no exception.</p> <p>I believe any diligent appraisal of all the facts in consideration this application should leave no option but to decline the application, at the very least until all the pertinent points of objection are addressed.</p>
<p>26 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>This my objection to the Planning Application of 21/00737/FUL being a local resident of the road in question.</p> <p>In 2019, planning application No. 4/01890/19/FHA was granted, to extend the 40 Valleyside property into five bedrooms, a lounge, kitchen and a bathroom. Now the developer has submitted a request (No. 21/00737/FUL) to change the use of said property into a multiple occupancy. In the new request, the submitted plans show that instead of the following the plans for which approval had been granted, the developer has instead converted the said property has converted it into seven studio flats. It seems likely that the developer has deliberately deceived the local planning department with the application 4/01890/19/FHA has intended this all along, plus has already started the process of advertising these seven studio flats for rent prior the property has been granted approval with two of the studios already being rented out.</p> <p>The property adjoins the Shrubhill Common Local Nature Reserve, and it is not usual to see wildlife shall as Foxes, Badgers, Deer and Bats go past the house front door and fly around the property. Adding seven studio flats for transient residents will significantly increase noise, litter, and impact on the children who have to go past to play on Shrubhill Common.</p> <p>Parking is also fairly congested. The developer claims that the property has space for three parking slots, this is incorrect with a large vehicle parked there, there was no space for any other vehicle, let alone for a third vehicle. The developer clearly intends for his residents to take up the already limited parking spaces used by the existing local residents of the adjacent flats, with increased parking congestion there could be problems with rubbish collection or emergency services access.</p> <p>The developer is not abiding with the deed of variation that was signed and dated on 7th July 2020.</p>
<p>36 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>In 2019 Mr Patel was granted planning permission to extend this family house into 5 bedrooms, a kitchen, a lounge and a bathroom (4/01890/19/FHA). We can see from this application (21/00737/FUL) that instead, he converted the house into 7 studio bedsits. Was he deliberately deceitful in the previous application?</p> <p>Deeds of conveyance state that owners are "Not to use the land otherwise than for the purpose of a single private dwellinghouse". The</p>

	<p>reason for this is that the street consists of family homes. Converting a property into an HMO will destroy the character of the street.</p> <p>Deeds of conveyance also state that owners are "Not to do or keep or suffer to be done or kept on the land any act or thing which may be or become a nuisance or annoyance or cause inconvenience to the Council or other owners or occupiers of neighbouring dwellings or which may tend to lessen or depreciate the value of the dwellings in the neighbourhood". The developer has always acknowledged that his actions will depreciate the value of neighbouring properties, so this clearly violates this conveyance. The reason for this depreciation is that replacing a single residence with 7 studio flats will result in significantly more noise, litter, and congestion. It will clearly adversely affect the character of the neighbourhood.</p> <p>Parking. The application states that the property has 3 parking spaces. This is incorrect. With the developer's SUV parked in the parking space, there was not room for a second, let alone a third car. Once the rubbish bins are put out, the lack of parking will be even more acute. Dacorum Parking Standards supplementary planning document Nov 2020 states: "Insufficient parking can result in on-street parking stress and unsafe or obstructive parking, with high levels of frustration for residents and businesses". And that C3 Dwelling Houses Studio or bedsits in Accessibility Zone 3 should have 1.25 allocated or 1 unallocated parking spaces each. Additionally, Residential Character Area HCA3 states that new development proposals should have adequate off-street spaces. This property should have 7 parking spaces but does not. The new residents will cause considerable parking congestion, and potentially impact rubbish collection and emergency services access. This will certainly lead to ongoing high levels of frustration for most existing residents when they start to need to park in neighbouring roads or find they are no longer able to turn their car around at the end of the road.</p> <p>The application states that the work to convert this property into a large HMO has not already started. This is false.</p> <p>The application states that there are no biodiversity features adjacent to the site. This is false - it is adjacent to Shrubhill Common nature reserve. Access to the nature reserve from this end of Valleyside is just past this property, so children going to play on the common will need to walk past it.</p> <p>Has the property been tested for acoustic insulation?  Has the water board confirmed the sewage systems can cope?  Is it electrically safe with all the electrical appliances for 7 studio flats?</p> <p>Overall, this application has been made without regard to the impact to existing residents and I request that not only it be rejected, but Mr Patel be required to restore the interior of the house back to the family home he was granted planning permission for in 2019 and be denied from making any further planning applications in Dacorum.</p>
35 Varney Road	I formerly lived at 38 Valleyside and am aware that all of these

<p>Hemel Hempstead Hertfordshire HP1 2LW</p>	<p>properties were built as 4 bedroom terraced houses and not designed for multiple occupancy. This development is entirely out of keeping with the local environment and has caused great upset to local residents. There is a parking space for only one vehicle outside the property and access to the front is via a footpath only. Although I live in Varney Road I believe the overspill of vehicle parking requirements will impact Varney Road severely. This is an entirely unnecessary development and inappropriate for this area.</p>
<p>16 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>The developer has ignored his previous permission (to which many neighbours originally objected before an IT fault apparently erased the original comments) to turn this family home into a series of 5 bedsits, and has instead created 7 studio flats.</p> <p>Giving permission to use this property as a HMO will have a significantly detrimental effect on both the neighbours and wider local area. Our household OBJECTS in the STRONGEST possible terms to this development.</p> <p>The main concerns we have (in no particular order) are:</p> <p>Parking - this is already extremely limited. Adding a potential 14 extra cars (assuming each studio flat houses up to 2 adults) to the road but only providing parking for 1 or 2 will create significant problems. Litter &amp; pollution. Noise, both from increased traffic and from people living in a small space. Change to the character of the area, which is currently a quiet, safe family area. Increased traffic on an access road, not built for heavy traffic. Impact on the adjoining nature conservation area, which already has heavy use from walkers, horse riders, motorcycles, quad bikes etc.</p> <p>Invasion of privacy of next door properties. Reduced privacy for some tenants of the property as windows have been added at eye level alongside a public path. Potential increase in crime that comes with a frequently changing, lower income population, which is likely in small, low rent properties like these studio flats. Strain on local amenities - schools, doctors, dentists etc are already quite full, and with significant other local developments planned nearby, these will soon be unable to cope.</p> <p>I would like to point out that these properties have a covenant forbidding their use as HMO. While I realise this is not taken into consideration for planning permission, it is there for a good reason! These are designed as family homes, and turning them into crowded HMO properties will cause many issues, such as as those mentioned above, as well as other concerns that planning will not take into account, but please do be aware that they exist!</p>
<p>2 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>The original plan, conversion to 5 bedsits, was bad enough due to the additional the strain of the local area parking. As this has changed to now be 7 apartments, parking for an addition 7-14 cars will be required. The roads around the area are already busy enough as it is without the</p>

	<p>addition traffic.</p> <p>The look and shape of the building as been changed so it no longer fits with the look at feel of the rest of the properties on the row. Consequently multiple opening windows have been added onto the side of the build that overlook the footpath. When these windows are opened they will obstruct the path making it difficult for people to use.</p>
<p>56 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>As I understand the work has gone ahead without permission from the right people. My main concern is the parking of 7 new dwellings and only 2 parking spaces provided. This will equal a large amount of new vehicles needing a parking space.</p>
<p>58 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>Planning permission was given for 5 bed sits and hes decided to build 7 studio apartments instead. Hes also put windows on the side of the house that open outwards and some are so low that if open anyone walking up the path could catch themselves or if wearing a skirt the could see right up it. There isn't enough parking for the people that already live here and if more cars come there will be nowhere for anyone to park. The rubbish is already piling up and it'll be a lot worse if permission is granted as they'll fill their bins up as well as possibly ours.</p>
<p>54 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>I would like to register against the planning permission to allow this to be used as a house of multiple occupancy. First of all, what the owner has made the house into now is well against what the original planning permission stated as per (4/01890/19/FHA). It shows not only greed but the fact that indeed they had clear intentions to convert the house into a 7 studio flats instead of a 5 bedroom house.</p> <p>It is simply wrong to grant permission for this to go ahead. There will be several tenants who will occupy the new studio flats which will cause noise disruption on a continuous basis. With people moving and coming, you cannot guarantee anything. There is already a big struggle to find parking on the road and makes is very difficult for those who have children and need to arrange school drop off and collection. If all 7 studio flat tenants require at least 1 parking space then that will prove to be a massive problem let alone thinking about whether this could actually be double and 14 spaces could be required.</p> <p>There is a concern with privacy as there are so many windows and it is unfair to have multiple occupancy agreed. We are just about managing the rubbish and waste right now and I believe this will only worsen as result of this proposal.</p> <p>I am not trying to be difficult but money is not everything in this world, living peacefully is more important to us neighbours. Please feel free to drive down the road Valleyside yourself and you will see that our concerns are actually valid and it is out right selfish for 40 Valleyside to NOT follow their original approved plans because this simply shows that they had pure intentions to convert this for multiple occupancy in the first place.</p> <p>The road is very congested already and this is not going to be a safe place for us especially in case of an emergency, you would find it difficult to get through.</p> <p>I am very uncomfortable with the proposal and ask yourself Mr Durrant to carefully consider this application with due care &amp; attention as our points are valid.</p>

	<p>Best wishes</p> <p>I would like to register against the planning permission to allow this to be used as a house of multiple occupancy. First of all, what the owner has made the house into now is well against what the original planning permission stated as per (4/01890/19/FHA). It shows not only greed but the fact that indeed they had clear intentions to convert the house into a 7 studio flats instead of a 5 bedroom house.</p> <p>It is simply wrong to grant permission for this to go ahead. There will be several tenants who will occupy the new studio flats which will cause noise disruption on a continuous basis. With people moving and coming, you cannot guarantee anything. There is already a big struggle to find parking on the road and makes is very difficult for those who have children and need to arrange school drop off and collection. If all 7 studio flat tenants require at least 1 parking space then that will prove to be a massive problem let alone thinking about whether this could actually be double and 14 spaces could be required.</p> <p>There is a concern with privacy as there are so many windows and it is unfair to have multiple occupancy agreed. We are just about managing the rubbish and waste right now and I believe this will only worsen as result of this proposal.</p> <p>I am not trying to be difficult but money is not everything in this world, living peacefully is more important to us neighbours. Please feel free to drive down the road Valleyside yourself and you will see that our concerns are actually valid and it is out right selfish for 40 Valleyside to NOT follow their original approved plans because this simply shows that they had pure intentions to convert this for multiple occupancy in the first place.</p> <p>The road is very congested already and this is not going to be a safe place for us especially in case of an emergency, you would find it difficult to get through.</p> <p>I am very uncomfortable with the proposal and ask yourself Mr Gibbs to carefully consider this application with due care &amp; attention as our points are valid.</p> <p>Best wishes</p>
<p>37 Varney Road Hemel Hempstead Hertfordshire HP1 2LW</p>	<p>We strongly object to this planning application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Parking - The application states 3 parking spaces, which is not the case. There is an area at the rear of the property for potentially 2 small cars. I assume the applicant is suggesting that the space at the rear of the garage could be used as a space. However, this space should be not be used as a space as it contravenes rule 244 of the highway code, where a car cannot be parked on a pavement where it may bloke pedestrian, wheelchairs, partially sighted and pram access. The HMO has 7 rooms, many of which are double sized rooms, which could result in up to 14 residents. There is simply not enough parking in valleyside or the surrounding roads. There is already a significant issue with parking in the local area and many occasions residents are parking on verges and damaging grassed areas.</li> <li>2. Need for the property - We would question the need for such a type of property in this road. The local area is primarily families and has</li> </ol>

seen an increase in young families moving in over the last few years. This is likely due to the local amenities, such as the parks, play areas, community areas, sense of community and schools. This type of property in this area would not appeal to young professionals and there is no higher education establishments nearby which would bring in potential residents.

There is also currently several other builds occurring in the hemel area; there is currently 8 single apartments being built on Long Chaulden, approximately 500 metres away. There is also a huge building project on the Marlowes, with hundreds of properties being built. Also there is a block of flats being completed at the junction of Two Waters Road and London Road.

3. Noise, Rubbish and Traffic - the addition of 7-14 people will cause significant increase in noise, rubbish and traffic in the road and the surrounding area. It is clear that these properties were not built with this intention, and it would be irresponsible to allow this number of people to accommodate a property initially designed for a medium sized family.

4. Property value - If this application is granted, it will have a serious knock effect to the valuation of properties in the area. Potential buyers will be reluctant to purchase properties nearby. Also see point 5.

5. Dangerous precedent - If this application is granted, it will be seen as a green light for other developers to undertake similar projections to other properties in the area. Valleyside has several of these large 3 storey houses, if this application goes ahead, I have no doubt future projects like this one will occur.

6. Mental Health and Wellbeing - granting this application will have serious ramifications for the health and wellbeing of local residents. Due to the objections registered by ourselves and others, there is no desire to allow this application to go ahead. Granting it would cause undue stress and anxiety to the local residents, which will have a negative effect on our health and wellbeing.

Our final point is of particular concern; on section of the application form, it clearly states that the 'work or change of use' has not already started. This is clearly not true. Viewing the property from the road, it is clearly visible that the conversion to the 7 bedroomed HMO has already taken place. All the residents in the immediate area could also testify that work has been ongoing been from approximately September 2020. We strongly object to this planning application for the following reasons:

1. Parking - The application states 3 parking spaces, which is not the case. There is an area at the rear of the property for potentially 2 small cars. I assume the applicant is suggesting that the space at the rear of the garage could be used as a space. However, this space should be not be used as a space as it contravenes rule 244 of the highway code, where a car cannot be parked on a pavement where it may block pedestrian, wheelchairs, partially sighted and pram access.

The HMO has 7 rooms, many of which are double sized rooms, which could result in up to 14 residents. There is simply not enough parking in valleyside or the surrounding roads. There is already a significant issue

	<p>with parking in the local area and many occasions residents are parking on verges and damaging grassed areas.</p> <p>2. Need for the property - We would question the need for such a type of property in this road. The local area is primarily families and has seen an increase in young families moving in over the last few years. This is likely due to the local amenities, such as the parks, play areas, community areas, sense of community and schools. This type of property in this area would not appeal to young professionals and there is no higher education establishments nearby which would bring in potential residents.</p> <p>There is also currently several other builds occurring in the hemel area; there is currently 8 single apartments being built on Long Chaulden, approximately 500 metres away. There is also a huge building project on the Marlowes, with hundreds of properties being built. Also there is a block of flats being completed at the junction of Two Waters Road and London Road.</p> <p>3. Noise, Rubbish and Traffic - the addition of 7-14 people will cause significant increase in noise, rubbish and traffic in the road and the surrounding area. It is clear that these properties were not built with this intention, and it would be irresponsible to allow this number of people to accommodate a property initially designed for a medium sized family.</p> <p>4. Property value - If this application is granted, it will have a serious knock effect to the valuation of properties in the area. Potential buyers will be reluctant to purchase properties nearby. Also see point 5.</p> <p>5. Dangerous precedent - If this application is granted, it will be seen as a green light for other developers to undertake similar projections to other properties in the area. Valleyside has several of these large 3 storey houses, if this application goes ahead, I have no doubt future projects like this one will occur.</p> <p>6. Mental Health and Wellbeing - granting this application will have serious ramifications for the health and wellbeing of local residents. Due to the objections registered by ourselves and others, there is no desire to allow this application to go ahead. Granting it would cause undue stress and anxiety to the local residents, which will have a negative effect on our health and wellbeing.</p> <p>Our final point is of particular concern; on section of the application form, it clearly states that the 'work or change of use' has not already started. This is clearly not true. Viewing the property from the road, it is clearly visible that the conversion to the 7 bedroomed HMO has already taken place. All the residents in the immediate area could also testify that work has been ongoing been from approximately September 2020.</p>
<p>29 Varney Road Hemel Hempstead Hertfordshire HP1 2LW</p>	<p>I strongly object to the proposal to change the use of this property to a HMO. Not only has the developer bent every rule to get this build off the ground from previous applications this change of use has clearly always been their intention. Id like to draw your attention to the points below :</p> <p>*From the Delegated Report back in January the planning officer states</p>

	<p>"the roof of the extension will be flat" in order to stop blocking sunlight into neighbouring properties. This has clearly been ignored because walking past there today that roof is pitched at least 20 degrees if not more.</p> <p>*The huge extension which overshadows next door has already significantly devalued neighbouring properties through loss of light, privacy and not being in keeping with the local area. Changing the use of this property to a HMO would further decrease value to these.</p> <p>* The applicant has lied on on this application stating the property already has 3 parking spaces. If you visited the site you will clearly see there is only space outside for one car. A previous owner of this property has confirmed there is only one parking space in an area where parking is already a problem without adding the additional strain this change of use will put on the area.</p> <p>*My understanding is there is a Covenant on the houses in Valleyside which blocks this type of change of use.</p> <p>Having had a quick look at previous applications from this developer on 40 Valleyside , how they have been rejected , amended then accepted and seeing what has actually been done there construction wise i am concerned this developer is ignoring what is actually approved and being allowed to do so.</p>
<p>20 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>It is our understanding that the original plan would have provided five additional flats, however it now seems the applicant may have exceeded the scope of the plans and provided seven flats. That is surely a breach of planning rules ?</p> <p>Only two parking spaces have been provided by the applicant, so we can expect that at least five additional vehicles will need to find parking within the Valleyside or Varney Road areas. These areas are already struggling to keep up with parking requirements now. The additional vehicles will undoubtedly also increase noise nuisance in what is a fairly quiet secluded area.</p> <p>We would also be concerned that access by large emergency vehicles could be impeded if there are too many vehicles clustered together, especially near the Valleyside flats adjacent to 40 Valleyside.</p> <p>Furthermore we have concerns about additional strain on the sewage system, there have been several incidents of blockages observed fairly recently. We are concerned about, what consideration has been given to rubbish collection for this site and about potential litter and vermin issues if this</p>

	<p>is not done properly,with all those flats in one house.</p> <p>We ask that the application be rejected. If this is not the outcome we ask that consideration be given to capping the total number of motor vehicles associated with the address.</p> <p>Thank you.</p>
<p>14 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>We wish to object to the planning application for several reasons</p> <ol style="list-style-type: none"> <li>1. These properties have a covenant in the deeds which state they must remain 'one family' homes. This applicant applied for permission to build a two store extension on this property previously. On Appeal, permission was granted for this. The new plan is for HMO showing 7 self-contained bedsits with a communal area. This would contravene this covenant and would have future implications on the other properties, which in turn, could make this possible for other houses on this road, which would be detrimental to both the area and the families living in the houses, as they were originally meant to be used.</li> <li>2. Permission was originally granted to extend the property as per the plans submitted yet the new application shows the 'new' current layout as completely different to the originals plans allowed. For example, there is no kitchen in this family home just seven en-suite bedrooms and a communal area currently, see below comment. The new plans allow for a kitchenette to be added to each room. This would suggest to me there was never any intention to keep it as a family home as the property, it would appear, has already been converted to HMO status without permission. I would also point out that this work is already being carried out and the kitchens being installed. It would appear to be 'fait accompli'. I am unsure how this work has been completed without council inspection to notice that it doesn't agree with the plans.</li> <li>3. The plans show a communal internal area with a kitchenette. This would suggest that these are to be used as communal bedsit living or are they to be sold as individual studio apartments. The HMO has 7 rooms, many of which are double sized rooms, which could, in reality, result in up to 14 residents, which in turn, could result in an additional 14 cars attempting to park in Valleyside or Varney Road, which already has overspill of parking. There is simply not enough parking in Valleyside or the surrounding roads. This could cause obstruction for services vehicles and emergency vehicles.</li> <li>4. The Dacorum Local Plan already has large scale plans for many types of accommodation in the near vicinity, so it is not necessary. If these are not to be sold but rented out, it will create hostel/bedsit/halfway house living, this being apparent with the communal living area with kitchen. It would not be in keeping with the current area/residents to allow this type of living in this area.</li> <li>5. The windows on the side elevation, next to a public footpath, are not the ones on the original proposed plan nor are they in the position stated. They are low level on the ground floor and open outwards onto the footpath creating a health and safety issue.</li> </ol>

	<p>6. The application appears to have some issues:-</p> <ol style="list-style-type: none"> <li>1. Section 6 -Existing use - dwelling house, currently vacant - a dwelling house with no kitchen just 7 rooms with bedrooms</li> <li>2. Section 9 - Proposed parking - 3 spaces, I do not think this is the case, 2 at best.</li> <li>3. Section 16 - Residential/Dwelling units - Does your proposal include the gain, loss or change of use of residential units? No - surely the answer is Yes, from 1 dwelling to 7</li> <li>4. Section 24 - Authority Employee/Member. This has been answered yes but no details of the person/persons have been added as required.</li> </ol> <p>Please consider the points above but the main concern is allowing a change of use of these covenanted properties and how this would change the current residential status quo</p>
<p>8 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>Hello Sir, We strongly believe there is definitely not enough space for car parking more than two. This location is a very quiet cul-de-sac. That's the primary reason for the residents buying the properties and staying in to enjoy nature and privacy. Planning permission for 7 studio flats in a single terraced house is ridiculous as there is not enough space. These houses in a row are built as a family home by DCC with the original vision of a new townhome. The cut alongside number 40 is a public right of way, side windows opening on to this would be a hazard. There is no consideration for next door neighbours either as next door family won't be able to use their garden at all considering the overlooking issues and too much noise to the neighbourhood. Many Thanks</p>
<p>58 Varney Road Hemel Hempstead Hertfordshire HP1 2LR</p>	<p>It appears from initial construction it was always intended to make the property an HMO only bigger than the other 2 in the area, which is devious and underhand. There will be a great lack of parking as Valley Side residents already park in Varney Road which suffers from extra cars in the road due in part to its HMO. Being self contained dwellings for probably 2 adults each it will attract more car owners not young single people like more traditional HMOs. CCTV cameras have already been installed covering the public footpaths with no signage nor, if it is an HMO will it likely be possible to view the recordings which I believe is a legal requirement for CCTV so placed.</p>
<p>24 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>4/01425/19/FHA - GROUND FLOOR REAR EXTENSION WITH FIRST FLOOR REAR EXTENSION Planning permission refused 26 July 2019</p> <p>4/01890/19/FHA - Two storey rear extension 6th August 2019 Permission GRANTED</p> <p>21/00737/FUL - Change of use to house of multiple occupancy I wish to object to this Change of use.</p> <p>I am genuinely concerned that the alterations to convert to a 7 bed HMO have already been carried out prior to planning permission even</p>

	<p>being considered, let alone being granted.</p> <p>The planning application makes no mention of the demolition of the single garage at the rear of the property. A neighbouring garage conversion was forced to retain the up-and-over garage door to ensure the property was "in keeping" with the other properties in the close. Why does this rule not apply to this application?</p> <p>The removal of the garage only provides parking for 2 vehicles, which means additional vehicles will be adding to an already overcrowded close.</p> <p>The new extension side wall clearly exceeds the property boundary and protrudes into the footpath, our public right of way.</p> <p>The public right of way was illegally obstructed and impassable for approximately a year while building work took place.</p> <p>7 sets of appliances will place a heavy load on the electrical circuits. Has this load been calculated and authorised by the relevant authorities?</p> <p>7 to 14 people will have a big impact on the drains and sewage system; a system that is already under strain and has received many visits to resolve blockages in the past.</p> <p>Shrubhill Common is a nature conservation area and the comings and goings of up to 14 people will have a detrimental effect on the wildlife of birds, foxes and protected badgers, especially as #40 is adjacent to the wooded area of Shrubhill.</p> <p>4/01425/19/FHA was refused due to loss of light to the neighbouring properties. Superficial changes to the design led to permission being granted (4/01890/19/FHA ). However, I think allowing a 2nd storey extension still robs too much light from other properties.</p> <p>My opinion is that the developer is driven by greed with a total disregard for Council Planning, the current community of residents, and the effect on amenities and services. This application should be REFUSED.</p>
<p>56 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>The fact that the owner has gone ahead and completed the works before applying for permission is more than enough reason for the council to decline his modified application.</p>
<p>10 Valleyside Hemel Hempstead Hertfordshire HP1 2LN</p>	<p>I object to the change in occupancy. 5 bedsits was bad enough but 7 studio flats is ridiculous. There is not enough parking and this is a quiet cul-de-sac. The increase in traffic will endanger children and pets, there is insufficient parking for all these additional residents and 7 studio apartments is quite simply greed and gives no consideration for local residents.</p>

# Agenda Item 5b

ITEM NUMBER: 5b

21/01483/FUL	Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping.	
Site Address:	45 - 46 Chesham Road Bovington Hertfordshire HP3 0EA	
Applicant/Agent:	c/o agent	Mr Mark Westcott
Case Officer:	James Gardner	
Parish/Ward:	Bovington Parish Council	Bovington/ Flaunden/ Chipperfield
Referral to Committee:	Contrary view of Bovington Parish Council	

## 1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

## 2. SUMMARY

2.1. The location of the development site (within the established settlement of Bovington) is an acceptable location for residential development, in accordance with Policy CS4 of the Dacorum Core Strategy.

2.2. In design terms it is considered that the proposed dwellings would preserve the attractiveness of the streetscape and satisfactorily integrate with the streetscape character.

2.3. The development has been considered by the Highway Authority in terms of both highway capacity and highway safety. No objections have been raised on either ground.

## 3. SITE DESCRIPTION

3.1. The application site is located on the southern side of Chesham Road, within the Large Village and residential area of Bovington, and comprises of two bungalows set in generous plots. Both are set back from the highway behind mature landscaping and are externally finished in render with hipped roofs. Off-road parking is provided to the frontage.

Chesham Road is of mixed character with no single style of architecture and includes gable roofs, hipped roofs, forward projecting gables, pitched roof dormers, flat roofed dormer, wall dormers and fenestration of varying types. External materials include various types of brick, smooth painted render, pebble-dash render, timber cladding, UPVC cladding and hanging tiles.

The predominant typology on the southern side of the road is bungalows and chalet bungalows, but there are also examples of two-storey dwellings. The northern side, by contrast, is more mixed and includes a greater number of two-storey dwellings.

## 4. PROPOSAL

4.1. Planning permission is sought for the demolition of the existing bungalows and the construction of eight semi-detached dwellings with associated access, parking and landscaping.

## 5. PLANNING HISTORY

Planning Applications (If Any):

None relevant.

## **6. CONSTRAINTS**

CIL Zone: CIL2

Large Village: Bovingdon

NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

Residential Area (Town/Village): Residential Area in Town Village (Bovingdon)

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 (2021)

Dacorum Core Strategy 2006-2031 (adopted September 2013)

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

Relevant Policies

### Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 – Quality of the Public Realm

CS17 – New Housing

CS18 – Mix of Housing

CS19 – Affordable Housing

CS29 - Sustainable Design and Construction

CS31 – Water Management

CS32 – Air, Soil and Water Quality

CS35 – Infrastructure and Developer Contributions

### Dacorum Local Plan

Policy 10 – Optimising the Use of Urban Land

Policy 12 - Infrastructure Provision and Phasing

Policy 13 - Planning Conditions and Planning Obligations

Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 129 – Storage and Recycling of Waste on Development Sites

Supplementary Planning Guidance/Documents:

Parking Standards Supplementary Planning Document (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Manual for Streets (2007)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

Policy and principle justification for the proposal;  
Mix of housing  
Density considerations  
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 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, the proposal must be considered against the Framework's presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF. 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 as a whole.

9.3. The application site is located within Bovingdon wherein, in accordance with Policy CS4 of the Dacorum Core Strategy, appropriate residential development is acceptable.

9.4. The principle of residential development on this site is therefore acceptable subject to compliance with the relevant local and national planning policies.

### Mix of housing

9.5. Policy CS18 of the Core Strategy states that new housing development will provide a choice of homes. This will comprise a range of housing types, sizes and tenure; housing for those with special needs and affordable housing in accordance with Policy CS19.

9.6. Saved Policy 18 of the Dacorum Local Plan states that the development of a range of dwellings (size and type) will be encouraged. Regard will be paid to the need to provide accommodation for new, small households and the floor area of individual buildings.

9.7. The mix of dwellings is outlined below:

Plot no.	Unit Size (m2)	No. Bedrooms	Type
1	80.8	2	Semi-detached
2	115.4	3	Semi-detached
3	140.7	3 (+ 1 study)	Semi-detached
4	111	2 (+ 1 study)	Semi-detached
5	153.6	4	Semi-detached
6	128.7	3 (+ 1 study)	Semi-detached
7	128.7	3 (+ 1 study)	Semi-detached
8	153.6	4	Semi-detached

9.8. It is considered that the above strikes an appropriate balance of dwelling types, catering for a range of family sizes and compositions.

### **Density Considerations**

9.9. Policy 10 of the Dacorum Local Plan is of relevance and states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.

9.10. Policy 21 of the Dacorum Local Plan states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available.

9.11. The policy further states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Higher densities will, however, generally be encouraged in urban areas at locations where services and / or 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.

9.12. The application proposes eight residential units on a 0.19 hectare site, giving a density of approximately 42 dwellings per hectare (dph). The density is broadly similar to that approved at 49 Chesham Road (19/02696/FUL), where a density of 39.22 dph was deemed acceptable.

9.13. Density is but one factor in determining whether a planning application is acceptable. Whilst it is true that the development represents a considerable increase in density compared to what currently exists on the site, it must be borne in mind that the existing dwellings were built at an extremely low density (approximately 10 dph).

9.14. What density does not do is give a realistic indication of visual impact. In the case of the proposed development, 50% of it would be located to the rear of the site and therefore have a very limited visual presence from public vantage points, views being restricted to the relatively narrow field of vision along the centrally located access road.

9.15. In summary, the proposed density is in accordance with Policy 21 of the Dacorum Local Plan and the increase can be said to optimise the use of available land and is thus in accordance with Policy 10 of the Dacorum Local Plan.

### **Quality of Design / Impact on Visual Amenity**

9.16. Policies CS11 and CS12 of the Dacorum Core Strategy state that development should respect the typical density intended in an area, preserve attractive streetscapes, integrate with the

streetscape character and respect adjoining properties in terms of layout, site coverage, height, bulk and materials.

9.17. Appendix 3 of the Dacorum Borough Local Plan states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.

### Layout and Design

9.18. The development comprises of two rows of semi-detached dwellings, Plots 1 – 4 fronting Chesham Road with Plots 5 – 8 being located directly behind and accessed by way of a centrally located estate road.

9.19 The layout makes effective use of the available land and is what is commonly known as backland development; in particular, plot amalgamation. Plot amalgamation is described (at 2.6.5) in the introduction to the Area Based Policies associated with the Local Plan in the following terms:

*Plot amalgamation may constitute backland development where a series of parts of existing residential plots to the rear of established housing (frequently rear garden areas) are amalgamated to form a development site. This form of housing may be appropriate in certain areas, as indicated in each area policy statement.*

9.20. The south-eastern side of Chesham Road been subject to a several applications which have included plot amalgamation (4/01779/17/FUL, 4/01095/18/FUL, 19/02696/FUL). Planning application 4/01779/17/FUL was allowed on appeal by the Planning Inspectorate, having previously been refused by the Development Management Committee. In the Inspector's decision, he provides his rationale for concluding that the spatial layout of the development would not be injurious to the character and appearance of the area. The pertinent paragraphs have been reproduced below for ease of reference for the committee:

*In both appeals, the site would be established by the amalgamation of the rear gardens which currently serve Nos 50 – 53 Chesham Road. The gardens would represent a large parcel of land albeit land that would be located beyond the Chesham Road frontage. Despite this, when stood within the rear gardens that make up the appeal site, the houses located within Apple Cottages can be readily seen. Many of these houses either back on to or present their gable end to the rear gardens of the houses in Chesham Road. The presence of the houses is therefore an established and defining part of the character and appearance of the area.*

*The proposals would introduce development beyond the Chesham Road frontage. However, the houses would be of a comparable bulk and mass with the houses in Apple Cottages and would be experienced in the context of this existing development. As a consequence, the proposals would be complementary to Apple Cottages and would not appear as an incongruous addition to the rear of the principal houses that front Chesham Road. 19.*

*Both appeal proposals would also introduce a central access road with a turning head and parking area to serve the proposed dwellings. This would result in a marked change to the appearance of the site and would introduce a significant amount of hardstanding. However, it is apparent from the submitted evidence that thought has been given to landscaping through the planting of new trees and hedges, and use of hard surfacing materials. I am therefore satisfied that subject to a landscaping scheme, which could be secured by way of a suitably worded condition, the proposal would not be dominated by the turning area and car parking spaces.*

9.21. The application before the committee is analogous in many respects. Firstly, the houses on Simon Dean to the rear can be readily seen from the gardens of the dwellings located on this part of Chesham Road. Secondly, while the roof structures of Plots 5 – 8 are more bulky than those on Simon Dean, they are not appreciably so; the proposed dwellings remain of two-storey construction. Consequently, it is considered that the principle of a second building line in this location has been established and it is submitted that the layout of this development, which essentially replicates that found at no. 49 Chesham Road (19/02696/FUL), is acceptable.

9.22. Amendments have been made to the front elevation of Plots 1 and 4 during the course of the application. This is in response to comments provided by the Council’s Conservation and Design Officer. Specifically, the Dutch hip has been replaced by a fully hipped roof, significantly reducing the bulk of the roof structure.

9.23. Bovingdon Parish Council have raised concerns regarding the building lines of Plots 1 – 4 being located further forwards than nos. 44 and 47 Chesham. A review of build lines along both sides of Chesham Road was undertaken by the applicant in order to fully understand the relationship between neighbouring properties. In summary, the assessment highlights that there is no consistent build line on the southern side of Chesham Road.

9.24. The area is of mixed character and there is no one overarching design theme. Detached bungalows are prevalent, but these vary substantially in terms of roof form, size and external materials. There are also examples of two-storey dwellings. Drawing nos. PL04a and PL05a (Street Scenes 1 and 2) show the proposed dwellings within the local context. The dwellings are larger than their immediate neighbours, but this situation is not an uncommon one along Chesham Road, where two storey dwellings are interspersed amongst bungalows. It is considered that the scale, form and indicative building materials proposed would ensure that the dwellings sit comfortably within the street scene. Should planning permission be granted, it is recommended that details of materials be reserved by condition.

9.25. An increase in the quantum of development at the site will inevitably result in loss of green space to the frontage, the resultant effect being that the site will appear more developed.

9.26. A comparison has been undertaken between the existing dwellings and those proposed to be located on the Chesham Road frontage. The results are shown in the table below.

<b>Dwelling</b>	<b>Width</b>
45 Chesham Road	9.70m
Plots 1 & 2	10.7m
46 Chesham Road	10.70m
Plots 3 - 4	12.30m

9.27. The results show that there would not be an appreciable increase in the width of built form along the frontage. Drawing no. PL03a indicates that there would be sufficient space to accommodate the proposed number of dwellings without there being a cramped appearance. In terms of spacing, it is acknowledged that there would be a reduction in the gaps between nos. 45 and 44 and nos. 46 and 47, though it is noted that a good level of spacing would be retained (in the region of 2.3 and 3.3 metres, respectively) and that this spacing would, in fact, generally exceed that between the dwelling on the north-western side of Chesham Road.

9.28. Areas of frontage landscaping are shown on the proposed site plan. These are relatively limited, but would help to soften the development to a degree. There may also be scope to

marginally increase the area of landscaping on the frontage. It is therefore recommended that a condition requiring details of a landscaping plan be included with any grant of planning permission.

### Amenity Provision

9.29. Appendix 3 of the Dacorum Local Plan 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 depth of 11.5 metres, although it is acknowledged that a range of garden sizes should be provided to cater for different family compositions, ages and interests.

9.30. Each dwelling would benefit from private amenity space to the rear and provide the level of amenity set out below.

<b><u>Plot No.</u></b>	<b><u>Area of Amenity Space</u></b>	<b><u>Maximum Depth</u></b>
1	51.2m <sup>2</sup>	9.35m
2	50.8m <sup>2</sup>	9.35m
3	58.9m <sup>2</sup>	9.45m
4	61.8m <sup>2</sup>	9.45m
5	95.2m <sup>2</sup>	11.3m
6	76.2m <sup>2</sup>	10.7m
7	76.2m <sup>2</sup>	10.7m
8	87.9m <sup>2</sup>	10.6m

9.31. The average depth of the gardens would be less than the 11.5 metres stated in Appendix 3; however, the plans indicate that they would be highly functional and suitable for a range of uses associated with a residential unit. Furthermore, all but one of the gardens approved under planning permission 19/0266/FUL had depths of less than 11.5 metres and not dissimilar in size to those proposed by this application. Therefore, on balance, the level of amenity space proposed is considered to be acceptable.

### **Impact on Residential Amenity**

9.32. Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.33. Appendix 3 of the Dacorum Local Plan states that Residential development should be designed and laid out so that the privacy of existing and new residents is achieved, with a minimum distance of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another being met in order to ensure privacy.

### Loss of Privacy

9.34. An additional plan (PI15) has been provided by the agent to demonstrate the degree of separation between Plots 5 – 8 and the dwellings located on Simon Dean. It confirms that, in all cases, there would be a separation distance in excess of 23 metres. There are no compelling reasons to require a greater separation distance – i.e. there is no appreciable change in levels.

9.35. The concerns raised by the residents of no. 44 Chesham Road in connection with the potential loss of privacy to the conservatory and nearest first floor window are noted. Regard does, however,

need to be had to the fact that Plot 8 would not be located directly to the rear of no. 44; rather, it would sit within the adjacent plot and thus any overlooking would be oblique in nature. Accordingly, it is not considered that the 23 metre minimum separation distance applies, as this relates to situations where houses are located directly in front or behind one another. Nonetheless, the general provisions of Policy CS12 – i.e. inter alia, avoiding loss of privacy – remain applicable. The site layout indicates that there would be a separation distance in the region of 13-14 metres between the first floor bedroom window of Plot 8 and the nearest ground and first floor windows of no. 44. As a result, it is recommended that a condition requiring the first floor window to be permanently fitted with obscure glazing and non-opening below 1.7 metres be included with any grant of planning permission. While noting that this bedroom is not served by any other windows, given that less time is generally spent in a bedroom than a primary living area – i.e. living room / kitchen etc– it is considered that, on balance, this would be acceptable and any future homeowner would be aware of this at the time of purchase.

9.36. Turning to the impact on no. 47 Chesham Road, the distance between Plot 5 would equate to some 17 metres. Since the angle would be more oblique than that which would exist between Plot 8 and no. 44, it is not considered that a condition requiring the first floor window of Plot 5 to be obscure glazed can be justified. This is a similar relationship to that between one of the new dwellings approved under 19/0266/FUL and no. 48 Chesham Road.

It is acknowledged that the omission of obscure glazing would permit a certain degree of overlooking of the rear garden area of no. 47; however, this would not be materially greater than what could reasonably be expected in an urban area, where mutual overlooking (especially of gardens) is not uncommon.

9.37. The separation distances between Plots 1 – 4 and Plots 5 – 8 equate to approximately 23 metres and thus fully comply with Appendix 3 of Dacorum Local Plan.

#### Visual Intrusion

9.38. There is no statutory planning definition of visual intrusion or whether development is overbearing. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

9.39. It is considered that the dwellings most likely to be affected by visual intrusion are nos. 44 and 47 Chesham Road and nos. 6 – 8 Simon Dean.

9.40. While it is appreciated that the outlook from the rear windows of nos. 44 and 47 will change as a result of the proposed development, their primary views would continue to be directly along the respective gardens. The new development would, of course, still be visible, but owing to the combination of distance, minimal change in levels, and the oblique angle at which it would be located, on balance, it is not considered that the impacts would be so severe as to warrant a refusal of planning permission on these grounds alone. It should also be noted that the nos. 44 and 47 benefit from generous plot widths; therefore, any sense of being enclosed would considerably be minimised.

#### Loss of Sunlight and Daylight

9.41. Appendix 3 of the Dacorum Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings and that significant overshadowing should be avoided. A 45-degree angle of light should also be maintained as a basic minimum to all significant windows of habitable rooms.

9.42. The 45-degree rule as it relates to the nearest ground floor window of no. 44 Chesham Road has been demonstrated on drawing no. PL03a and shows that there is no breach in plan view. While it has not been formally marked on the plan, it is possible to ascertain from drawing no. PL04a that there would be no breach of the 45-degree rule in elevation view. BRE guidance advises that, where there is a breach of the 45-degree rule in both plan and elevation, more detailed tests will be required. In this case, since there has been no breach in either plan or elevation, it is unlikely that daylight and sunlight levels will be adversely affected, as light will continue to be received over the roof and beyond the end of the building. The 45-degree as it relates to the nearest ground floor window of no. 47 Chesham Road has not been demonstrated; however, it is evident from the aforementioned plans that there would be no breach.

9.43. Overshadowing of the garden areas of nos. 44 and 47 Chesham Road has also been considered. The application site is located to the north-east of no. 47 and therefore any overshadowing is likely to be limited to the early morning in the summer months. Conversely, no. 44 is located to the south-west of the application site and is thus likely to experience some impacts from overshadowing. The area of garden affected is likely to be limited in relation to its overall size and, furthermore, consideration also needs to be given to the domestic nature of the proposed dwellings. As a result, on balance, it is considered that the resultant impacts would not be so severe as to warrant a refusal of planning permission.

#### Noise and Disturbance

9.44. Whilst there would be an increase in density at the site, there is no reason to believe that any increase in noise and disturbance from general day-to-day living would be so severe as to be to the detriment of the nearest sensitive residential receptors.

#### Impact on Highway Safety and Parking

9.45. Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon:

- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- the environmental and safety implications of the traffic generated by the development.

9.46. Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things provide a safe and satisfactory means of access for all users and provide sufficient parking and sufficient space for servicing.

#### Highway Safety / Capacity

9.47. The proposal would necessitate the construction of new vehicular accesses onto Chesham Road. The possibility of utilising a dropped kerb instead of a bellmouth for the access road were initially explored, but the Highway Authority subsequently came to the view that a bellmouth would be preferable. The locations of the dropped kerbs to serve Plots 1 – 4 have not been illustrated on the submitted plans; however, the Highways Officer is satisfied with the level of detail provided, noting that the specific details will be ironed out when the S278 agreement between the developer and the Highway Authority is entered into.

9.48. It would not be possible for the residents utilising the parking spaces associated with Plots 1 – 4 to turn and exit the site in a forward gear if they had driven into the spaces. Whilst the Highway Authority generally do not approve of such an arrangement, no objections were raised by them in respect of similar applications along Chesham Road (4/01779/17/FUL & 19/0266/FUL). Coupled

with a lack of accident data for the area, they are of the view that this proposed arrangement is acceptable in this instance.

In terms of capacity, analysis carried out by the applicant's transport consultant indicates that the site is likely to generate a very limited number of additional vehicle movements – an increase of four and three trips above the existing vehicle trip generation in the morning and evening peaks. The Highway Authority has raised no concerns concerning this aspect, noting that the construction of eight dwellings (a net increase of six) is unlikely to significantly affect the free and safe flow of traffic on the highway.

9.49. No objections have been raised by the Highway Authority subject to the inclusion of a number of conditions and informatives. It is considered that the development is acceptable in terms of both safety and that there is sufficient highway capacity to absorb any marginal increase in demand caused by the development.

#### Manoeuvrability

9.50. Swept path analysis has been provided (see Appendix C of the Transport Statement) to demonstrate that a fire tender, refuse freighter, delivery vehicle would be able to enter and exit the site in a forward gear. Swept path analysis has also been provided, which shows a Skoda Octavia accessing a number spaces within the development.

9.51. Paragraph 8.2 of the Parking Standards SPD, drawing on The 'Roads in Hertfordshire: Highway Design Guide, states that parking spaces should measure 2.4m x 4.8 metres and that *'Turning areas shall be in accordance with the guidance in Manual for Streets'*.

9.52. The parking bays will measure 2.4 metres (W) x 4.8 metres (D) and sufficient space (6 metres) would be retained between rows of spaces in order to ensure sufficient manoeuvrability.

9.53. Section 7.2.2 of Manual for Streets (MfS) states that carriageway widths should be appropriate for the particular context and uses of the street. In determining an appropriate width, regard should be had to such matters as:

- the volume of vehicular traffic;
- the traffic composition; and
- whether parking is to take place on the carriageway

9.54. MfS illustrates the type of vehicles various carriageway widths can accommodate. Carriageway widths of 4.1 metres are sufficient to permit two cars to pass one another with care, while carriageway widths of 4.8 metres will allow cars to pass one another with relative ease, and larger vehicles with care.

9.55. The proposed estate road measure approximately 4.55 metres. This is considered sufficient for the likely flow and type of vehicles that will be accessing the development.

#### Fire Access

9.56. Hertfordshire Highways are satisfied the fire safety access provision. As such, a specific enquiry was not forwarded to the Fire Officer at Hertfordshire Fire and Rescue.

#### Parking Provision

9.57. Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing.

9.58. The Parking Standards Supplementary Planning Document was formally adopted on 18<sup>th</sup> November 2020 and advocates the use of a ‘parking standard’ (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.

9.59. Section 6 of the Parking Standards Supplementary Planning Document states that:

*The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are ‘standards’ - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.*

....

*Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.*

9.60. The application site is located within Accessibility Zone 3 wherein the expectation is that the following parking provision would be achieved:

2 bedrooms	Allocated	1.5
	Unallocated	1.2
3 bedrooms	Allocated	2.25
	Unallocated	1.8
4 bedrooms	Allocated	3.00
	Unallocated	1.80

9.61. The first step in calculating parking requirement for new development is to establish the number of bedrooms within the respective dwellings. In this case, there is some question as to the whether the rooms identified as studies and shown on the floorplans in respect of Plots 2, 3, 4, 6 and 7 should be considered as bedroom space.

9.62. The studies do not provide the necessary floor area and dimensions to count as a single bedspace as defined in the National Described Space Standards. Paragraph 6 of the space standards states that:

*Relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard.*

9.63. It is submitted that calculating parking requirement based on a document which itself states that it does not imply actual occupancy, or define the minimum size for any particular type of room, is not the correct approach. Rather, in the first instance, it is appropriate to refer to the car parking standards themselves.

9.64. The Parking Standards SPD does not provide a methodology to define bedrooms. The way in which this is established is therefore a matter for the decision maker. One approach would be to have regard to the location of the room within the dwelling and, having established that the location is appropriate, ascertain whether it would be physically capable of accommodating a bed. For

reference, a single bed has a measurement of approximately 2m x 0.95m and thus all but one of the studies would be capable of functioning as bedroom space.

9.65. The above notwithstanding, it must be acknowledged that the pandemic has fundamentally changed the ways in which people work, and it is not therefore unreasonable to conclude that the provision of studies would make these dwellings more desirable to those wishing to work from home on a permanent or semi-permanent basis. It follows that a room used in such a way would be unlikely to serve a dual function (i.e. office and bedroom space), thereby calling into question whether the room should be treated as a bedroom for the purposes of calculating car parking requirements. The most likely scenario is, perhaps, a mixture of the two: some rooms designated as offices will be used for that purpose while others will be used as bedroom space.

9.66. Proceeding on the basis that it is not appropriate to treat the studies as bedroom space, the development would give rise to a parking requirement of 18 spaces. By contrast, if the studies (excepting the extremely small one in Plot 2) were considered to constitute bedroom space, there would be a parking requirement of 21 spaces. The proposed site layout shows 19 parking spaces inclusive of two visitor spaces. Accordingly, there would be a surplus of one space or a deficit of two spaces depending on which approach is taken, and assuming that the visitor spaces were allocated to specific plots.

#### Appropriateness of Parking

9.67. Where a proposed development complies with the parking standards it follows that there would be an acceptable level of parking. Where the development falls short of the required parking standards, it is necessary to consider whether there are extenuating circumstances which justify approving the development.

9.68. Paragraph 6.10 of the Parking Standards SPD provides a list of instances where changes to the standards might be appropriate. These include where the '*nature, type and location of the development proposed is likely to make this acceptable.*'

9.69. In determining whether the extenuating circumstances are sufficient to justify the development, it is submitted that a reasonable approach is to have regard to the extent of any deficits. If the deficit is large, then, naturally, the level of justification will need to be commensurately large. If, on the other hand, the deficit in provision is relatively minor, it follows that the level of justification needed to support the development will be less. The deficit in this case would equate to two spaces.

9.70. Given the relatively small deficit, the modest size of the rooms (making them more likely to be used by children) and the fact that the shops and services on Bovingdon High Street are a short walk away, it is considered that, on balance, the level of parking can be justified.

9.71. Taking the alternative approach – i.e. that there would be an overprovision of parking – it is not considered that an overprovision of one space would be so detrimental to the promotion of alternative means of transport as to warrant a refusal of planning permission on these grounds alone.

#### Visitor Parking

9.72. Paragraph 6.6 of the Parking Standards SPD states that visitor parking is included in the residential standards, although does allow the Council to request an assessment and additional provision in certain circumstances.

9.73. Appendix A specifically refers to visitor parking standards of C3 dwellings for schemes of 10 units or more. As such, whilst it is open to the Council to request visitor parking where on-street parking stress is very high, it is not considered that visitor parking forms an obligatory additional element of residential developments of less than 10 units. The proposed site plan shows two visitor spaces located to the rear of Plots 2 and 3; yet, since the assessment earlier in this report included these in the overall provision, it would not be appropriate to count them as visitor spaces as well.

9.74. In light of the size of the development it is considered that, on balance, no special provision need be made for visitor parking.

#### Electric Vehicle (EV) Charge Points

9.75. The Parking Standards Supplementary Planning Document requires one active charge point per dwelling.

9.76. Should planning permission be granted, a condition will be included to require the provision of charge points prior to first occupation of the new dwellings.

#### Conclusion

9.77. The Highway Authority are satisfied that there would be no adverse impacts on highway or pedestrian safety and that there is sufficient capacity in the local highway network.

9.78. Depending on how the offices are assessed, parking levels are either marginally in excess of or marginally below the parking requirements set out in the Parking Standards Supplementary Planning Document. However, for the reasons outlined in the parking section above (i.e. modest size of offices, proximity to shops and services in Bovingdon, and small parking deficit), it is considered that there is justification for a reduction in the parking standards on this occasion, in accordance with the first exception in paragraph 6.10 of the Parking Standards SPD.

9.79. The development is therefore considered to accord with Policies CS8 and CS12 of the Dacorum Core Strategy, the Parking Standards Supplementary Planning Document (2020) and saved Policy 51 of the Dacorum Local Plan and the NPPF.

#### **Other Material Planning Considerations**

##### Land Contamination

9.80. The Council's Scientific Officer has been consulted and, subject to the inclusion of a contaminated land 'discovery' condition, has no objections to the application being approved.

##### Sustainable Urban Drainage Systems (SUDS)

9.81. A drainage strategy has been submitted in support of the application and has been subject to comment by the Lead Local Flood Authority (LLFA).

9.82. SUDS seek to retain water in the natural environment so far as is practicable in order to maintain the natural flow of water into the ground and reduce the erosion of underground infrastructure. The aims and objectives of Policy CS31 of the Dacorum Core Strategy seek, amongst other things, to retain water in the natural environment, minimise water run-off and secure opportunities to reduce the cause and impact of flooding.

9.83. Due to the site being overlain with clay, which retains water and is a poor drainage medium, it is not appropriate for the site to be drained by soakaways. The possibility of deep bore soakaways being utilised has also been considered and discounted owing to the level of development on site.

The applicant is therefore proposing to discharge into the Thames Water foul network at a rate of 2/l/s, with the LLFA commenting that:

*As detailed within the LLFAs previous advice, the applicant therefore needs to obtain approval from the operating Water and Sewerage Company for the area (Thames Water) that they are happy to accept discharge of surface water into the foul network. The applicant needs to provide a pre-planning enquiry from Thames Water demonstrating that they accept surface water discharge into foul, with the exact discharge rate specified for surface water into foul.*

9.84. Subsequently, the applicant's drainage engineer contacted Thames Water to query whether a discharge rate of 2 l/s into the foul sewer would be acceptable, who responded as follows:

*In principle, your proposals are acceptable. Please note that as part of the planning process, we look for confirmation from the Local Lead Flood Authority that they are satisfied that the drainage strategy is in line with their local policies.*

9.85. There is therefore a feasible means of draining the site. Should planning permission be granted, it is recommended that conditions be included requiring further details of the drainage strategy and details of how long-term maintenance will be dealt with.

#### Impact on Trees and Landscaping

9.86. An arboricultural report and tree protection plan form part of the application submission. Three trees (G1) will need to be removed from the site frontage in order to facilitate the provision of parking and vehicular access to the rear of the site. The trees scheduled for removal have been described by the arboriculturist as of 'low quality or unremarkable 'C' Category trees as set out in BS 5837:2012.' As a result, no concerns are raised with regard to their removal.

9.87. There would be some incursion into the root protection area (RPA) of T4 Beech, which is located off site in the garden of no. 44 Chesham Road. Hard landscaping is to be introduced into 14% of the RPA and as such, 'no dig' methods are proposed in order to ensure the stability and long-term viability of the tree. The construction of Plot 8 would result in an incursion of 10% into the RPA of T4 – a level which can be considered significant. It will therefore be necessary for specialised foundations to be used, the full details of which are yet to be finalised. It is therefore recommended that any grant of planning permission include a condition requiring the submission of foundation design prior to the construction of Plot 8, with a further condition requiring the implementation of the tree protection measures set out in the arboricultural report.

9.88. While the gardens are not especially large, there is scope for tree planting. This is a matter that can be fully addressed in a landscaping scheme to be agreed post decision assuming that the application is granted.

9.89. Subject to the inclusion of the conditions referred to above, the development would be in accordance with Policy CS12 of the Dacorum Core Strategy and Policy 99 of the Dacorum Local Plan.

#### Ecology

9.90. Paragraph 174 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.

9.91. Paragraph 180 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

9.92 Policy CS26 of the Dacorum Core Strategy 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.

9.93. An Ecological Impact Assessment comprising of a Preliminary Ecological Appraisal and a Preliminary Bat Roost Assessment has been submitted in support of the application. In summary, no evidence of European protected species, including bats, was found during the course of the surveys.

9.94. Hertfordshire Ecology were consulted during the course of the application and advised that the Hertfordshire Environmental Records Centre have no information on habitats or species specific to this site. They note that the site contains typical gardens which do not contain any noteworthy species or habitats. Whilst partial loss of the garden areas is regrettable, the ecological report includes recommendations for ecological enhancement. These include four integrated bat boxes, three Sparrow Terraces, provisions for hedgehogs and recommended planting. Should planning permission be granted, it is recommended that a condition requiring the submission of a bio-diversity mitigation / enhancement scheme be included with any grant of planning permission, enabling the specific locations of the mitigation / enhancements to be agreed.

#### Waste Management

9.95. The Council's Waste Controller has provided general comments. There would be sufficient space to present two wheelie bins on the site frontage for Plots 1 – 4, and there is sufficient manoeuvrability, as demonstrated on the swept path analysis, for a refuse freighter to access the rear-most dwellings.

#### Permitted Development

9.96. Paragraph 53 of the NPPF states that "*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*".

9.97. More detailed guidance is found within the NPPG, where it states:

*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.*

Given the modest size of the amenity space demised to each dwelling, it is considered appropriate to remove Class A and Class E permitted development rights, so as to ensure that a satisfactory and functional area of amenity is retained. The removal of Class B permitted development rights is also

justified on the basis that the creation of additional rooms in the roof space, for which there is no parking, has the potential to cause localised parking issues. C

### Affordable Housing

9.99. The quantum of development is not sufficient to trigger the requirement for affordable housing contributions.

### Response to Neighbour Comments

9.100. These points have been addressed above other than:

- Trees removed prior to submission of planning application.
- Prevalence of vehicular accesses along short stretch of road.
- Eight houses replacing two modest bungalows represents overdevelopment.
- Lack of affordable housing.

9.101. Each of these points shall be considered in turn.

### *Removal of trees*

9.102. The trees removed prior to the submission of the application were not subject to a Tree Preservation Order (TPO) and therefore the permission of the Council was not required for these works. Furthermore, no information is available regarding the quality of these trees.

9.103. Two trees are to be retained on site and a landscaping condition will require details of planting, which will need to include trees. While the gardens of the proposed dwellings are not especially large, it is considered that they would be capable of accommodating small ornamental trees – e.g. Hybrid cherry, hybrid holly etc.

### *Vehicular Accesses*

9.104. The Highway Authority have considered the access arrangements in full and raised no objection to the proposed development. Most, if not all, of the dwellings in the vicinity of the application site have their own individual accesses, all of which appear to operate without issue. It is unlikely therefore that the proposed dwellings would cause issues.

### *Overdevelopment*

9.105. Eight houses are proposed to replace two modest bungalows. However, these bungalows occupy very generous plots and are built at an extremely low density. The eight houses would have a density well within the range specified as being acceptable in Policy 21 of the Dacorum Local Plan; yet, irrespective of the mathematical calculation, given that there is sufficient space to accommodate the number of dwellings and all necessary associated areas – i.e. landscaping, gardens, parking, circulation space, adequate spacing between new and existing development – it is submitted that the proposed development does not represent overdevelopment of the site.

### *Lack of Affordable Housing*

9.106. The application does not include any affordable housing as it is not of sufficient scale to be required to do so. There would be no loss of affordable housing, either, for while the existing bungalows are indeed relatively modest in size, their location is such that they would almost certainly attract a sales price in excess of what many would consider to be affordable.

## Community Infrastructure Levy (CIL)

9.107. 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.

## **10. PLANNING BALANCE**

10.1. The proposal would result in a net gain of six dwellings, optimise the use of urban land, and make a contribution toward addressing the borough's housing need while also supporting local shops and services within Bovingdon.

10.2. There would be a change to the outlook for the surrounding dwellings, most notably Nos. 44 and 47 Chesham Road; but, as outlined in the report, the impacts of the development are not considered to be so severe as to warrant a refusal of planning permission.

## **11. CONCLUSION**

11.1. The proposed development will deliver planning benefits in terms of the delivery of housing, which weighs significantly in favour of the grant of planning permission and has been designed to be sympathetic to its surroundings.

11.2. Accordingly the proposal is considered to comply with the aims and objectives of the NPPF and should be granted planning permission in accordance with paragraph 11.

## **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:**

<b>PL03</b>	<b>Rev. A</b>	<b>Proposed Site Plan</b>
<b>PL04</b>	<b>Rev. A</b>	<b>Street Scenes 1</b>
<b>PL05</b>	<b>Rev. A</b>	<b>Street Scenes 2</b>
<b>PL07</b>	<b>Rev. A</b>	<b>Plots 1 and 2 Proposed Floor Plans</b>
<b>PL08</b>	<b>Rev. A</b>	<b>Plots 1 and 2 Proposed Elevations</b>
<b>PL09</b>	<b>Rev. A</b>	<b>Plots 3 and 4 Proposed Floor Plans</b>
<b>PL10</b>	<b>Rev. A</b>	<b>Plots 3 and 4 Proposed Floor Plans</b>
<b>PL11</b>		<b>Plots 5 and 6 Proposed Floor Plans</b>
<b>PL12</b>		<b>Plots 5 and 6 Proposed Elevations</b>

PL13 Plots 7 and 8 Proposed Floor Plans  
PL14 Plots 7 and 8 Proposed Elevations  
PL15 Proposed Site Plan Relationship with Simon Dean

Arboricultural Impact Assessment Dated February 2021  
Arboricultural Method Statement Dated: February 2021  
TPP/4546CRBH/010 A Tree Protection Plan

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

3. **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 dwellings hereby permitted have been and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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).

INFORMATIVE: Please do not send materials to the Council offices.

4. **No development above slab level 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
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

**The hard landscape works shall be carried out in accordance with the approved particulars prior to first occupation of the dwellings hereby approved.**

**The approved soft landscaping shall be planted 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 2 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).

5. **No development above slab level shall take place until detailed drawings showing the location of the dropped kerbs to serve Plots 1 - 4 have been submitted to and approved in writing by the local planning authority.**

**The dropped kerbs shall be constructed in accordance with the approved particulars prior to first occupation of Plots 1- 4.**

Reason: To ensure satisfactory access into the site and that the works are designed to an appropriate standard, in the interests of highway safety and in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004).

6. **Plots 5 - 6 of the development hereby approved shall not be occupied until the bellmouth access onto Chesham Road has been constructed in accordance with drawing no. PL03 (Rev. A).**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

7. **Prior to the first occupation of the development hereby permitted arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway. These arrangements shall be retained and maintained in perpetuity.**

Reason: To minimise water runoff in accordance with Policy CS31 of the Dacorum Core Strategy (2013).

8. **Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning areas shall be laid out, demarcated and surfaced in accordance with the approved plans and retained thereafter available for that specific use.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

9. **Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on drawing number PL03 (Rev. A). 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 satisfactory access into and out of the site and that the works are designed to an appropriate standard, in the interests of highway safety and in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004).

10. **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;
  - 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 Policy 55 of the Dacorum Local Plan (2004)

11. **Prior to occupation of the dwellings 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 dwellings shall not be occupied until these measures have been provided.**

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. **Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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: Identifying Potentially Contaminated Material

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

Informative:

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. The above condition is considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

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.

13. **The window serving Bedroom 1 (as shown on drawing no. PL13) at first floor level on the front elevation of Plot 8 shall be non-opening and permanently fitted with obscure glass (minimum of level 3 on the Pilkington scale).**

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 130 (f) of the National Planning Policy Framework (2021).

14. **Notwithstanding the submitted details, no development (exception demolition and site clearance) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**A full detailed drainage design and surface water drainage assessment should include:**

- I. **A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.**
- II. **Full detailed design drainage plan including location of all the drainage features.**
- III. **Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests; carried out at the location and depths of the proposed infiltrating features.**
- IV. **Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations and/or 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.**
- V. **Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.**
- VI. **Discharge from the site should be at an agreed rate with the water company. This should be at Greenfield run-off rate; justification will be needed if a different rate is to be used.**
- VII. **An indicative maintenance plan detailing how the scheme shall be maintained and managed.**

Reason: A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the proposed development are unknown. This should be provided to prevent the increased risk of flooding, both on and off site. This is in order to comply with Policy CS31 of the Dacorum Core Strategy (2013).

15. **Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority.**

**The management and maintenance plan shall include:**

- 1. Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.**
- 2. Arrangements for reasonable and practical measures to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy CS31 of the Dacorum Core Strategy (2013).

16. **The development shall be carried out fully in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated February 2021, and the Tree Protection Plan (drawing no. TPP/4546CRBH/010 A).**

Reason: To ensure on and off-site retained trees are afforded adequate protection during the course of the demolition and construction phases of the development, in accordance with Policy CS12 of the Dacorum Core Strategy (2013), Policy 99 of the Dacorum Local Plan (2004) and the Town and Country Planning Act 1990, which places a duty on local planning authorities to make provision for the protection of trees within their jurisdiction.

17. **Notwithstanding the submitted details, no development in respect of Plot 8 shall take place until specialised foundation designs for the protection of T4 Beech have been submitted to and approved in writing by the local planning authority.**

**Construction shall take place in accordance with the approved particulars.**

Reason: To protect the root system of the off-site tree and ensure its long term health, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 99 of the Dacorum Local Plan (2004).

18. **No development above slab level shall take place until a plan (including a timetable for implementation) showing the location of the biodiversity mitigation / enhancement measures outlined at paragraphs 7.2.2.3.2, 7.2.2.3.3, 7.2.2.3.4 and 7.2.2.3.5 of the Ecological Impact Assessment has been submitted to and approved in writing by the local planning authority.**

**The enhancement measures shall be implemented in accordance with the approved particulars.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2021).

19. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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, B and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of future residents, in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

**Informatives:**

1. 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.
2. 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.
3. 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.
4. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
5. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The Applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
6. 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.
7. 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.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>We have been re-consulted on this application.</p> <p>The changes to the plans are not significant and therefore our previous comments still stand.</p>
Parish/Town Council	<p>11/06/21</p> <p>The comments submitted following our Planning Committee meeting held on 26 April 2021 still remain. That is - 'Object - over development of site. The houses fronting Chesham Road are in front of the existing building line.' In addition there are concerns about people having to reverse onto the Chesham Road, which is reportedly the busiest 'B' road in the county.</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 subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular accesses (dropped kerbs) shall be shown on detailed drawings in accordance with the HCC Highways Design guide. 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.</p> <p>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).</p> <p>2) Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number PL03. 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.</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>3) 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</p>

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) 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. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN 2) 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

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AN 3) 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.

AN 4) 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](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx) or by telephoning 0300 1234047.

#### Comments

The amended plans are for a change in roof height and other changes in terms of the houses themselves. The highway network both internal and external have no amendments within this proposal. Therefore, please find previous comments below in relation to HCC Highways

response.

The proposal is for the demolition of the existing bungalows, construction of 8 semi detached houses and associated access, parking and landscaping at 45 - 46 Chesham Road, Bovingdon. Chesham Road is a 30 mph classified B secondary distributor route that is highway maintainable at public expense. HCC Highways previously requested that the applicant illustrate the possibility of dropped kerbs instead of a bell mouth with adjacent dropped kerbs. This has since been provided to HCC Highways which will be included within this response.

#### Vehicle Access

The application is proposing that there will be a new bellmouth with a private route that will lead to a hardstanding for access to 4 dwellings at the rear. The remaining 4 dwellings will be accessed by proposed dropped kerbs directly onto Chesham Road. These dropped kerbs have not been definitively illustrated within drawings which is the reason for condition 1 above. However, a similar development (ref: 19/02696/FUL) within Chesham Road has 3 dropped kerb adjacent the bellmouth which is what is deemed to be provided with this development. Normally, HCC Highways would not allow accesses onto a secondary distributor route without the possibility of vehicles turning to enter the highway in forward gear. However, owing to previous similar developments within Chesham Road (ref: 4/01779/17/FUL & 19/02696/FUL) not having any objection from HCC Highways and the lack of accidents associate with the adjacent highway, HCC Highways feels that it is not required for this development. As per informative 1, HCC Highways requires a section 278 agreement for work carried out on the highway. I would recommend that a stage 1 safety audit be included within the s278 agreement to ensure that the accesses are safe in relation to the adjacent highway.

As noted previously, the applicant did provide drawings illustrating the possibility of dropped kerbs instead of a bellmouth. However, having investigated the drawings and read the applicants email, I believe that the marginal benefits to the street scene in relation to dropped kerbs as opposed to a single bellmouth with dropped kerbs are minimal compared to the loss of parking. Therefore, the original plans are probably the best solution in regards to previously granted applications near this specific site. The finer details of the dropped kerbs and bellmouth will be ironed out at the s278 stage.

The 8 dwellings are unlikely to greatly impact the free and safe flow of traffic on the adjacent highway.

### Drainage

The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new private route and the new driveway would need to be collected and disposed of on site.

### Why a Construction Management Plan?

A construction management plan (CMP) is required owing to the adjacent highway classification and the sizeable development associated with this site. The CMP will ensure that works for the site will not impact the adjacent highway network in any way and ensure that Highway safety is met.

### Sustainability

The development is located near Bovingdon town centre which has local amenities such as job opportunities, food shops and leisure venues. The nearest bus stop is 360 metres which has links to the nearby Hemel Hempstead and its railway station. The site is considered to be in a sustainable location in terms of transport and therefore agrees with policies stipulated in HCC Highways Local Transport Plan (adopted 2018).

### Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

### Emergency vehicle access

The proposed dwellings are 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'. Swept paths for a large fire appliance manoeuvring on site can be seen within drawing number SP04.

### Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and

	<p>conditions.</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for re-consulting us on the above application for the proposal: Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping at 45 - 46 Chesham Road, Bovingdon, Hertfordshire, HP3 0EA.</p> <p>As this is a minor application, the LLFA are not statutory consultee, however we are happy to provide advice to the LPA.</p> <p>The applicant has provided the following additional information:</p> <ul style="list-style-type: none"> <li>o Email from the LPA with additional paragraphs from the applicant dated 13 May 2021.</li> </ul> <p>The applicant has supplied the following information in support of the application:</p> <p>45-46 Chesham Road, Bovingdon, Below Ground Drainage Report, dated 26/03/2021, Project No. 9279, Doc Ref. 9279-ES-BGD-2, Rev. 2, prepared by Edge Structures</p> <ul style="list-style-type: none"> <li>o Site Plan Drawing, Project No. 9279 - 45-46 Chesham Road, Bovingdon, Sheet No. SK-001-RevC - Below Ground Drainage Scheme, dated 10/03/21, prepared by Edge Structures</li> <li>o Site Drainage Operation &amp; Maintenance, Project No. 9279, prepared by Edge Structures</li> </ul> <p>With regards to justification of the proposed discharge method, the applicant has detailed how the site is overlain with clay which is considered a very poor drainage medium. Therefore, the site is not considered a suitable candidate for shallow soakaways. The applicant also detailed concerns regarding dissolution features for deepbore infiltration into the chalk. Due to the high development on site and constrained development of the site deepbore soakaways have therefore not been considered.</p> <p>As detailed within the LLFAs previous advice, the applicant therefore needs to obtain approval from the operating Water and Sewerage Company for the area (Thames Water) that they are happy to accept discharge of surface water into the foul network. The applicant needs to provide a pre-planning enquiry from Thames Water</p>

	<p>demonstrating that they accept surface water discharge into foul, with the exact discharge rate specified for surface water into foul. The applicant is proposing a rate of 2l/s, as discharge to the foul network is at the bottom of the discharge hierarchy this rate needs to be as low as practicably possible (for this site, the QBAR rate of 1.2l/s). The applicant should obtain the pre-planning enquiry from Thames Water for the exact rate and understand if Thames Water are able to accept 2l/s.</p> <p>As noted previously, the applicant has used the incorrect allowance for climate change, as this is a residential development, a 40% allowance for climate change needs to be used. This is in accordance with the climate change allowances for the peak rainfall intensity events. The applicant has detailed how the 1 in 100 year plus 40% event can be contained on site when allowing for on-site informal management in the car park, however supporting calculations have not been provided. The calculations and a plan showing how informal areas are to be managed should be provided.</p> <p>We would note, that the entire system is not the most sustainable in terms of SuDS, with a pipe to tank to foul sewer solution. We would recommend provision of features such as permeable paving.</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Thank you for your consultation on the above planning application. I have reviewed the details and information provided. 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>

Parish/Town Council	<p>04/05/21</p> <p>Objection-</p> <p>Over development of site. The houses fronting Chesham Road are in front of the existing building line.</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>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, 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>We would expect the developer to demonstrate what measures will be undertaken 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 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 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a>. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>

	<p>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</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> <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>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>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.</p>
Hertfordshire Highways (HCC)	<p>Decision: Interim</p> <p>The proposal is for the demolition of the existing bungalows, construction of 8 semidetached houses and associated access, parking and landscaping at 45 - 46 Chesham Road, Bovington. This is an interim response owing to the layout of accesses onto Chesham Road which have not been fully</p>

illustrated. HCC Highways would like the applicant to investigate the possibility of a dropped kerb to access the rear properties as opposed to a bellmouth. This is to ensure that the pedestrian environment is impacted as little as possible in accordance with HCC Local Transport Plan Policies 1, 5 and 7 (adopted 2018). The other 7 parking spaces accessing directly onto Chesham Road would need to be accessed via dropped kerb which have not been illustrated on plans as of yet. Any dropped kerb built fronting Chesham Road can only be built to a maximum of 7.2 metres (6 dropped kerbs and 2 risers) in accordance with 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. All dropped kerbs must be separated by a single 900mm normal kerb between the two risers. Therefore, HCC Highways would like to see the arrangement of dropped kerbs onto Chesham Road before a recommendation can be made, these dropped kerbs as per stipulations must not exceed 7.2 metres each and must accommodate for each parking space.

HCC Highways understands that a similar development adjacent this current proposal has been granted by HCC in 2019.

Once this has been investigated and illustrated by the  
06/05/21

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:

1) Prior to the first use of the development hereby permitted the vehicular accesses (dropped kerbs) shall be shown on detailed drawings in accordance with the HCC Highways Design guide. 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).

2) Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number PL03. 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).

3) 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;
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- 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).

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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:

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The 8 dwellings are unlikely to greatly impact the free and safe flow of

traffic on the adjacent highway.

#### Drainage

The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new private route and the new driveway would need to be collected and disposed of on site.

#### Why a Construction Management Plan?

A construction management plan (CMP) is required owing to the adjacent highway classification and the sizeable development associated with this site. The CMP will ensure that works for the site will not impact the adjacent highway network in any way and ensure that Highway safety is met.

#### Sustainability

The development is located near Bovington town centre which has local amenities such as job opportunities, food shops and leisure venues. The nearest bus stop is 360 metres which has links to the nearby Hemel Hempstead and its railway station. The site is considered to be in a sustainable location in terms of transport and therefore agrees with policies stipulated in HCC Highways Local Transport Plan (adopted 2018).

#### Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

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#### Conclusion

HCC has no objections or further comments on highway grounds to the

	<p>proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the documentation submitted with the above planning application, with particular consideration to and having considered the information held the by ECP team I have the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land:</p> <p>Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</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: Identifying Potentially Contaminated Material Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type</p>

	<p>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</p> <p>Informative:</p> <p>The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.</p> <p>The above condition is considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2018.</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>
<p>Conservation &amp; Design (DBC)</p>	<p>Given the nearby precedents quoted, it will be hard to argue that the proposed development isn't without precedent on Chesham Road. The application does however introduce semi-detached houses into a road still mainly characterised by detached houses, and houses of two and a half storeys in a road of mainly single, one and half or low two storey buildings. The front tier is set forward of the neighbouring bungalows, which will accentuate the presence of these larger interventions. The half hip gable ends are also not a feature of the area, where hipped or gable ends are common, and do not, as the D &amp; A statement claims, successfully mediate between the height of the proposed scheme and the far more modest heights of the adjacent bungalows.</p> <p>These all point to the quantum of housing constituting overdevelopment, with the knock on effects of a large hard surface area, rear gated community, loss of greenness (especially screening to the front) cramped amenity spaces, pushing the front ranges too far forward with consequent awkward access onto the busy Chesham road. Because of the restricted floor spaces, all occupiers will seek to extend at the rear, with consequent further loss of amenity space. The street scene does also demonstrate the additional bulkiness of the proposed scheme when compared to the development at 49 Chesham Road.</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for re-consulting us on the above application for the proposal: Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping at 45 - 46 Chesham Road, Bovington, Hertfordshire, HP3 0EA.</p>

As this is a minor application, the LLFA are not statutory consultee, however we are happy to provide advice to the LPA.

The applicant has provided the following additional information:

Email from the LPA with additional paragraphs from the applicant dated 13 May 2021.

The applicant has supplied the following information in support of the application:

45-46 Chesham Road, Bovingdon, Below Ground Drainage Report, dated 26/03/2021, Project No. 9279, Doc Ref. 9279-ES-BGD-2, Rev. 2, prepared by Edge Structures

Site Plan Drawing, Project No. 9279 - 45-46 Chesham Road, Bovingdon, Sheet No. SK-001-RevC - Below Ground Drainage Scheme, dated 10/03/21, prepared by Edge Structures

Site Drainage Operation & Maintenance, Project No. 9279, prepared by Edge Structures

With regards to justification of the proposed discharge method, the applicant has detailed how the site is overlain with clay which is considered a very poor drainage medium. Therefore, the site is not considered a suitable candidate for shallow soakaways. The applicant also detailed concerns regarding dissolution features for deepbore infiltration into the chalk. Due to the high development on site and constrained development of the site deepbore soakaways have therefore not been considered.

As detailed within the LLFAs previous advice, the applicant therefore needs to obtain approval from the operating Water and Sewerage Company for the area (Thames Water) that they are happy to accept discharge of surface water into the foul network. The applicant needs to provide a pre-planning enquiry from Thames Water demonstrating that they accept surface water discharge into foul, with the exact discharge rate specified for surface water into foul. The applicant is proposing a rate of 2l/s, as discharge to the foul network is at the bottom of the discharge hierarchy this rate needs to be as low as practicably possible (for this site, the QBAR rate of 1.2l/s). The applicant should obtain the pre-planning enquiry from Thames Water for the exact rate and understand if Thames Water are able to accept 2l/s.

As noted previously, the applicant has used the incorrect allowance for climate change, as this is a residential development, a 40% allowance

	<p>for climate change needs to be used. This is in accordance with the climate change allowances for the peak rainfall intensity events. The applicant has detailed how the 1 in 100 year plus 40% event can be contained on site when allowing for on-site informal management in the car park, however supporting calculations have not been provided. The calculations and a plan showing how informal areas are to be managed should be provided.</p> <p>We would note, that the entire system is not the most sustainable in terms of SuDS, with a pipe to tank to foul sewer solution. We would recommend provision of features such as permeable paving. Informative to the LPA</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>Hertfordshire Environmental Records Centre has no information on habitats or species specific to this site. However, the application is supported by an ecological survey by Green Environmental Consultants (report date February 2021). This included a Preliminary Roost Assessment which found no bats or evidence of bats and assessed the buildings and trees as having negligible potential as bat roosts. Consequently, no further surveys are required, and bats do not need to be considered as a constraint to this development.</p> <p>Beyond the buildings the site contains typical gardens which were not found to contain any noteworthy species or habitats. I have no reason to disagree with these findings. However, the existing habitats will provide opportunities for commonly occurring fauna and flora typical of such spaces. Their loss to make for the proposed development will result in a reduction of biodiversity on a local scale. The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The ecological report provides recommendations for ecological enhancements in the form of four integrated bat boxes, three Sparrow Terraces', provisions for hedgehogs and recommendations relating to planting. In relation to the latter this should be applied to any planting within shared public spaces and perimeter hedging. I advise these measures are demonstrated on a Landscape and Ecological Management Plan and secured by condition.</p>
Lead Local Flood Authority (HCC)	<p>Thank you for consulting us on the above application for the proposal: Demolition of existing bungalows, construction of 8 semi-detached houses and associated access, parking and landscaping at 45 - 46 Chesham Road, Bovingdon, Hertfordshire, HP3 0EA.</p>

As this is a minor application, the LLFA are not statutory consultee, however we are happy to provide advice to the LPA.

The applicant has supplied the following information in support of the application:

- o 45-46 Chesham Road, Bovington, Below Ground Drainage Report, dated 26/03/2021, Project No. 9279, Doc Ref. 9279-ES-BGD-2, Rev. 2, prepared by Edge Structures
- o Site Plan Drawing, Project No. 9279 - 45-46 Chesham Road, Bovington, Sheet No. SK-001-RevC - Below Ground Drainage Scheme, dated 10/03/21, prepared by Edge Structures
- o Site Drainage Operation & Maintenance, Project No. 9279, prepared by Edge Structures

From a review of the information provided, the proposed drainage scheme is based on underground attenuation storage crates and restricted discharge of surface water into the foul sewer. Discharge of surface water to the foul sewer sits at the bottom of the surface water discharge hierarchy, the applicant has not undertaken any infiltration tests on site to determine if infiltration is a feasible method of surface water discharge. The applicant should undertake BRE Digest 365 compliant infiltration tests for shallow infiltration. If shallow infiltration is proven unfeasible, the applicant could investigate the feasibility of deepbore soakaways on site and undertake falling head tests for deepbore soakage. If deepbore soakage was proposed, we would recommend an intrusive ground investigation to understand the suitability of the underlying strata in addition to contacting the Environment Agency as the site is within Groundwater Source Protection Zone 3.

Currently the applicant has not adequately assessed the discharge hierarchy, only undertaking a desk study rather than the required BRE Digest 365 infiltration tests.

If following ground investigation and compliant infiltration testing, infiltration is shown not to be an effective method of surface water discharge, it is acknowledged that there is not a surface water sewer beneath Chesham Road.

The applicant has not obtained approval from the operating Water and Sewerage Company for the area (Thames Water) that they are happy to accept discharge of surface water into the foul network. The applicant needs to provide a pre-planning enquiry from Thames Water demonstrating that they accept surface water discharge into foul, with the exact discharge rate specified for surface water into foul. As

	<p>discharge to the foul network is at the bottom of the discharge hierarchy this needs to be as low as practicably possible (for this site, the QBAR rate of 1.2l/s); and will only be permissible after the discharge hierarchy has been appropriately assessed.</p> <p>The applicant could also explore rainwater harvesting systems in greater detail, minimising discharge to foul.</p> <p>The applicant has used the incorrect allowance for climate change, as this is a residential development, a 40% allowance for climate change needs to be used.</p> <p>All calculations and modelling will need to be update accordingly considering the above comments.</p> <p>The applicant has detailed how attenuation storage crates are provided below the central car park and below the gardens of Plots 1-4. We would advise the LPA that they should obtain easements on properties for means of access and maintenance for attenuation tanks across plot boundaries for the neighbouring properties. Alternatively, the applicant should minimise the need to cross property boundaries.</p> <p>Provision for above ground storage features such as permeable paving with sub-base has not been provided. All hardstanding is proposed to be of impermeable construction. We would advise that the access road and parking spaces should be permeable paved construction with sub-base. The sub-base will also allow for additional surface water storage, potentially reducing the size of underground cellular storage.</p> <p>Currently there is not adequate management and treatment of surface water from the access road and parking spaces, the provision of permeable paving would provide appropriate treatment.</p> <p>Informative to the LPA</p> <p>We are happy to provide comments on any further information submitted by the applicant.</p> <p>Please note, if the LPA decides to grant planning permission, we wish to be notified for our records.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Thank you for your consultation on the above planning application. 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</p>

	<p>properties.</p> <p>I therefore do not have any objections to the application or make any further comment.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
17	12	1	10	1

### Neighbour Responses

Address	Comments
Whyteleafe 24 Chesham Road Bovington Hertfordshire HP3 0ED	<p>Inappropriate over development</p> <p>This proposed development comes on top of two previous proposals which have already drastically altered the nature of the Chesham Road. As yet, no-one has moved in to either the 17 dwelling development or the 8 dwelling development. This application brings the number of additional dwellings within 18 months to 33. These development are not in the areas selected for development in the village. Those larger sites will have proper access provision, playgrounds, landscaping and even potentially a re-location of the school. This development, like the previous two is just an opportunistic land grab by developers. There is no mention in the published planning document of any social or affordable housing which is what the village needs most.</p> <p>Traffic impact</p> <p>It is sensible to assume that there will be at least 2 cars per household on this development to be added to the 2 cars per household in the as yet unoccupied nearby developments. This is a total of a minimum of 66 additional vehicles, turning across the Chesham Road each day, regardless of whether any visitors arrive by car. This is a completely unacceptable increase in traffic in the short space of road between the (badly used and inadequate) Tesco car park and the turning into Howard Agne Close. I note that the Traffic report refers to "lightly trafficked" roads. Clearly this was not prepared by anyone with the slightest familiarity with Bovington. Perhaps they observed the traffic during April 2020 with national lockdown in place? On every Saturday and bank holiday Monday, it is barely possible to pull out on to the Chesham Road for much of the day due to the market traffic. There is also a significant need for rapid emergency access up the Chesham Road to HMP The Mount. The impact of the extra vehicles required for the 2 recently approved development cannot have been assessed yet. It is laughable to pretend (as the Transport Statement implies), that</p>

new residents will be using buses and cycles to travel in to Hemel Hempstead or to the station for commuting. Box Lane is an extremely challenging hill, it does not even have pavement for much of its length let alone suitable cycle paths.

#### Parking issues

Visitor car parking on the development is going to be extremely limited and there will be additional unplanned parking on the Chesham Road which is simply dangerous. We have already had 12 months of careless, dangerous parking as a result of the contractors working on the 2 adjacent developments. Is there any intention to make the main road no parking?

#### Loss of privacy

The scale, positioning and the height of the houses is totally at odds with the scale of the properties they are removing which are set back from the road and have front hedges which help to absorb pollution and noise. As a neighbour, our outlook will be dominated by the 4 houses at the front of the plot which are higher than our own and much closer to us than the bungalows. We will be overshadowed and there will be yet more substantial visual intrusion for all the other houses on our side of the Chesham Road.

#### Ecological impact

The statement on the ecological impact of the development is a nonsense. There are indeed no trees on the site; they were systematically felled and shredded over Autumn and Winter 20/21. Presumably so that the ecological report would be favourable. The removal of such a large amount of established native hedgerow, on top of the existing tree and hedge loss within the 2 adjacent developments will further reduce the availability of wildlife corridors at this end of the village and remove yet more nesting sites for birds. Just because there are no rare species does not mean that a habitat is not valuable. A few wretched shrubs around paved front gardens do not constitute "landscaping".

Please do not grant planning permission.

I note the recent amended documents submitted by the developer. Presumably these are intended to mitigate the direct impact on No 44 and No 47. The proposed changes are minimal, just a token gesture. They do nothing whatsoever to address the main common objections sited. From an aesthetic point of view the amended drawings suggest that the new structures will have a strangely unbalanced appearance. Also, perhaps the developer could clarify whether the substantive hedge shown between No 44 and the new house to the left will exist if the development goes ahead? Our understanding is that this hedge is on the land due to be developed and presumably it would be removed during construction. Can we at least have some honesty?

Our objections remain as stated in the previous objection and re-listed above.

	<p>The Chesham Road is a very busy main road. Planning officers, or inspectors are most welcome to observe the traffic at any time from our property. It starts at 5.30am and diminishes around 7 pm. We moved here in the full knowledge of how busy the road is but until the random development of the south side began the traffic noise and pollution were filtered and absorbed by the large hedges and mature trees. Because the original houses were set back from the road, we felt screened from the effects of the traffic. Even so, accessing the road is a challenge because of the sheer volume and sometimes excessive speed of the traffic. I note with amusement that the residents of No 45 and No 46 NEVER reverse onto or in from the Chesham Road. Of course at present their houses have the luxury of large off-road parking and plenty of room to manoeuvre, a facility that will not be available to the occupants of the 4 proposed new properties at the front of the development.</p> <p>The loss of character and green space are not simply due to the fact that the land is being developed. Rather it is the way that the land is being over developed. We know that more house are needed and in the 37 years that we have lived in Bovington, we have seen other infill developments happen with decent thought and consideration to the village environment. Examples are Hamer Close and Apple Cottages and there are also other examples of sensitive 'mini' estates at Granville Dene, Ryder Close etc. These have been built as communities, incorporating access to shared green space with good access both road and footpaths and with regard to the privacy of their residents.</p> <p>Clearly, as can be seen from the photographs I am submitting the south side of Chesham Road is just having dwellings stuffed into it in a random and unplanned way based on exploitation for profit and with scant consideration for the well-being of current and future residents. File P6122262.jpg shows the view from the north side of the road with the existing development and file P62122263.jpg shows the view of the existing and soon to be damaged skyline. If there was a case to create a new estate why is it not in the village plan?</p> <p>Please do not grant planning permission. This planning application is a perfect example of greed based development to secure maximum profit with minimum investment both financial, ethical and aesthetic. Why would it not be possible to develop half as many houses more in keeping with the character of Chesham Road and retaining at least some of the existing green space?</p>
<p>Scott House 22 Chesham Road Bovington Hertfordshire HP3 0ED</p>	<p>Too many access roads off Chesham Road. Due to the other 2 major developments on Chesham Road in a very short stretch of road, this will be a 3rd access road. This will create further motorised traffic, more pollution, more noise and more congestion. All this to an already horrendously busy and congested road.</p> <p>Parking on the new development will not be adequate. The proposed new developments are for family houses so two small parking spaces per house will certainly not enough. Where will visitors park? Also large cars/vans will be hanging over and</p>

will block the narrow pavements, causing pedestrians to walk in a very busy road as per the other two new developments on this short section of the Chesham Road.

The proposed new outlook will look far worse than the current view.

The current pleasant view of 2 quaint low-level bungalows, will change into this 2/3 story boring modern design houses changing the whole look and feel of the road, this will become a much over-developed, over-populated (for a small area) part of the village.

Conservation (or lack of it!)

Councils talk about trying to save the green spaces, wildlife and trees but in reality this is all just lip service.

All (but one) of the large trees have been removed in both rear gardens of the proposed site. There have been removed around up to 8 large trees removed from the proposed site. Therefore, bird roosting and wildlife habitat has all been destroyed. Some of the lungs of the village have gone forever and cannot be replaced in that area due to excessive urbanization.

This is not a brownfield site, the properties are not run down, obsolete or in need of major renovation.

Over development.

Complete over-development again on a site that currently has 2 small bungalows. The proposed plan is eight large houses crammed in with tiny gardens, these would not have adequate parking and the local infrastructure and services would struggle to cope. This would be a further negative impact on the village and not an asset.

All my previous objections still stand. The latest submission of amended plans by the developer have not resolved any of my previous concerns and objections.

Its actually highlighted an additional concern, the extra height of these new houses and will completely dwarf the neighbouring bungalows and will look ridiculous in my view, and completely out of character.

Too many access roads off Chesham Road.

Due to the other 2 major developments on Chesham Road in a very short stretch of road, this will be a 3rd access road.

This will create further motorised traffic, more pollution, more noise and more congestion. All this to an already horrendously busy and congested road.

Parking on the new development will not be adequate.

The proposed new developments are for family houses so two small parking spaces per house will certainly not enough.

Where will visitors park? Also large cars/vans will be hanging over and will block the narrow pavements, causing pedestrians to walk in a very busy road as per the other two new developments on this short section of the Chesham Road.

The proposed new outlook will look far worse than the current view.

	<p>The current pleasant view of 2 quaint low-level bungalows, will change into this 2/3 story boring modern design houses changing the whole look and feel of the road, this will become a much over-developed, over-populated (for a small area) part of the village.</p> <p>Conservation (or lack of it!) Councils talk about trying to save the green spaces, wildlife and trees but in reality this is all just lip service. All (but one) of the large trees have been removed in both rear gardens of the proposed site. There have been removed around up to 8 large trees removed from the proposed site. Therefore, bird roosting and wildlife habitat has all been destroyed. Some of the lungs of the village have gone forever and cannot be replaced in that area due to excessive urbanization.</p> <p>This is not a brownfield site, the properties are not run down, obsolete or in need of major renovation.</p> <p>Over development. Complete over-development again on a site that currently has 2 small bungalows. The proposed plan is eight large houses crammed in with tiny gardens, these would not have adequate parking and the local infrastructure and services would struggle to cope. This would be a further negative impact on the village and not an asset.</p>
<p>Hillcroft 44 Chesham Road Bovingdon Hertfordshire HP3 0EA</p>	<p>Re: Planning reference 21/01483/FUL : 45-46 Chesham Road, Bovingdon As residents of number 44 Chesham Road, we object to the planned development of plots nos. 45 and 46 Chesham Road. This for the following reasons - The main habitable room of our house has only the one original window, aside from French doors at the other end leading into the conservatory. This window presently admits sufficient light during the day to avoid the need for artificial light. The height and proximity of proposed Unit 4 would reduce this, particularly on an overcast day, to necessitate artificial lighting. The room is 4M x 7.3M length. The glazed area including fanlight frame is approx 1.65M x 1.2M. The roofline of the projected new unit towers 4.5M / 14ft.9ins above this window. From the architect's street elevation its clear how unit 1, with a scaled ridge height of 8.75M agl stands over no.44 with a ground floor window-top height of 2.1M agl. The buildings are just 2.5 M apart. Re privacy - the sight lines from the top two floors of unit 8 ( and partially unit 7 ) overlook the top half of our garden, and importantly the conservatory- our secondary living area, where we eat, and entertain friends and family. With the projected layout both properties would have line of sight into each other's bedrooms. The distance between no.44 conservatory and Unit 8 frontage is just 12 Metres. In the event of construction taking place, the hedge would likely be removed reducing privacy even further The fact that proposed housing is two and a half storey, combined with their proximity to number 44, increases the amount of light and privacy they steal.</p>

Once, in an era of tighter building line and density compliance, the mishmash character developing along this section of Chesham Road could not have occurred.

Approval of this development would mean considerable loss of amenity for us. There will be an increase in domestic noise. The view from a garden will become residential instead of greenbelt in essence. It is, sadly, too late now to remedy the removal of many mature trees, from side and rear boundaries of numbers 45 and 46 representing a loss of green screen which provided privacy and quiet. Their removal, just days prior to planning application, is common practice apparently. This has been a road of individual and quality homes of character which risks sinking into suburban sprawl,

Is the downgrading of quality and individuality now referred to as progress?

If the development goes ahead, number 44 will become the home that we would never have chosen when we originally settled on living in this village.

Re: Planning reference 21/01483/FUL : 45-46 Chesham Road, Bovingdon, with amendments

From examination of the amended plans for this development application I can find only one change. Which concerns the revised roofline to units 1 and 4 so that the gable end treatment and altered soffit level reduces the sky blocking arc by about fifteen degrees. That's it !

Following the submission of revised drawings, the developers might profess to have 'done their best to alleviate the impact of development' But they can't . This variation is irrelevant to the scheme as a whole.

We, and other objectors, have listed every valid and permissible cause for objection. Including Loss of light and overshadowing, loss of privacy, problems arising from turning and traffic flow. And there are subsidiary matters - loss of amenity trees, detriment to the road character. All those things which are of genuine concern, but to which you accord no weight.

And so our objections and the case for planning refusal, are unchanged.

They remain

As residents of number 44 Chesham Road, we object to the planned development of plots nos. 45 and 46 Chesham Road.

This for the following reasons -

The main habitable room of our house has only the one original window, aside from French doors at the other end leading into the conservatory. This window presently admits sufficient light during the day to avoid the need for artificial light. The height and proximity of proposed Plot 1 would reduce this, particularly on an overcast day, to necessitate artificial lighting. The room is 4M x 7.3M length. T

The glazed area including fanlight frame is approx 1.65M x 1.2M. The roofline of the projected new unit towers approx. 4.5M / 14ft.9ins above this window. The daylight arc is limited by the proximity of the adjacent gutter / soffit line.

From the architect's street elevation its clear how unit 1, with a scaled ridge height of 8.75M agl stands over no.44 with a ground floor window-top height of 2.1M agl. The buildings are just 2.5 M apart.

Re privacy - the sight lines from the top two floors of unit 8 ( and

	<p>partially unit 7 ) overlook the top half of our garden, and importantly the conservatory- our secondary living area, where we eat, and entertain friends and family. With the projected layout both properties would have line of sight into each other's bedrooms. The distance between no.44 conservatory and Unit 8 frontage is just 12 meters. In the event of construction taking place, the hedge would likely be removed.</p> <p>The fact that proposed housing is two and a half storey, combined with their proximity to number 44, increases the amount of light and privacy they steal. Once, in an era of tighter building line and density compliance, the mishmash character developing along this section of Chesham Road could not have occurred.</p> <p>On a personal level - approval of this development would mean considerable loss of amenity for us. There will be an increase in domestic noise. The view from a garden will become residential instead of greenbelt in essence. It is, sadly, too late now to remedy the removal of many mature trees, from side and rear boundaries of numbers 45 and 46 representing a loss of green screen which provided privacy and quiet. Their removal, just days prior to planning application, is common practice apparently. This has been a road of individual and quality homes of character which risks sinking into packed suburban sprawl,</p> <p>Is the downgrading of quality and individuality now referred to as progress?</p> <p>If the development goes ahead, number 44 will become the home that we would never have chosen when we originally settled on living in this village.</p>
<p>7 Simon Dean Bovingdon Hemel Hempstead Hertfordshire HP3 0EP</p>	<p>The proposed development will overlook directly into our property. This will obviously affect our privacy. The houses will be very close to our home looking straight into our windows and overseeing our garden. We are also concerned as to the effect this will have on the amount of light into our property.</p>
<p>Mbeya 43 Chesham Road Bovingdon Hertfordshire HP3 0EA</p>	<p>The Builder Marc ha cut all of the trees down. There has been no sighting of Bats and I have not heard an owl which were previously common sights and sounds along the garden of Chesham Road. I am suprised that the builders have done this already. I think that our property will loose a lot on money and also the view from the poor people at apple cottages will be horrendous.</p>
<p>22A Hyde Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0EG</p>	<p>A very good use Of brownfield land and much-needed houses for Bovingdon</p>
<p>13 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED</p>	<p>in the last two we have had 17housing in back yard development's</p> <p>this all leads to more traffic entering the Chesham road one of the busies B road in the counties so un less we by pass Bovingdon it will be grid lock with cars and pollution</p>

<p>Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead hp2 7ba</p>	<p>There should be space to store 3 x 240ltr wheeled bins and a curb side caddy. There should be space to present 2 x wheeled bins and the curb side caddy outside the boundary on collection day.</p> <p>The collection vehicle is a 26t rigid freighter approx. L11m x W3m so consideration should be given to it's maneuverability and access.</p>
<p>18 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB</p>	<p>I am a frequent user of Chesham Road Bovington and wish to object to the development of eight dwellings on the area presently occupied by two bungalows.</p> <p>These two-and-a-half storey houses will overlook properties either side of the development destroying their privacy, from the back windows of the front block and the front windows of the rear block.</p> <p>The height of the two blocks next to the outside boundaries of the development will obstruct the light of the habitable rooms in the existing houses.</p> <p>The arrangement for car parking is completely unsuitable as the drivers of the cars of the two blocks at the front will have to reverse out on to the main B4505 road, a very busy road already.</p> <p>The dropped kerb access does not appear to conform to the requirements of Herts Highways.</p> <p>This application should be refused for the foregoing reasons.</p> <p>I wish to write further to my objection of the 27th April.</p> <p>It would seem that the developer is only giving lip service to the comments already made on this application. To change the roof from gable to hip on the two dwellings on the boundaries with obscured glazing is of little value when you consider the other objections stated.</p> <p>The developer makes no comment regarding the inadequate parking for eight houses and their visitors. The parking shown for plots 1 - 4 just off the pavement means that drivers have to reverse out or reverse in. To reverse on the B4504, not only a bus route but also a route for lorries from Chesham to Hemel Hempstead is simply not acceptable.</p> <p>This road is losing its pleasant and attractive appearance in homage to the car and cramped dwellings.</p> <p>This application must be refused.</p>

**ITEM NUMBER: 5c**

<b>21/02260/FUL</b>	<b>Construction of two detached dwellings</b>	
<b>Site Address:</b>	<b>Annapurna Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX</b>	
<b>Applicant/Agent:</b>	<b>Mrs J Redding</b>	<b>Mr Andrew Boothby</b>
<b>Case Officer:</b>	<b>Daniel Terry</b>	
<b>Parish/Ward:</b>	<b>Flaunden Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>The Parish Council have provided a contrary view to the officer recommendation.</b>	

**1. RECOMMENDATION**

- 1.1 That planning permission be **GRANTED**, subject to conditions.

**2. SUMMARY**

- 2.1 The application site lies within the Metropolitan Green Belt wherein new buildings are generally considered inappropriate development. There are however a list of exceptions to inappropriate development and this includes 'limited infilling in villages'. The report sets out that the development would be considered an infill in an existing village, in light of relevant appeal decisions. The proposal therefore complies with policy CS5 of the Core Strategy.
- 2.2 The development would be considered to have an acceptable visual appearance, subject to conditions, and would harmonise well with existing built form. The proposal therefore accords with policies CS11 and CS12 of the Core Strategy.
- 2.3 The proposals would not result in unreasonable impacts to neighbouring amenity and furthermore, would provide adequate living conditions to the future occupiers of the development. Adequate parking provision would be available at the front of the site and as such the proposal would comply with policy CS12 of the Core Strategy.
- 2.4 The development would have a negligible impact on ecology and new planting would be incorporated into the scheme and can be secured by condition to make the development acceptable. Details of the sustainable construction methods and features would be required and can also be conditioned. The development therefore complies with policy CS29 of the Core Strategy.

**3. SITE DESCRIPTION**

- 3.1 The application site comprises the northern part of the plot known as Annapurna. To the north and east of the application site is the Flaunden Mobile Home Park, whilst to the south is the existing Annapurna dwelling. To the west the site adjoins open fields.
- 3.2 The entire site falls within the Metropolitan Green Belt and would be accessed via a private track leading from Hogpits Bottom (the highway) to the south. The site contains a small amount of domestic paraphernalia such as sheds and is somewhat divided up by the use of hedgerows.

**4. PROPOSAL**

- 4.1 Full planning permission is sought for the erection of 2 dwellings on land currently forming part of the garden of Annapurna. One dwelling would be entirely single storey whilst the

second dwelling would be one and a half storey in appearance with accommodation being provided within the roofspace. The dwellings would comprise of 3 and 4 bedrooms respectively.

- 4.2 The proposal would be facilitated by demolishing the existing garage outbuilding to provide an access to the front of the site. Bins and parking for 3 vehicles to each property would be provided.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

4/00254/90/FUL - Single storey side extension  
GRA - 27th March 1990

Appeals (If Any):

## **6. CONSTRAINTS**

CIL Zone: CIL2  
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 (July 2021)  
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 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing

Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)

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 application site lies within the Metropolitan Green Belt wherein Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. It does however state that small-scale development will be permitted, for example, buildings for the uses defined as appropriate in national policy.

9.3 Paragraph 149 of the National Planning Policy Framework (NPPF) (2021) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are however a list of exceptions to inappropriate development and this includes e) limited infilling in villages. The NPPF does not define what is meant by 'limited infilling', however paragraph 8.34 of the Core Strategy states:

"Infilling is defined as a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include back-land development, either in the form of plot amalgamation or tandem development. Infilling will only be permitted where it is limited in scale...The term 'limited' refers to development which does not create more than two extra dwellings.' This definition in the Core Strategy is not considered to be entirely consistent with the language of the NPPF.

9.4 To ascertain whether the proposal meets the above in-principle exception, it is firstly necessary to establish whether the site forms part of an existing village. Neither Hogpits Bottom nor Flaunden are listed in the Council's Settlement Hierarchy, which implies that these built up areas are small in population terms, compared with the other towns and villages in the Borough. Table 11 of the Core Strategy (page 186) lists a number of small villages and hamlets by landscape type. This includes Flaunden which is recognised as a hamlet.

9.5 In support of the application, the applicant has provided a number of relevant appeal decisions and this includes ref: APP/B3438/W/18/3211000. In this appeal decision, the Inspector referred to the Oxford Dictionary definition of a village as a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area. It defines a hamlet as a small settlement, generally one smaller than a village, and strictly (in Britain) one without a Church.

- 9.6 In an appeal at the nearby site, Bag End (which fronts Hogpits Bottom, the highway), ref: APP/A1910/W/17/3185846, the Inspector stated as follows:

“The historic core of the village contains a church, village hall, recreation area and public house (the ‘Green Dragon’) and is separated from the built-up area to the north (referred to on maps as ‘Hogpits Bottom’) by an undeveloped gap of open fields. The latter area, which also contains a public house, appears to have been subject to much greater growth over the last century than the historic core of the village and its buildings are generally younger. These characteristics have led me to conclude that Hogpits Bottom may have originally been a small pocket of isolated dwellings or hamlet outside the built-up area of the village, which would account for satellite mapping referring to both parts by their original (and different) names.

However, villages and their setting change and evolve over time and it does not automatically follow that outlying pockets of development will always remain separate or small in scale. The Framework does not define what constitutes a village or its built-up area, but having appraised the matter on the ground, I consider the built-up area of Hogpits Bottom to no longer constitute an outlying small pocket of dwellings or hamlet, particularly as it is of a comparable size to the historic core of the village. It is also in close proximity to the latter, being approximately 0.3 miles away, and I would envisage that its residents contribute similar levels of support to the church, village hall, recreation area and Green Dragon Public House.”

- 9.7 The Inspector further noted that, although the two built-up areas do not physically abut one another, there is no reason why a village may not be comprised of more than one built-up area separated by an undeveloped gap. It was therefore concluded that Hogpits Bottom forms part of the overall built-up area of the village of Flaunden and contributes to its overall character and function. On this basis, land within Hogpits Bottom can be considered to form part of the village.
- 9.8 Spatially, the application site can be seen as forming part of the built-up area. This is because the garden serving Annapurna is positioned between the existing dwelling and Flaunden Park which contains a number of mobile homes. The western boundary of the site provides a very clear edge to the built-up area, where it adjoins fields and the open countryside, and the proposed development would be contained within this developed part of the village. It is therefore considered that the proposal would amount to limited infilling within a village in accordance with the NPPF.
- 9.9 Concerns have been raised by neighbours to the development that the site would not have an active frontage onto the highway, being the main road to the south. Instead, the site would be accessed from a private track leading to Flaunden Park. In this regard, the applicant has provided a further appeal decision, ref: APP/B1930/W/20/3249093. In this decision, the Inspector noted that an application site does not have to be fully surrounded by adjoining development in order to be considered an infill development. This appeal, along with two other examples the applicant has provided, demonstrate that an ‘infill’ does not necessarily have to front a main road in order to be considered an infill. The site plans for the referenced appeals have also been provided by the applicant to demonstrate this point.
- 9.10 One of the objectors has suggested that Flaunden Park does not constitute built form by virtue of the fact that the site is made up predominantly of mobile homes. Even if it were the case that residents of Flaunden Park may move away from time to time, the land use in planning terms would remain and new residents may eventually take up residence at the site. There is nothing to suggest that Flaunden Park is a temporary form of development or that there is any intention to remove the mobile homes and reinstate the land to an

agricultural use. The adjacent site therefore has a significant degree of permanence to it. On this basis, the application site would be enclosed by built-form to three sides and the development can be considered an infill.

- 9.11 Therefore, in light of the above, it is considered that the proposal would amount to limited infilling within a village and would therefore comply with paragraph 149 of the NPPF. In turn, the proposal is considered to comply with policy CS5 of the Core Strategy and the development is therefore acceptable in principle. As such, it is not necessary to consider whether any 'very special circumstances' exist in this case.

#### Impact on the openness of the Green Belt

- 9.12 As the proposal is acceptable in principle, Inspectors in the abovementioned appeal decisions have found that schemes would subsequently be considered to preserve openness. However, it should be recognised that the development of the site to provide two dwellings will inevitably have some impact on the visual aspects of 'openness'. That being said, the site is not considered to make a significant contribution to the openness of the Green Belt and as set out above, there is a very clear settlement edge along the western boundary. The land to the west is therefore much more open in character and appearance and makes a greater contribution than the application site. It should also be noted that the applicant could, in theory, erect outbuildings on this land by exercising permitted development rights, which would effectively close or infill the gap in any case.
- 9.13 In light of the above, it is not considered that the proposals would materially harm the openness of the Green Belt. The development would be contained within the existing boundaries of the site and development here would not prejudice the wider Green Belt land designation. The proposals would not result in unrestricted sprawl and would not conflict with the aims and purposes of the Green Belt.

#### Whether 'Very Special Circumstances' exist

- 9.14 As set out above, it is not considered necessary to assess whether any Very Special Circumstances exist. If, however, it should be found that the development is not acceptable in principle, then the applicant has suggested that very special circumstances exist in the form of the limited impact on the openness and compliance with the 5 purposes of the Green Belt, the contribution towards housing supply in light of the LPA being unable to demonstrate a 5-year housing supply, and the economic benefits that the development would bring.
- 9.15 These are recognised benefits and are summarised in the conclusion section of the report.

#### Quality of Design / Impact on Visual Amenity

- 9.16 Policies CS11 and CS12 of the Core Strategy state that development should respect the typical density intended in an area and enhance spaces between buildings and general character; preserve attractive streetscapes and enhance any positive linkages between character areas; avoid large areas dominated by car parking; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges; integrate with the streetscape character; and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.
- 9.17 The two dwellings would be positioned in a way that establishes a building line with Annapurna to the south. The dwellings would therefore be in line with this existing dwelling and located centrally to allow for parking to the front and gardens to be provided to the rear of the site (west). Whilst the two resultant plots would be smaller than the likes of Annapurna,

Glenvale and Stagg Farm, they would not be dissimilar to the likes of Greenleaves, Cowslip Cottage or Flaunden Forge to the south. The plot sizes are therefore considered to be generally consistent with plot sizes locally.

- 9.18 In terms of longer and wider views from the west, the two dwellings would appear in the context of existing built form, which includes Flaunden Park, and so they would not appear to extend built form into the countryside, by rather would respect the location of Annapurna and the established western boundary line.
- 9.19 In terms of site coverage, the dwellings would fill less than half the plots, which again is considered to be consistent with the typical layout and site coverage in this part of Hogpits Bottom. Gaps to the side of each dwelling would be provided to give the sense of spaciousness and the limited height of the two dwellings would ensure the development does not appear cramped or overdeveloped. The low ridge heights proposed would also be compatible with the single storey appearance of Annapurna and so the development would not appear unduly prominent.
- 9.20 The submission suggests that the dwellings would have a brick appearance to the elevations under a tiled roof. Owing to the vagueness of these details, it would be appropriate to impose a planning condition requiring details to be submitted.
- 9.21 In terms of landscaping, the submitted site plan has indicatively shown the retention of trees to the western boundary, the provision of new hedge planting and the creation of hardstanding to the front, to be used for parking and turning etc. Again, no specific details have been provided at this stage so these details would need to be secured via a landscaping condition in the interests of certainty and to ensure that the development would have an acceptable appearance.
- 9.22 The removal of the existing garage building would be acceptable. This building does not make any significant contribution to the character of the area and its loss would not therefore be harmful in visual terms.
- 9.23 The proposal is therefore considered to be acceptable in design and visual terms, subject to conditions, and therefore accords with policies CS11 and CS12 of the Core Strategy, and adheres to the guidance and principles of the NPPF.

#### Impact on Residential Amenity

- 9.24 Policy CS12 of the Core Strategy states that development should provide a safe and satisfactory means of access for all users; and avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.
- 9.25 Paragraph 130 of the NPPF adds that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.26 Turning firstly to the impact on neighbouring properties, the residents in Flaunden Park most likely to be affected are shown as Plots 1 and 21 to the north and north-east respectively. The northern-most dwelling proposed would be entirely single storey with windows to the front and side elevations looking towards these neighbouring properties. However, given the single storey nature of the development, it is not considered that any undue overlooking would occur, over and above any views that might already be attainable simply by standing in the garden of Annapurna.

- 9.27 Having carried out a site visit, it is apparent that the northern and eastern boundaries of the site are well-screened by mature, dense, vegetation which therefore restricts views of these two plots. The landscaping condition referred to above would ensure that a satisfactory amount of vegetation to the boundaries will be maintained and where appropriate enhanced, to preserve their amenity. In any case it does not appear that the impact on these two plots in Flaunden Park would be unreasonable.
- 9.28 The second proposed dwelling which would be located in the middle of Annapurna and the single storey dwelling, would have a first floor element within the roofspace which would be served by two dormers to the front elevation, facing east. These dormers would provide some form of advantageous view due to their height, however the positioning of this dwelling means that the dormers would predominantly look out over the car park of Flaunden Park. Any views of Plot 21 from these dormers would therefore be at an oblique angle and on that basis, would be considered acceptable. Furthermore, the distance between the dormer and Plot 21 measures to be in excess of 21m.
- 9.29 With regard to the impact on Annapurna, the nearest of the two dwellings would be set in by 1m from the shared boundary, whilst the nearest elevation of Annapurna is located a further 4.7m away. The development of a one and a half storey dwelling will inevitably have some impact on Annapurna, however given the distances involved this is not thought to result in unreasonable harm. Furthermore the location of the new dwelling to the north means there would be no material loss of sunlight, due to the orientation of the dwellings. Sufficient space would therefore be retained to the side of Annapurna to ensure no unreasonable impacts on the outlook of those windows would occur.
- 9.30 Both Annapurna and the two proposed dwellings would benefit from reasonably sized outdoor space for the future occupiers of the development and these areas would be reasonably private and secure. The submitted statement indicates the use of close-boarded fencing although this is not entirely clear so would also need to be confirmed as part of the landscaping condition referred to above.
- 9.31 Therefore having regard to the impact on neighbouring amenity and having regard to the living conditions of the future occupiers of the development, it is considered that the proposal accords with Policy CS12 of the Core Strategy and accords with the NPPF.

#### Impact on Highway Safety and Parking

- 9.32 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users.
- 9.33 In this regard the Highway Authority have been consulted and note that the access track leading to the site is not part of the public highway and is therefore privately owned. In terms of the access onto the public highway, the Highway Authority raise no objection with the increase in intensification that would come with two additional dwellings. It has been noted that this part of the highway is subject to a 30mph speed restriction. The Highway Authority also note that bin collection would need to be within 25m of a collection point and also that the proposed dwellings would comply with the 45m guidance for fire appliances being able to access the relevant parts of the site.
- 9.34 In terms of the proposed method of bin collection, the applicant has confirmed that the existing dwelling, Annapurna, along with Flaunden Park benefit from waste collection by Dacourm Borough Council. The two new dwellings would also therefore be served by this collection method which would not result in the collection teams needing to adjust their route. Similarly it is not expected that the provision of two new dwellings would materially affect the

waste collection or capacity. The Council's Waste and Recycling team were consulted but no comments have been received at the time of writing.

- 9.35 According to the Unobus website, a service runs on Tuesdays and Thursdays, once per day in each direction between Hemel Hempstead and Chipperfield, stopping at Flaunden village hall, although there appears to be further stops where Hogpits Bottom meets Birch Lane. This therefore suggests a limited service in terms of public transport options, so the future occupiers of the site would likely be reliant upon the use of private motor vehicles.
- 9.36 With regard to parking, the submitted plans indicate that three spaces would be provided to the front of each dwelling, along with sufficient space for turning and manoeuvring so that vehicles can exit in a forward gear. In addition to this, Annapurna would benefit from at least two spaces to their driveway, located to the south, and a further third parking space would be provided to the front of the existing garage outbuilding.
- 9.37 One dwelling would comprise of 4 bedrooms whilst the other proposed dwelling would comprise of 3 bedrooms. In accordance with the Council's Parking Standards SPD, the dwellings would need to be provided with 3.0 spaces and 2.25 spaces respectively. The provision of 6 spaces would therefore comply with these standards. Some concerns have been raised with the potential use of the parking area opposite (to the east) by the future occupiers of the development, when this area is meant to be used by residents of Flaunden Park. As the development site would provide adequate parking provision in line with the SPD, the Council could not reasonably refuse the application for that reason. There is nothing to suggest that the future occupiers of the development would be reliant on the parking area to Flaunden Park.
- 9.38 The SPD also requires all new development to provide an electric charging point for each new dwelling created, to promote the use of electric vehicles. This has not been shown on the plans and should therefore be conditioned.
- 9.39 Subject to the above condition, it is therefore considered that the proposal would be acceptable, having regard to the access arrangements and the parking provision. The proposal therefore accords with policy CS12 of the Core Strategy, the Parking Standards SPD and accords with the NPPF.

#### Other Material Planning Considerations

- 9.40 The Old Cottage, located approximately 150m away to the south-east, is grade II listed. Given the separation distances involved, plus the fact that there are a number of intervening properties, the site does not make any contribution towards the setting of the listed building.
- 9.41 Thames Water have been consulted on the proposals but raise no objection. They have however suggested some planning informatives that should be included as part of any decision.
- 9.42 The Council's Environmental Health team have been consulted and raise no objections in relation to noise or other amenity impacts. They have however suggested a number of planning informatives relating to the construction works themselves. Similarly in terms of contaminated land, no objections have been raised but again two planning informatives have been suggested.
- 9.43 The Council's Trees & Woodlands team have been consulted and note that there are a number of trees along the field-side boundary that may be subject to damage during the construction process. They have therefore indicated that there would be no objection to the scheme, subject to the imposition of a condition requiring further details to be submitted,

including a tree protection plan, which would then need to be approved prior to commencement.

- 9.44 The submitted statement sets out that any waste construction materials will be recycled with materials being sourced locally and attempts made to conserve water use. The new dwellings are said to be constructed to a high standard with good levels of insulation and compliance with Building Regulations. The dwellings would also benefit from double-glazing, energy efficient boilers, showers and light bulbs. Whilst this seems acceptable in principle, a planning condition is considered necessary in this instance to provide certainty, particularly in light of the Council declaring a climate emergency.
- 9.45 The NPPF sets out that all development should provide a biodiversity net gain. This can be achieved via the landscaping condition referred to above and the site plan indicatively shows that new planting would be provided. The existing site is not considered to make any significant contribution to ecology and so is unlikely to impact any protected species. The landscaping condition and the condition requested by the Tree Officer would also ensure the retention of trees on site.

#### Response to Neighbour Comments

- 9.46 These points have been addressed above other than in relation to sewerage and surface water flooding. The application form has indicated that the method of draining foul is unknown, whilst surface water flooding would be managed through soakaways. Given the concerns raised by neighbours and the slight ambiguity, it is considered appropriate in this instance to impose a planning condition requesting details of the foul drainage to be submitted. This would need to be established and any works carried out prior to commencement. The use of soakaways is a common method of disposing of surface water and would therefore be acceptable.
- 9.47 Construction traffic/disruption is not a material planning consideration, however the Environmental Health team have suggested relevant planning informatives that should be adhered to.

#### Community Infrastructure Levy (CIL)

- 9.48 The development would be liable for CIL and payment would become due at the time of works commencing on site. Please refer to the Council's website for any information in this regard.

### **10. CONCLUSION**

- 10.1 To conclude, the development would result in the infilling of a gap within an existing village and therefore complies with local and national Green Belt policy. The proposal would therefore preserve the openness of the Green Belt and would be acceptable in principle.
- 10.2 In design terms, the two dwellings are modest in scale, being single storey and one and a half storey respectively. The dwellings would therefore be in-keeping with the general height and layout of development locally. Conditions would be required to ensure a satisfactory appearance and this includes the materials to the external elevations, as well as details of the hard and soft landscaped areas.
- 10.3 The proposal would not result in undue harm to neighbouring amenity, including Flaunden Park and the existing dwelling, Annapurna. Moreover the proposed dwellings would provide adequate living conditions to the future occupiers of the site. The development would also provide adequate parking provision in line with the SPD.

10.4 The provision of two dwellings would make a modest addition to the Borough's housing supply which is particularly relevant as the Council cannot currently demonstrate a 5-year supply of housing. There would also be some economic benefits from the construction of the development itself and the subsequent occupation, whose occupiers would contribute to the local economy. The proposal therefore complies with the relevant local and national policies and should be supported.

## 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:**

**110 REV B  
200 REV A  
201 REV B  
202 REV B  
210 REV B  
211 REV B**

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

3. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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 174 of the National Planning Policy Framework (2021).

4. **Prior to the commencement of the development hereby permitted details of the foul water drainage system shall be 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 be thereafter retained.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

5. **No development (excluding demolition/ground investigations) shall take place above slab level 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.**

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).

6. **No development shall take place above slab level 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 154 and 157 of the National Planning Policy Framework (2021).

7. **No development shall take place above slab level 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;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- retained historic landscape features and proposals for restoration, where relevant.

**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. **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. **The parking spaces shown on the approved Site Plan hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling[s] and their visitors and for no other purpose.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2021).

**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. Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

3. Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

4. Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

5. Contaminated Land Informative 1:

In the event that 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.

6. 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.

7. Thames Water Informative:

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.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

8. Thames Water informative:

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. 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.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

9. Thames Water informative:

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 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

10. 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.

11. 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.

12. 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
<p>Environmental And Community Protection (DBC)</p>	<p>Daniel,</p> <p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>However, given that the application site is a brownfield site (albeit only a residential property) and that there will be a significant amount of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that 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> <p>Please let me know if you have any questions.</p>

	<p>Regards</p> <p>David Carr Lead Scientific Officer Environmental and Community Protection</p> <p>Town and Country Planning Act 1990 Application: 21/02260/FUL Description: Construction of two detached dwellings Location: Annapurna Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX</p> <p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>Construction Hours of Working - (Plant &amp; Machinery) Informative</p> <p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>Becky Prescott Trainee Environmental Health Officer Environmental and Community Protection</p>
Parish/Town Council	<p>PLANNING APPLICATION 21/02260/FUL Annapurna, Hogpits Bottom, Flaunden, Hemel Hempstead,</p>

Hertfordshire HP3 0PX

Construction of two detached dwellings

Flaunden Parish Council are of the view that this application for new dwellings would be inappropriate development within the Green Belt.

The proposed development is in the garden of Annapurna, which is the only permanent dwelling on the access road to Flaunden Park. The dwelling was formerly that of the Manager/Owner of Flaunden Park, which is the site of 'park homes' i.e. caravans which are all single storey, impermanent dwellings, on Green Belt land.

The proposed dwellings would be permanent structures in Annapurna's garden, whose construction and existence would be detrimental to the Green Belt and its openness. Contrary to the Design and Access Statement, the Parish Council believe the proposed development would have significant impact on the wider openness of the area.

NPPF paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. By adding dwellings to the open space, there would be a reduction in the open spatial quality of the site and this part of the Green Belt through the encroachment of built development. As a consequence, there would be an excessive adverse impact on the openness, rural character of the Green Belt.

NPPF paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in harm in terms of the openness of the Green Belt. NPPF paragraph 144 specifies that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

It is the view of Flaunden Parish Council that the proposed development does not qualify for the exception to development in the Green Belt, which allows limited infill development in villages. Flaunden Parish Council argues that Flaunden is a very small village or hamlet where such development is inappropriate. However, if it is accepted that Flaunden is a village, it is our view that this proposed development does not lie within the village of Flaunden because Annapurna lies where fields open up to the west and where only single storey mobile homes sit in the field to the north. Furthermore, it would not be limited infill in an

otherwise built-up frontage because Annapurna sits behind houses on Hogpits Bottom.

Paragraph 8.31 of the Core Strategy makes clear that limited infill does not include back land development and the proposed development in the garden of Annapurna does not meet the criteria for limited infill on this basis.

No more than modest weight can be attached to the benefits of development that makes up the other considerations. As such, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Thus, the development would not accord with the aims of the NPPF, which seek to protect Green Belt land from inappropriate development. This provides a clear reason for refusing planning permission and the proposal would not represent sustainable development.

Paragraph 145 e) of the NPPF requires a consideration of both the scale and form of the development and has to be interpreted in the context of the overall aim of Green Belt policy, which is to preserve the openness of the green belt. This implies minimising the loss of significant open gaps between buildings. The proposed dwellings would fail to reflect the generous spacing of the nearby properties in the village of Flaunden.

The proposed buildings would be very visible from the west and from the footpath running adjacent to the site and visually would have a negative impact on the openness of the Green Belt.

The proposal would affect the amenities of the existing properties immediately adjacent to the site and the surrounding area regarding overlooking, loss of privacy and overbearing impact. The design of the dwellings is out of keeping with surrounding single storey caravans of Flaunden Park.

The dwellings should not be permitted because of the increase in density and consequent harm to the character and appearance of the road through the reduced spacing of buildings and the new accesses. The proposed spacing between the dwellings does not respect the character of the existing area. The proximity of the dwellings would cause overlooking, loss of privacy and would be overbearing to the neighbouring properties.

This proposal would result in a significant increase in traffic into and out of Flaunden Park. The entrance to Flaunden Park leads onto Hogpits Bottom, which is already a busy road. Traffic on the access road to

	<p>Flaunden Park is restricted to 5 mph to ensure the safety of residents. Any development would result in an increase in the levels of noise, with more cars accessing the narrow entrance road.</p> <p>The construction of the proposed dwellings would necessitate harm to the Green Belt as it requires removal of a hedge and destruction of mature trees.</p> <p>Flaunden Parish Council's decision is to recommend that this application be REFUSED</p>
Thames Water	<p>Dear Sir/Madam</p> <p>Re: ANNAPURNA, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HERTFORDSHIRE , HP3 0PX</p> <p>Waste Comments</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 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>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>With regard to SURFACE WATER drainage, Thames Water would</p>

	<p>advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. 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 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> <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> <p>Yours faithfully Development Planning Department</p> <p>Development Planning, Thames Water, Email: <a href="mailto:devcon.team@thameswater.co.uk">devcon.team@thameswater.co.uk</a></p>
Hertfordshire Highways (HCC)	<p>Decision</p> <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>

#### 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.

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.

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.

#### Comments

The proposal is for the construction of two detached dwellings on land adjacent Annapurna Hogpits Bottom, Flaunden. The site is located on a private route that is not part of the adopted highway

	<p>network. The private route serves Flaunden park, a mobile home park. The private route joins the highway network via a bellmouth onto Hogpits Bottom, a 30 mph unclassified local access route.</p> <p>Vehicle access The two new dwelling will share a single access onto the private route. Although not part of the adopted highway network, HCC Highways would recommend that any access be built to standards stipulated in HCC Highways Design Guide. The hardstanding fronting the dwellings will accommodate 3 parking spaces per dwelling and has enough room for vehicles to turn on site.</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of each 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 dwellings are within the recommended emergency vehicle access of 45 metres from the adjacent private route 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 informatives.</p> <p>Signed George Fermer</p>
Trees & Woodlands	<p>There are no tree or landscape issues so as to constrain the proposed development. However there are a number of trees on the field side boundary that potentially could be damaged during the construction process. The public footpath runs along the field edge boundary where the trees are situated.</p> <p>No objection, subject to condition:</p> <p>An arboricultural report, in accordance with BS 5837, to appraise the trees and ensure they survive the construction process. Landscape condition to ensure the field boundary with the footpath receives sympathetic treatment.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	8	1	7	0

### Neighbour Responses

Address	Comments
The Old School House Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP	I OBJECT TO THE PROPOSED DEVELOPMENT
32 Flaunden Park Flaunden Hemel Hempstead Hertfordshire HP3 0PY	I feel that these properties will have an impact on the traffic, parking and access issues within Flaunden Park as well as overcrowding of the park.  Access in and out of the park is via a single track and can be dangerous when pulling out onto the main road or having to reverse to let other cars pass.
Glenvale Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX	Whilst the plans look appealing, I think that the plot is too small for three dwellings. My other concern is that the sewerage is already an issue for the existing dwelling, Flaunden Park & Stag Farm.
Stagg Farm Hogpits Bottom Flaunden Hemel Hempstead Hertfordshire HP3 0PX	I think the designs for this development are well executed, pleasing and in keeping with the Village.  As the owner and resident at Stagg Farm, I am however concerned by the planning application which omits mention of infrastructure to support the additional two properties in terms of sewage and storm water.  As climate change becomes more evident each year, it is fair to predict an increasing strain on the sewage and drain network from Flaunden Park and Annapurna which passes through Stagg Farm. Please see appendix 1 which is a map that shows the drains that all connect and pass through. (I will post these by Royal Mail as there seems no way to attach images/documents here)  While Thames Water may not acknowledge an issue in their statement (given no information was provided by the applicant in their planning application in terms of construction and drainage issues), there is written mention of a sewage overflow of the shared drain in Stagg Farm

in 2007 in correspondence between Mr Redding and the owner of Stagg Farm at that time. Please see appendix 2 of this correspondence.

I'm also aware from the owners prior to us that this happened again around 2012. While I lived here, an overflow of sewage occurred in May 2020. See photos in appendix 3 of this correspondence. I believe this issue to be a health and safety risk and one that should be prevented going forward.

The front garden at Stagg Farm is frequently flooded in wet weather. The water meter is submerged and can not be read. This has been reported to affinity water who are unable to do anything about it.

In 2020 and 2021 we have seen storm water enter the property at its lowest point, in the hallway. While drains and gutters have been checked to be clear of leaves we have observed this happen due to the ground being saturated, the groundwater level rising and the sewer pipes overwhelmed in these moments.

If the planning application for two new houses at Annapurna is approved, I ask that conditions are inserted into the planning permission so that a new route is constructed for the sewage and rainwater for the two new houses. This route could pass from the new houses, under the private access road to Hogpits Bottom as was previously considered by the owners of Annapurna and Flaunden Park in the past.

Ideally the sewage from Flaunden Park and Annapurna will link into this new route along with the two new properties.

I think the designs for this development are well executed, pleasing and in keeping with the Village.

As the owner and resident at Stagg Farm, I am however concerned by the planning application which omits mention of infrastructure to support the additional two properties in terms of sewage and storm water.

As climate change becomes more evident each year, it is fair to predict an increasing strain on the sewage and drain network from Flaunden Park and Annapurna which passes through Stagg Farm. Please see appendix 1 which is a map that shows the drains that all connect and pass through. (I will post these by Royal Mail as there seems no way to attach images/documents here)

While Thames Water may not acknowledge an issue in their statement (given no information was provided by the applicant in their planning application in terms of construction and drainage issues), there is written mention of a sewage overflow of the shared drain in Stagg Farm in 2007 in correspondence between Mr Redding and the owner of Stagg Farm at that time. Please see appendix 2 of this correspondence.

I'm also aware from the owners prior to us that this happened again around 2012. While I lived here, an overflow of sewage occurred in May 2020. See photos in appendix 3 of this correspondence. I believe this

	<p>issue to be a health and safety risk and one that should be prevented going forward.</p> <p>The front garden at Stagg Farm is frequently flooded in wet weather. The water meter is submerged and can not be read. This has been reported to affinity water who are unable to do anything about it.</p> <p>In 2020 and 2021 we have seen storm water enter the property at its lowest point, in the hallway. While drains and gutters have been checked to be clear of leaves we have observed this happen due to the ground being saturated, the groundwater level rising and the sewer pipes overwhelmed in these moments.</p> <p>If the planning application for two new houses at Annapurna is approved, I ask that conditions are inserted into the planning permission so that a new route is constructed for the sewage and rainwater for the two new houses. This route could pass from the new houses, under the private access road to Hogpits Bottom as was previously considered by the owners of Annapurna and Flaunden Park in the past.</p> <p>Ideally the sewage from Flaunden Park and Annapurna will link into this new route along with the two new properties.</p>
<p>16 Flaunden Park Flaunden Hemel Hempstead Hertfordshire HP3 0PY</p>	<p>I would like to object to the building of the two properties proposed for the garden of Annapurna.</p> <ol style="list-style-type: none"> <li>1. A two storey property would be intrusive of the nearby homes.</li> <li>2. More traffic using the main drive onto the park.</li> <li>3. Sewerage is already a problem on the site and has been for some years so what will happen to the sewerage of the new properties.</li> <li>4. Noise, pollution and extra traffic blocking the car park. whilst the works is being carried out.</li> <li>5. More cars parking in an already overcrowded car park which is for the residents.</li> <li>6. I don't think that Flaunden park needs another two dwellings.</li> </ol>
<p>38 Flaunden Park Flaunden Hemel Hempstead Hertfordshire HP3 0PY</p>	<ol style="list-style-type: none"> <li>1. My main concern with this development would be the entrance/exit to Flaunden Park. at the moment we have a narrow driveway to the properties already sited and I feel that with 2 new houses this would need parking and access for at least another 6 cars.</li> <li>2. Where would the driveway to the houses be? Where would they park? Where would they turn into the properties?</li> <li>3. The turning out of the park already has a restricted view and cars speed along the lane causing concern for safety.</li> </ol> <p>Whilst works are carried out the noise and disruption would be of concern to most residents.</p> <ol style="list-style-type: none"> <li>4. The overview of 2 two storey dwellings would result in loss of privacy to the properties around the proposed site as they would overlook the gardens immediate to them.</li> <li>5. The drainage &amp; sewerage is already a problem during wet weather. The electricity supply is often compromised resulting in loss of power.</li> <li>6. Assuming these properties would be family homes would this mean children playing on the green and causing a disturbance for elderly residents?</li> <li>7. My objection is that this park is just not suited to another 2 houses.</li> </ol>

	<p>1. My main concern with this development would be the entrance/exit to Flaunden Park. at the moment we have a narrow driveway to the properties already sited and I feel that with 2 new houses this would need parking and access for at least another 6 cars.</p> <p>2. Where would the driveway to the houses be? Where would they park? Where would they turn into the properties?</p> <p>3. The turning out of the park already has a restricted view and cars speed along the lane causing concern for safety. Whilst works are carried out the noise and disruption would be of concern to most residents.</p> <p>4. The overview of 2 two storey dwellings would result in loss of privacy to the properties around the proposed site as they would overlook the gardens immediate to them.</p> <p>5. The drainage &amp; sewerage is already a problem during wet weather. The electricity supply is often compromised resulting in loss of power.</p> <p>6. Assuming these properties would be family homes would this mean children playing on the green and causing a disturbance for elderly residents?</p> <p>7. My objection is that this park is just not suited to another 2 houses.</p>
<p>Birch Lane House Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>If this application is approved it will set a precedent for development in other garden areas within Flaunden. Flaunden is a small rural hamlet in the Green Belt whose character is typified by open spaces between buildings. This application would constitute overdevelopment in the Green Belt.</p> <p>Flaunden has already had approvals for 10 new residences approved in recent times, mainly comprised of existing building conversions, that are still to be constructed, in progress or recently completed. This represents almost a 10% increase in the number of houses in the village. Not only does this change the character of the small rural village, that Dacorum policy seeks to protect, but also puts a great strain on the already struggling narrow country lanes that service the village.</p> <p>Further development of this type is therefore not appropriate or consistent with Dacorum policy.</p>
<p>18 Flaunden Park Flaunden Hemel Hempstead Hertfordshire HP3 0PY</p>	<p>Too much heavy traffic Over development Parking in existing area</p>

# Agenda Item 5d

ITEM NUMBER: 5d

20/03194/MFA	Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios & creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/ or as film set. Construction of security building at entrance.	
Site Address:	Bovingdon Airfield Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP5 3RR	
Applicant/Agent:	Mr H Mash	Mrs J Long
Case Officer:	James Gardner	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Large-scale major with S106 agreement	

## 1. RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a S106 agreement and referral to the Secretary of State.

## 2. SUMMARY

2.1 The application is located within the Green Belt which is an area of development restraint with new buildings and changes of use of land only being acceptable in specific circumstances. Where the proposed development does not fall within one of the categories deemed acceptable, it constitutes inappropriate development and should not be improved except in very special circumstances. Part of the development proposed by this application is considered to be inappropriate. However, a package of very special circumstances have been advanced which are considered to outweigh the harm to the Green Belt.

2.2 Highways impacts have been considered in full and it is considered that, subject to conditions, there would be no adverse impacts.

## 3. SITE DESCRIPTION

3.1 The application site comprises part of a former RAF runway built in WWII that runs east-west. The concrete runway, known as 08/26, is approximately 650 metres long and 45 metres wide. To the west of the site is the small village of Whelpley Hill (together with Whelpley Hill caravan park). Bovingdon Airfield was closed by the RAF in 1979 and since then the ownership has been divided up and passed through various private ownerships, while HM Prison The Mount has been built on the eastern portion of the airfield, with the large village of Bovingdon immediately to the east of the prison. The runway has been used over the years for various uses including a Saturday market, temporary filming and car racing.

## 4. PROPOSAL

4.1 The development proposed by this application can be broken down into several constituent parts.

1. Removal of existing earth bunds and change of use of land for backlot filming space.
2. Construction of three permanent film studios and security office.
3. Change of use of land used for Bovingdon Market to backlot filming space.

#### 4. Change of use of former control tower for offices / filming.

4.2 The site is large and therefore comprises of a 'southern quarter' and a 'northern quarter'. The southern quarter is shown on drawing no. 102 (*Proposed Site Plan – Southern Quarter*) and includes the two main vehicular accesses onto Chesham Road. The plan also indicates the location of a proposed entrance building and backlot space, the latter being sited on land currently used by Bovingdon Market, as well as an area of bunding to the east.

4.3 The northern quarter is shown on drawing no. 101 Rev. 03 (*Proposed Site Plan – Northern Quarter*). This includes the northern section of land currently used by Bovingdon Market, the former control tower, a further area of proposed backlot space (currently occupied by a bund), and three studio buildings. The buildings would be located in the far north-western corner of the application site, with HMP The Mount to the south-east, an existing ITV studio to the north and trees on all but one side, shielding the studios from the majority of vantage points within the site. The studio buildings range in height from 15 – 17 metres and it is understood that they are to be constructed from metal sheeting. Although the colour has not been specified within the planning documents, the Planning Supporting Statement does refer to dark green as a possible option. A condition will be included to require the building to be dark green in colour.

4.4 By way of background, the building identified as Studio III on drawing no. 101 (Rev 03) benefits from a temporary permission by virtue of permitted development rights, having been granted consent to be on site for a period of up to nine months under planning reference 20/03594/FPA. Temporary permission was also granted for Studio I, as identified on drawing no. 101 (Rev 03), under the same reference, and works are underway to implement this part of the temporary permission. The nature of these buildings is such that, although temporary, they can be upgraded to be suitable for permanent use. Therefore, should planning permission be granted, the buildings in question will be suitably upgraded and retained on site.

#### 5. PROCEDURAL MATTERS

5.1 The application originally proposed the construction of two studio buildings and three associated workshop buildings. Subsequently, the agent forwarded amended plans to the Council and advised that the applicant wished to amend the application, substituting the three workshop buildings for a further permanent studio building. The resultant increase in floor area resulted in the application fee increasing from £24,791 to £29,069, which has been fully paid. The application description was duly amended, omitting reference to the workshops. It is considered that the application description accurately reflects the nature of what is being proposed; that is to say, a change of use and operational development.

5.2 During the course of the application, the Council was informed by a third party that Certificate A had been signed in error. Specifically, the applicant was listed as Mr. H Mash when, in fact, the land is owned by W.J & M Mash Ltd. In such an instance, Certificate B should have been signed and notice served on the company directors. As a result, the application form has been re-submitted with W.J & M Mash Ltd as the applicants. A further period of consultation (three weeks) followed this amendment.

5.3 Notwithstanding the fact that no objections have been received from Bovingdon Parish Council in respect of this application, the application cannot be determined under delegated powers as it is classified as a 'large scale major development', which is defined in Part 3 of the Council's Constitution as follows:

*Large Scale Major Development: For dwellings, a large-scale major development is one where the number of residential units to be constructed is 200 or more. Where the number of*

*residential units to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition of a large-scale major development. For all other uses a large-scale major development is one where the floorspace to be built is 10,000 square metres or more, or where the site area is 2 hectares or more*

5.4 The application includes a Section 106 agreement and the site area is in excess of 2 hectares, thereby falling within the definition of large-scale major development.

## **6. PLANNING HISTORY**

Planning Applications (If Any):

19/03213/FUL - Temporary use of land for filming.  
*GRA - 9th April 2020*

20/01253/DRC - Details as required by condition 3a (benefits of production to local area) of planning permission 4/01152/18/MFA (Temporary planning permission for use of land for film-making for 5 year period. To include temporary studio structures. Associated parking)  
*GRA - 11th June 2020*

20/02066/FUL - Temporary change of use of land for film-making for 8 month period. Construction of temporary 'studio' structure, following part removal of the bund and use of hardstanding for stationing of support services and storage.  
*GRA - 22nd October 2020*

20/03571/FUL - Temporary change of use of land for film-making for a 2 year period to include temporary construction of 'set' structures and use of hardstanding for stationing of support SERVICES AND STORAGE. USE OF ADJACENT LAND FOR PARKING AND ERECTION OF MARQUEES  
*WDN - 14th January 2021*

20/03594/FPA - Temporary use of land for film-making.  
*PAG - 28th January 2021*

20/04057/FPA - Temporary Use of Land for film making  
*PAG - 25th February 2021*

21/02301/DRC - Details as required for condition 3b (Statement of benefits to local area) attached to planning permission 4/01152/18/MFA (Temporary planning permission for use of land for film-making for 5 year period. To include temporary studio structures. Associated parking)  
*GRA - 2nd July 2021*

21/02400/FUL - Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios & creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/ or as film set. Construction of security building at entrance.  
*APPRET -*

21/02920/FPA - Temporary use of land for film-making.  
*PCO -*

21/03033/FUL - Temporary Planning Permission: Film Set  
*INV -*

4/00158/19/DRC - Details as required by conditions 3 (trench plan) and 4 (site restoration plan) attached to planning permission 4/02683/18/ful (temporary planning permission for use of land for film-making for 35 weeks to include construction of set and use of hardstand  
*GRA - 26th March 2019*

4/02683/18/FUL - Temporary planning permission for use of land for film-making for 35 weeks to include construction of set and use of hardstanding for stationing of support services, associated storage and parking  
*GRA - 14th January 2019*

4/01152/18/MFA - Temporary planning permission for use of land for film-making for 5 year period. To include temporary studio structures. Associated parking  
*GRA - 28th August 2018*

4/00394/18/FUL - Temporary planning permission for use of land for film-making for 40 weeks to include construction of set and use of hardstanding for stationing of support services, associated storage and parking  
*GRA - 6th April 2018*

4/00392/18/FPA - Prior notification of the temporary use of land for film making purposes under class e, part 4, schedule 2 of the town and country planning (general permitted development) (england) order 2015. Use of land for construction of stage set and associated park  
*PNR - 6th April 2018*

4/02373/17/FUL - Temporary planning permission for use of land for film-making for 13 weeks to include construction of set and use of hardstanding for stationing of support services, associated storage and parking  
*GRA - 9th November 2017*

4/01678/17/FUL - Temporary planning permission for use of land for film-making for 13 weeks to include erection of stage structure and use of hard standing for stationing of support services, and parking  
*GRA - 13th September 2017*

4/01660/17/FPA - Prior notification of temporary use of land for film-making purposes under class e, part 4, schedule 2 of the town and country planning (general permitted development) (england) order 2015 (temporary construction of stage set and associated parking between  
*WDN - 4th August 2017*

4/01559/17/FUL - Temporary planning permission for use of land for film-making for 28 weeks to include erection of studios and use of hard standing for stationing of support services and storage  
*GRA - 23rd August 2017*

Appeals (If Any):

None relevant.

## **7. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4

Article 4 Directions: BUCKS CC ORDER. AMERSHAM RURAL & SURROUNDING AREAS.

CIL Zone: CIL2

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine  
NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High  
NATS Safeguarding Zone: Notifiable Development Height: > 10 Metres High  
NATS Safeguarding Zone: Notifiable Development Height: All Development AGL  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Red (10.7m)  
EA Source Protection Zone: 3

## **8. REPRESENTATIONS**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)  
Dacorum Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

### Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – The Green Belt  
CS8 – Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 – Economic Development  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality

### Dacorum Local Plan

Policy 13 – Planning Conditions and Planning Obligations  
Policy 51 – Development and Transport Impacts  
Policy 55 – Traffic Management  
Policy 62 – Cyclists

### Supplementary Planning Guidance / Documents

Parking Standards Supplementary Planning Document (2020)  
Planning Obligations (2011)

## 10. CONSIDERATIONS

### Main Issues

10.1 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.

### Policy and Principle

10.2 The application is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.3 Policy CS5 of the Dacorum Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

10.4 Policy CS5 clarifies that small-scale development – including the redevelopment of previously developed sites – is acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

10.5 Paragraph 149 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. Of relevance is paragraph 149 (g):

- *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - *not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

10.6 Paragraph 150 of the NPPF confirms that other forms of development – including material changes of use of land and engineering operations – are also not inappropriate in the Green Belt provided it would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

10.7 Annex 2 of the NPPF provides the following definition of previously developed land:

***Previously developed land:*** *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. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for*

*restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

10.8 Bovingdon Airfield was constructed circa 1941 by John Laing & Son and occupied by RAF Bomber Command from June 1942. The concrete runways remain largely intact, as does the original control tower. Accordingly, the application site is considered to constitute previously developed land.

### Green Belt Openness

10.9 Paragraph 137 of the Framework states that *“the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”*

10.10 When assessing the impact of a proposal on the openness of the Green Belt, the NPPG states that a number of factors should be taken into account. These include, but are not limited to, its spatial and visual aspects, duration of the development and the degree of activity likely to be generated. Case law has established that *“whether the development would ‘preserve’ the openness of the Green Belt”* does not mean that a proposal can only be regarded as ‘not inappropriate in the Green Belt’ if the openness of the Green Belt would be left entirely unchanged. Rather, the verb ‘preserve’ should be understood in the sense of “keep safe from harm” – rather than “maintain (a state of things)”. There is a distinction between development having a greater impact on the openness of the Green Belt versus development preserving the openness of the Green Belt, the former being somewhat more restrictive. For the purposes of this application it is important to have both concepts in mind: new built development – i.e. the studios – should not have a greater impact on the openness of the Green Belt, while engineering operations – i.e. part removal of the bunds - and changes of use should preserve the openness of the Green Belt and not conflict with the purpose of including land within it.

### *Built Development*

10.11 The proposed development would result in the construction of studio space equating to approximately 7,130m<sup>2</sup>, a full breakdown of which is shown in the table below, and a single-storey security building with a GEA of approximately 50m<sup>2</sup>.

<b>Studios</b>	<b>Area (GEA)</b>	<b>Building Heights</b>
I	2530.3 m <sup>2</sup>	17m
II	2530.3 m <sup>2</sup>	16m
III	2067.5 m <sup>2</sup>	15m

10.12 In order to facilitate their intended purpose the studios are of considerable size and height. The studios are proposed to be sited on land forming part of an historic earth bund, which will be excavated and, accordingly, the studios will occupy a level similar to that of the runway; that is to say, not an elevated position. There would also be additional hardstanding in the form roads and circulation space around the studio areas.

10.13 With the exception of Studio III, which has been erected under a temporary permission (20/03594/FPA), the land upon which the studios are to be constructed is devoid of built form.

10.14 In spatial terms, it is clear that the construction of the studios would have a greater impact on the openness of the Green Belt. They represent sizable development in terms of both floor area and height and wholly located above ground.

10.15 Turning to the visual impact, the studios would have very limited visibility from public vantage points outside the application site. Views of the studios would be limited to sections of Public Footpath 29, which runs parallel to the shorter of the two runways before diverging in an east-south-easterly direction, running parallel with the northern boundary of HMP The Mount and the continuing in a north-easterly direction. Glimpsed views of at least one of the studios would also be possible from just within the western entrance.

10.16 That Studio III is in situ, albeit under a temporary permission, assists in quantifying the impact on openness; indeed, it can be categorically confirmed that it is not visible from the section of footpath running parallel to the runway, the earth bund with large mature trees atop it effectively circumscribing views. It should be noted that only sections of the earth bund will be removed; therefore, the earth bund in the location referred to above will remain in situ. Based on these on-the-ground observations, and in having regard to the proposed site plan, it is not considered that Studios I and II would be visible from the section of footpath parallel to the runway.

10.17 The proposed studios would be more prominent from the section of footpath running parallel to the prison, though within a relatively narrow field of view. Nonetheless, by virtue of their size and height, and notwithstanding the potential to use a visually recessive colour such as dark green (as has been utilised on Studio III), it cannot reasonably be asserted that their visual presence from this vantage point would have no greater impact on the openness of the Green Belt. Limited but noticeable sky-line views would be possible from the section of public footpath to the north of the prison.

10.18 Although relatively modest in size, the proposed security / entrance building would nonetheless have a greater impact on the openness of the Green Belt in spatial terms. In visual terms, whilst tree planting to the front of the building is proposed, it would have a greater visual presence than the existing hardstanding and temporary building.

10.19 In summary, the proposed studios and security building would spatially and visually have a greater impact on the openness of the Green Belt than the existing development and therefore represent inappropriate development.

#### *Change of Use / Engineering Operation*

10.20 Backlot space is to be provided to the south-west of the studio buildings and would comprise of an area of some 17,300m<sup>2</sup>. The term 'backlot' is typically used to describe an area behind or adjoining a movie studio, where outdoor scenes are filmed and temporary sets erected.

10.21 Two further backlot areas are proposed in the southern quarter of the site – one on the area of hardstanding currently used by Wendy Fair Markets on Saturdays (approx. 19,300m<sup>2</sup>) and the other to the immediate east (approx. 5,930m<sup>2</sup>).

10.22 The formation of the backlot space would necessitate the removal of large areas of bunding (with the exception of the market site, which does not have any bunding), restoring the land to its natural level and increasing the sense of visual openness from within the site.

10.23 Given the requirement for the use of mechanical machinery and the amount of soil that would need to be removed, the works to the earth bunds are considered to constitute engineering operations.

10.24 Reducing the land level at the specified areas within the site would not adversely affect the openness of the Green Belt. On the contrary, it would, in fact, improve openness by removing an artificial sloped barrier. There is also no reason to conclude that such an operation would in any way conflict with the purposes of including land within the Green Belt.

10.25 Changes of use in the Green Belt are required to preserve the openness of the Green Belt; which, as has already been outlined above, should be understood in the sense of keep safe from harm.

10.26 Two of the three proposed backlot spaces currently comprise of areas of bunding and, accordingly, are not in productive use. The backlot space would be available for outdoor filming and temporary buildings, intensifying the use of this particular part of the site. Whether or not the change of use for backlot space would preserve the openness of the Green Belt is a matter of planning judgement.

10.27 There may be times when no temporary buildings are present, but the backlot area is likely to be used more intensely than the market. This needs to be balanced against the removal of the bunding and the equalisation of the land level with that of the runway.

10.28 The removal of large sections of bunding, which is essentially semi-permanent, would improve intra-site openness, and be replaced by backlot areas that will not be permanently occupied by one particular structure or building. Temporary buildings are unlikely to be present during gaps between film production, and even where the space is essentially booked for months or years ahead, the logistics of organising contractors, securing materials and then bringing them to site is likely to result in periods of time when the land is devoid of buildings. However, in order to ensure that openness is protected as much as possible, it is considered that it would be reasonable to include a condition requiring all temporary sets and buildings to be removed from the land following the completion of filming in respect of any particular production.

10.29 The NPPG refers to a number of matters which may need to be taken into account when assessing the impact of a proposal on the openness of the Green Belt. One such matter is the duration of the development and its remediability. While it is acknowledged that granting the change of use for backlot space would essentially be a permanent change, there is a degree of impermanence in so far as any buildings constructed will exist only so long as filming of the particular film with which they are associated continues. Some temporary buildings could be large while others could be modest. As outlined above, there are likely to be periods of time between film production when no buildings are present. As a result, it is considered that weight should be given to the inherent level of remediability implied in the nature of the proposed change of use.

10.30 In summary, as a matter of planning judgement and having taken all the relevant facts into account, it is considered that the change of use and engineering operations would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

#### Assessment of Harm

10.31 The NPPF is clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

10.32 Case law has established that, following confirmation that the proposed development is 'inappropriate development' (i.e., development not identified at Paragraphs 149 and 150 of the NPPF), then whether there is 'any other harm' to Green Belt must be established through an assessment of:

1. The performance of the Green Belt in question, having regard to the five purposes of the Green Belt identified at NPPF Paragraph 134;
2. The harm to the openness of the particular area of Green Belt as a result of existing development; and

3. The direct harm caused by the proposed development (i.e. new buildings).

10.33 Once the level of harm is quantified, the extent of 'other considerations' necessary to overcome that harm can be established. Reference to 'any other harm' should be taken to mean non Green Belt harm (e.g. highways, biodiversity etc). Whether there is any other harm will be assessed in the relevant sections of this report.

#### *Impact on openness and Green Belt purposes*

1. Performance of Green Belt:

10.34 The Council commissioned SKM to carry out a Green Belt Review Purposes Assessment in November 2013. The SKM assessment established a number of zones for assessment, with the land at Bovingdon Airfield forming part of Zone GB12. The SKM assessment provides the following supplementary data regarding GB12:

**Description** The Parcel located to the north of Bovingdon and extends to along the A41 to Feldon (south Hemel Hempstead). To the east the boundary follows the B4505 and extends south to the edge of the study area. It is 890 ha in size and forms a flat upland chalk plateau which falls strongly to the north towards the Bulbourne valley across undulating dry valleys slopes.

**Land use** Predominately arable farmland, plus rough grassland, Bovingdon Airfield, Bovingdon Prison (MDS), education, recreational uses including Little Hay Golf Course.

#### **Principal Function / Summary**

Significant contribution toward safeguarding the countryside and maintaining the existing settlement pattern. Partial contribution towards preventing merging (of Berkhamsted and Hemel Hempstead). Overall the parcel contributes significantly towards 2 out of 5 Green Belt purposes.

10.35 Zone GB12 was assessed against the five Green Belt purposes and was stated to perform as follows:

<b>Purpose No.</b>	<b>Purpose</b>	<b>Performance</b>
1	Check unrestricted sprawl of built-up areas	Limited or no contribution
2	To prevent neighbouring towns from merging	Limited or no contribution
3	To assist in safeguarding the countryside from encroachment	Significant
4	To preserve the setting and special character of historic towns	Limited or no contribution
5	To maintain existing settlement pattern	Significant

10.36 Guidance prepared by the Local Government Association and The Planning Advisory Service (*Planning on the Doorstep: The Big Issues – Green Belt*) states that, since all Green Belt assists in safeguarding the countryside from encroachment, '*The most useful approach is to look at the difference between urban fringe – land under the influence of the urban area – and open countryside, and to favour the latter in determining which land to keep open...*'

10.37 It is important to consider the scale of the parcel being assessed and that, whilst one part of the parcel may be strategically important or sensitive, another part may be considerably less so. Indeed, in the case of the application site, it is already partially developed and used for a range of activities (i.e. extensive areas of hardstanding, historic WWII control tower, motor car racing, filming, and a Saturday / Bank Holiday market, which attracts large number of market traders on customers).

10.38 It is also contiguous with the substantial built form of HMP The Mount. On this basis, it is considered that the eastern side of the airfield constitutes urban fringe rather than open countryside. It follows, therefore, that application site – in particular, the specific area on which new buildings are proposed to be constructed – is less sensitive and is not as effective in safeguarding the countryside from encroachment as the Green Belt Review suggests.

10.39 It is noted that purpose five of the Green belt review does not tally with that of the NPPF. Paragraphs 5.2.20 and 5.2.21 of SKM report provide the following explanation:

*The fifth national purpose has been screened out. Assisting urban regeneration, by encouraging the recycling of derelict and other urban land is considered to be more complex to assess than the other four purposes because the relationship between the Green Belt and recycling of urban land is influenced by a range of external factors including local plan policies, brownfield land availability and the land / development market. Due to the fact that the local policy review demonstrates that there is a limited supply of available or unallocated brownfield land in St Albans, Dacorum and Welwyn Hatfield it is considered that the Green Belt as a whole has successfully and uniformly fulfilled this purpose. Therefore all parcels would perform equally well and any attempt to differentiate would be meaningless.*

*This local purpose was identified as a planning objective in the 1998 Hertfordshire Structure Plan and continues to be articulated within local policy. The Green Belt maintains the existing settlement pattern by providing a range of spaces and gaps between all settlements. Therefore the assessment criteria has followed those questions applied to the second purpose, but focuses on land between non-1st tier settlements. Though not specifically defined as such in local policy, these spaces have been considered to represent 'primary' or 'secondary' local gaps*

10.40 *Planning on the Doorstep: The Big Issues – Green Belt* also grapples with purpose five of including land within the Green Belt:

*With this one, it must be the case that the amount of land within urban areas that could be developed will already have been factored in before identifying Green Belt land. If Green Belt achieves this purpose, then all Green Belt does so to the same extent and hence the value of various land parcels is unlikely to be distinguished by the application of this purpose.*

10.41 It is agreed that including this land within the Green Belt serves the purpose of encouraging urban regeneration.

## 2. Existing Openness

10.42 Whereas views to the north and west from the public footpath are relatively unobstructed, views to the east and north-east are circumscribed by earth bunds and associated trees. Furthermore, views from the vicinity of the control tower – on the far eastern edge of the site – are severely restricted by the close proximity of HMP The Mount and the earth bunds. Thus, whilst the site contains a relatively limited amount of above ground development, intra-site openness is limited.

10.43 Views from the site from within the wider landscape are also somewhat limited. Inter alia, the site is visible from the public footpath to the north and the vehicular accesses on Chesham Road.

## 3. Proposed Development

10.44 The primary studio buildings are confined to the north-western section of the site and are to be sited proximate to the site perimeter with HMP The Mount, thereby concentrating the bulk of built form in one location. The effect is that the remainder of the site remains relatively free from above-ground built development

10.45 The proposal would result in the construction of studio space equating to approximately 7,130m<sup>2</sup>. However, taking into account the limited field of view within which the development would be visible (i.e. the northern section of Public Footpath 29 and glimpsed views of one studio from within site entrance), as well as the similar heights of the studio buildings, it is unlikely that all three buildings would, in fact, be visible, noting their heights and the proposed positioning shown on drawing no. 101 (Rev. 3). Indeed, it should be noted that the presence of earth bunds and trees would effectively screen much of the development, limiting visibility to the northern section of the footpath, while a green finishing material would, as is evident from viewing the existing temporary studio structures on the site, be visually recessive

10.46 Studio I would be the most prominent building, situated as it is in the far north-western corner; however, it would effectively shield studio II from view (Studio I is one metre higher than Studio II). The bunding and trees would ensure that Studio II is not visible from the west. Studio I would also partially, if not totally, shield Studio III from view owing to it being two metres higher, and the way in which it is interposed between the footpath and Studio III. The parts of the studios which would be visible would be seen against the backdrop of the retained trees and the proposed new tree planting. Thus, notwithstanding their size, the limited amount of visible above ground development would, it is submitted, blend into the landscape to a reasonable degree.

10.47 Whilst there would be an undeniable increase in footprint / floor area, in visual terms the quantum of development that would be actually visible is likely to be considerably more limited than the numbers would otherwise suggest.

10.48 Turning to the entrance / security building, this would reduce the level of openness along the site frontage, introducing built development where there was previously none. The visibility of the building would be reduced by the proposed tree planting, although it is acknowledged that, while positive from an environmental perspective, in and of itself, the tree planting will also reduce openness. Regard does, however, need to be had to the single-storey nature of the building and the fact that it would be seen in the context of the existing boundary treatment – i.e. walls and fencing – while the large areas of glazing would give it a degree of permeability, thereby reducing its impact on the Green Belt. There may be a potential for the glazing to result in some glare; however, this would be minimised by the proposed landscaping to the frontage.

10.49 Taking account of the three areas of assessment above, it is considered that the development would result in some limited harm to the Green Belt in terms of encroachment into the countryside, and definitional harm as per paragraph 147 of the NPPF.

10.50 In determining the level of harm to the countryside, it is important to note that not all countryside is the same. In this case, and as acknowledged in the land use description of GB12, Bovingdon Airfield is a significant land use within the area. Furthermore, the airfield is a developed site which contains substantial areas of hardstanding. As a result, the site is not 'open countryside' in the sense that many would understand it. Added to this is the fact that the development is essentially limited to the area of the site adjacent to substantial built form of HMP The Mount. Encroachment into this less than pristine countryside is therefore limited. The harm attributed to it is also considered to be relatively limited.

10.51 In terms of the Green Belt purpose of encouraging urban regeneration, this will be the case for all Green Belt land; and, as identified by the review, all parcels assessed would achieve an equal score. There will therefore always be a level of harm attributable to this Green Belt purpose. As established by case law, the weight given to harm is a matter for the decision maker. In determining the level of weight attributable to the harm, it is important to consider the nature of the proposed use of the site and whether a site within an urban area could reasonably be used (recycled) for this function. The areas within which filming can take place are relatively limited owing to size constraints,

the requirement that development be located away from residential development (in order to avoid harm to residential amenity), and where the location is acceptable on highways grounds. It is considered that such sites are few and far between, with no alternative sites having been identified.

10.52 National planning policy states directs that “*substantial weight is given to any harm to the Green Belt*”. The factors outlined above are such that the bar at which very special circumstances are reached is lower than a situation in which the Green Belt serves multiple purposes and thus is harmed by numerous factors.

#### Very Special Circumstances

10.53 The proposed development includes the construction of new buildings which would have a greater impact on the openness of the Green Belt. As such, the proposed development constitutes inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

10.54 Paragraph 148 of the NPPF states that: “*‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

10.55 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development.

10.56 The Planning Statement and Statement of Very Special Circumstances outline the positive benefits arising from the proposed development, each of which shall be considered in turn.

#### Economic Spin-Off Benefits:

10.57 Paragraph 83 of the NPPF advises that “*Planning policies and decisions should recognise and address the specific locational requirements of different sectors*” and “*...includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries...*”.

10.58 Paragraph 84 of the NPPF provides general support for development that supports a prosperous rural economy. It is submitted, however, that the rural economy need not relate to what is typically considered to be a rural enterprise; indeed, paragraph 84 (a) confirms that planning policies should support the sustainable growth and expansion of all types of businesses in rural areas.

10.59 Creative England, a national agency funded by Central Government via the British Film Institute, who support the film industry in England by working with the British Film Commission to attract inward investment in film and TV production, have provided a letter of support in respect of this application. The letter quantifies some of the economic benefits generated by the film and TV industry in the UK:

*The film and TV industry in the UK generates significant value for the UK economy. In 2019 film production in the UK generated a total spend of J1.95 billion, a 17% increase on the previous year's J1.84 billion and the second highest figure since statistics were first recorded. 2019 also saw the second highest level of spend by international filmmakers ever recorded, reaching J1.77 billion. This highlights the confidence international filmmakers have in the UK's creativity, the expertise of our crews, and world-class production facilities combined with the UK film tax relief. On a more local level, Creative England estimate the average amount a production would spend when filming on location per day is in excess of J42,000*

*on a major feature film and in the region of J22,000 for a high-end television drama. The impact to both the national and local economy is clear to see.*

*Against the backdrop of the COVID-19 pandemic, the UK Government has made sector specific intervention by announcing a new UK-wide J500 million Film and TV Production Restart Scheme to help domestic film and TV productions which are struggling to get coronavirus related insurance which they need in order to get back up and running. In the UK, the film and TV production industry supports more than 180,000 jobs and showcases the best of British creativity and innovation. As the UK moves to recovery, the UK film & TV industry will play a key role in kickstarting jobs and the economy.*

10.60 The recent lockdowns during the COVID-19 pandemic have resulted in an increased demand for high quality television and film productions, which has positive benefits for both the local and national economy.

10.61 In terms of the local economy, it is anticipated that production companies would utilise local shops and services– e.g. overnight accommodation, dining, petrol, groceries and provisions from local supermarkets; waste management supplies, refuse and waste disposal, and local plant and machinery hire.

10.62 A condition attached to a five-year temporary planning permission (4/01152/18/MFA), which provided studio space for ITV's *Dancing on Ice* and *The Masked Singer*, required the annual submission of a statement outlining the benefits of production to the local area (Bovingdon and Hemel Hempstead). This is relevant to the application currently under consideration, for it quantifies the actual benefits that have, in the past, accrued to the local economy. The headline figures have been outlined below:

10.63 *Dancing on Ice*, filmed between January and March 2019, contributed approximately £1.13 million to the local economy:

£829,000 on local filming related suppliers.

£211,000 on local hotels.

£76,000 on local crew.

10.64 *The Masked Singer*, filmed between September and December 2019, contributed approximately £229,000 to the local economy:

£194,000 on local hotels.

£21,000 on local filming related suppliers.

£14,000 on local transport.

10.65 It is not unreasonable to assume that similar economic benefits will continue to accrue to the local economy should this application be approved.

10.66 The establishment of a permanent facility in Bovingdon also has the potential to be a catalyst for growth in the service sector – an important source of employment in the post-industrial age. Indeed, paragraph 6.22 of the Planning Statement identifies that:

*...‘location filming’ enhances supply chain relationships, safeguarding jobs, and it is estimated that more than 6,700 people work in film and associated sectors in Hertfordshire alone. For every job supported in the core UK film industry a further job is supported through indirect and induced multiplier effects.*

10.67 Furthermore, it is considered that a permanent studio complex may encourage associated knowledge-based supporting industries – e.g. special effects studios, costume and / or set

manufacturers – to relocate or set up additional facilities in the area, all to the benefit of the local economy.

10.68 It is acknowledged that Bovingdon Market, which would cease within a set time-frame should planning permission be granted (see 'Removal of Bovingdon Market' below), makes a modest contribution to the local economy, and clearly this loss needs to be balanced against the benefits of the proposed filming use.

10.69 Operation of the market is limited to Saturdays and bank holiday Mondays. It is not, therefore, unreasonable to conclude that economic activity would be limited to those particular days. No positive spin-off benefit have been advanced by the legal counsel acting on behalf of Wendy Fair Markets.

10.70 Whilst it is conceivable that there may be some linked trips to the market which benefit the local economy, this is by no means guaranteed. It is submitted that it is far more likely that those visiting the market would limit their spending to within the market itself; indeed, it is understood that mobile catering facilities regularly trade from within the market, thereby obviating the need for customers to make use of local facilities within Bovingdon or the surrounding towns and villages. Further, given that most, if not all, of the traders and customers would be travelling to the market on the day it is held, there would be no need for overnight stays.

Demand for Studio Space:

10.71 The letter from Creative England also highlights that the provision of studio space has not risen sufficiently fast to satisfy demand:

*Despite the UK's success in attracting international productions in film and high-end TV, the supply of studio space is not fully in-step with demand. This planning application directly responds to the shortage of studio space in the UK that Creative England have seen over the last number of years. The plans would also ensure that the UK remains internationally competitive by ensuring sufficient infrastructure to support inward investment.*

*Bovingdon's proximity to the M25, Central London and the largest Studios in the UK in addition to the site's unique attributes such as its clear horizon, unrivalled amount of hardstanding and provision of privacy it is unsurprising that it has been home to some of the biggest productions to shoot in the UK over the recent years such as Universal Pictures' Fast & Furious 9, Amblin Entertainments' 1917, Warner Bros.' Wonder Woman 1984 and Justice League. This validates Bovingdon Airfield's importance as a filming facility in the UK.*

10.72 A lack of space has implications for the future competitiveness of the UK film industry. Notwithstanding the relative success of the industry in recent times, film production companies may look elsewhere if they cannot secure the necessary space.

10.73 Filmmaking inevitably has very specific requirements, and as alluded to in the letter from Creative England, the proximity of Bovingdon Airfield to strategic transport links, such as the M25, and other large film studios in the south-east, has, in large part, contributed to its success in attracting big budget films. The potential noise and disruption arising from filming also reduces the number of possible locations for filming. Former airfields, however, lend themselves to such functions, but are relatively few and far between and often, although not always, located in areas of development restraint (such as the Green Belt).

10.74 It is acknowledged that there has been expansion at other film studios in the south-east; therefore, consideration needs to be given to whether this is sufficient to satisfy latent demand. In response to a request for further information on this point, correspondence has been received from

respective Heads of Production at the British Film Commission and Creative England, outlining the current situation with regard to the availability of studio space. Pertinent paragraphs have been reproduced below:

*Since we last wrote in support of the Bovingdon proposal, we have continued to experience unprecedented levels of production and production enquiries regarding available studio space. The total spend on film and High-End TV (HETV) production in the UK in the first three months of 2021 was the highest on record and 11% higher than the same three-month period in 2020 i.e. pre-pandemic.*

*Research addressing the levels of future studio space demand, based on confidential consultations with key inward investment film and TV clients, was first carried out in 2018 and updated in the Autumn of 2020. This research identified the square footage that would be required to meet planned demand – a figure that far outstrips the current supply pipeline. This research contributed to a business case that was sufficiently compelling to secure endorsement from a cross-Government panel including HM Treasury, DCMS, DIT and No.10 for the British Film Commission's Stage Space Support and Development initiative. The Chancellor of the Exchequer announced this support in Spring 2020, as outlined in BFC's previous letter of support.*

*The south east of England, in particular Hertfordshire and the other western Home Counties, continues to host some of the highest-profile and most commercially successful film and TV productions of all time. The region benefits from the UK's largest crew base, leading creative talent, iconic locations, and access to cutting-edge production, post-production and visual effects facilities. As a result, studio and stage space in Herts and the surrounding areas are the focus of many of our clients' studio and stage space availability enquiries.*

*Whilst very positive for local economies, the majority of studios in the region are at capacity, many with long term leases – Disney at Pinewood, Netflix at Shepperton, Warner Bros. at Warner Bros. Studios Leavesden and Comcast (NBC Universal and Sky) at Sky Studios Elstree which is now under development. Whilst you have correctly identified planning approvals for existing studio expansions, these only go part-way to meeting the demand outlined here. Although significant, much of the additional capacity at these existing facilities, plus other announcements over recent months, has already been assigned to specific content producers. As a result, a requirement to establish further stage space exists to meet wider inward investment film and TV demand, both from these same clients whose current leases cannot satisfy their space needs, and from dozens of other film and TV clients, both from the UK and US.*

*It is important to note, too, that many productions are already having to adapt short-term 'meanwhile use' industrial space, to meet existing production demand. This is not a viable long-term solution. Critical to growth is the development of additional purpose-built stage space, such as that proposed at Bovingdon. As a location with a history of supporting production, including current and pending production activities, and a film-friendly local authority, Bovingdon continues to contribute to the region's reputation as one of the best places in the world to produce high-end content.*

10.75 It is clear, therefore, that, notwithstanding recent planning approvals, there remains a considerable unmet need for studio space, the provision of which is vital if the industry is to flourish and ultimately reach its full potential.

Removal of Bovingdon Market:

10.76 Due to high traffic numbers at peak times, such as, although not necessarily limited to, the weeks running up to Christmas, the market has caused severe highways issues, necessitating joint interventions from Hertfordshire Constabulary and the Highway Authority.

10.77 Although the Council granted planning permission in 2015 (4/01889/14/MFA) for the relocation of the market, external factors have materially changed in the intervening years. It is understood that other markets further afield have closed (either due to lack of demand locally or for other reasons), and this has meant that Bovingdon Market has increased in popularity thereby attracting a much higher number of visitors at peak times.

10.78 A Community Protection Warning was issued by Dacorum Borough Council, which related directly to the impact of the cars/traffic on Chesham Road, as well as side roads in the local area. The issues extended to people being turned away from the airfield due to capacity issues, parking on grass verges, blocking driveways etc.

10.79 In 2020, the Council applied to the Courts to close the market due to traffic concerns and the fact that a satisfactory solution in relation to the highway impacts had not been reached (the Community Protection Order required that a traffic management plan be agreed). The Closure Order application was refused, but due to COVID 19 concerns the market was, for a time, closed temporarily, although has since reopened.

10.80 The closure of the market would also result in the removal of the market stalls, which extend the length of the North-West-South East runway and remain in situ during the week (albeit devoid of their boards and awnings), and therefore have a limited but positive impact on the openness of the Green Belt.

10.81 The applicant is prepared to enter into a Section 106 agreement and covenant that he will not allow the land to be used by the market no later than 18 months from the date of a grant of planning permission. The purpose of the delay is twofold. Firstly, income from the market will fund the construction of the film studios. Secondly, there is a requirement to give the market operators an appropriate notice period.

10.82 The above approach is considered to be reasonable. However, should planning permission be granted, it would be appropriate to include a condition precluding the use of the site for filming on any day that the market is in operation (so as not to exacerbate the highway issues). Although there are currently no restrictions preventing the operation of the temporary uses on market days, it is considered that the greater concentration of filming uses at the site could, cumulatively, result in unacceptable highways impacts. Following cessation of the market there would be nothing to prevent filming on the weekend; subject, that is, to any restrictive conditions in terms of hours of operation.

10.83 In light of the highways impacts at peak times; in particular, the sheer volume of cars attempting to access the airfield, to the detriment of the local highway network and, by extension, the residents of Bovingdon, it is submitted that moderate weight should be given to the benefits accruing from the removal of the market use. As already outlined above, other benefits include the removal of infrastructure associated with the market i.e. awnings, market office and toilet block.

Restoration of Historic Control Tower:

10.84 Although not referred to in the statement of VSCs, the applicant has confirmed that he would be willing to undertake a project to sympathetically restore the original World War II control tower.

10.85 The Council's Conservation and Design Officer was consulted and provided the following comments with regard to this particular aspect:

*The control tower is one of the few surviving elements of the historic airfield which had an impact on Bovingdon and wider national/ international events. Therefore we would consider it to be as a heritage asset (although note its rather poor condition). If the applicant is needing to provide planning gain/ conservation gain the restoration of the tower would be a useful addition to the heritage of the borough. We would highlight that double glazed crittall windows could be used as could insulating render both of which could enhance the environmental performance of the structure. We would be happy to advise further perhaps on site if this avenue is to be explored.*

*Recommendation: We would not object to the proposals but the restoration of the aircraft control tower to its original form would be beneficial to the historic environment of the borough.*

10.86 As there are a relatively limited number of control towers remaining from this era, it is considered that the full and sympathetic restoration of the control tower would result in positive heritage benefits to the borough. Should planning permission be granted, a scheme of works would be secured by an appropriately worded condition.

#### Bio-Diversity and Landscape Enhancement:

10.87 The site appears to be of limited ecological interest, being largely comprised of a concrete hardstanding. The agent has advised that landscaping works to improve biodiversity form part of the application. Be that as it may, the application has not been supported by a biodiversity metric and, as such, there is no way to quantify the exact benefits of the proposed landscaping. While improvements to landscaping and, by extension, biodiversity are of course welcomed, the ecological value of the site is likely to be limited and, furthermore, planning policies (e.g. CS26) in any case require, inter alia, *“the conservation and restoration of habitats and species”* and *“the strengthening of biodiversity corridors”*.

10.88 As such, it is considered reasonable to attribute no weight to this particular element of the VSC package.

#### Permitted Development Rights:

10.89 Whilst it is acknowledged that it is possible to carry out some forms of temporary filming without the need for planning permission, this is a right which the government has seen fit to afford site operators and landowners. Bovingdon Airfield has and continues to be used for temporary filming. There is no suggestion that this would stop should planning permission be granted. Therefore, the permanent filming would potentially be in addition to a number of temporary uses; subject, that is, to them fulfilling the relevant criteria in the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### **Quality of Design / Impact on Visual Amenity**

10.90 Policy CS11 and CS12 of the Dacorum Core Strategy state, inter alia, that development should preserve attractive streetscapes, protect or enhance significant views within character areas and integrate with the streetscape character.

10.91 The proposed studio buildings are unremarkable in design terms and are clearly designed with utility in mind. They are, as a result, neither aesthetically pleasing or unaesthetically pleasing.

10.92 The visibility of the studio buildings has been discussed at length within the Green Belt section of this report. In particular, it was noted that their visibility would be limited to the northern section of the nearby public right of way. This limited field of view, coupled with the colour of the studios and provision of landscaping in the form of trees (both existing and proposed), would considerably soften

the visual appearance of the development. Furthermore, the full scale of the development is likely to be shielded by Studio I, which occupies the northern-most section of the site. Consideration also need to be given to the fact that the buildings would be seen in the context of HMP The Mount, which is a building of considerable scale.

10.93 As a result, it is considered that the development would comply with Policies CS11 and CS12 of the Dacorum Core Strategy.

### **Impact on Residential Amenity**

10.94 Policy CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

10.95 Only one objection has been received in respect of this application, and this appears to relate to vehicle movements not associated with the use proposed by this application.

10.96 The pertinent matters appertaining to residential amenity will be considered in turn.

### **Noise Disturbance**

10.97 Filming is not an inherently noisy activity; rather, excessive levels of noise are only likely to occur where special effects such as explosions and gunfire are utilised.

10.98 The nearest residential dwellings are located approximately 240 metres away and are thus unlikely to be significantly affected by filming, much of which will, in any case, be contained within the studio buildings. The nearby prison also arguably forms a type of residential use, which has the potential to be affected by outdoor filming in the backlot areas.

10.99 The Council's Environmental Health Officer was consulted on this application and has recommended that a Noise Management Plan (NMP) be submitted and approved prior to the commencement of filming. Historically, the use of the site for temporary filming has resulted in a limited number of complaints, suggesting that a more permanent use is likely to be compatible with the location. Accordingly, it is considered that a NMP would be able to suitably address any potential noise impacts and need not be submitted prior to determination of the application.

10.100 In addition to the NMP, it is also considered appropriate to include a condition which limits the construction and strike (dismantling) phases for a production to 07:30 – 19:00 Monday to Friday and 08:00 – 13:00 on Saturdays. This is to ensure that local residents are not adversely affected by the development.

### **Loss of Privacy**

10.101 The requirement that light levels be very precisely controlled dictates that the studio buildings do not contain any windows. As a result, the buildings do not afford any opportunities for overlooking of the prison; which, it should be noted, is located approximately 50 metres away.

### **Visual Intrusion**

10.102 There is no statutory planning definition of visual intrusion or whether development is overbearing. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

10.103 The studio buildings will be located a considerable distance from the nearest dwellings, which are located on the opposite side of HMP The Mount. In terms of the impact on the prison, the

nearest building (Studio I) is shown as being located over 50 metres away. As such, it is not considered that there would be any significant impacts.

### **Impact on Highway Safety and Parking**

#### **Highway Safety / Capacity**

10.104 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon:

- a) The nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and  
.....  
.....
- e) The environmental and safety implications of the traffic generated by the development.

10.105 Policy CS12 of the Dacorum Core Strategy seeks to ensure that, amongst other things, development provides a safe and satisfactory means of access for all users.

10.106 The primary vehicular accesses are on Chesham Road to the south. These accesses would be used for entry and egress to the site, with the western access being utilised by larger articulated vehicles. No changes are proposed to these accesses.

10.107 It is acknowledged that levels of traffic will fluctuate depending on the nature of the filming taking place at any given time, and that there is the potential for conflict between the large levels of traffic generated by Bovingdon Market and that arising from the filming. Consequently, should planning permission be granted, it is recommended that a condition be included which precludes the site for filming on any day that the market is in operation.

10.108 The Highway Authority have considered the proposal and are satisfied that, subject to the inclusion of a traffic management condition to deal with instances where Bovingdon Market and the filming coincide, they have no significant objections to planning permission being granted. As already outlined above, the Local Planning Authority is proposing to include a condition which precludes the use of the site for filming on any day that the market is taking place, thus fully addressing the concerns of the Highway Authority.

10.109 Travel Plans identify opportunities for the promotion and delivery of sustainable transport initiatives in connection with proposed development, thereby potentially reducing less sustainable modes of travel. Accordingly, owing to the size and scale of the proposed development, and in line with the recommendation of the Highway Authority, it is recommended that a condition requiring the submission and approval of a travel plan be included with any grant of planning permission. The costs of monitoring the travel plan will be secured by way of a Section 106 agreement.

10.110 In summary, the access arrangements are considered to be acceptable and subject to filming not coinciding with Bovingdon Market (which will be secured by condition should planning permission be granted), highway capacity would not be adversely affected. The Highway Authority have reviewed the submission and do not have any significant concerns. The development therefore accords with Policy CS12 of the Dacorum Core Strategy and Policy 51 of the Dacorum Local Plan.

#### **Parking**

10.111 It is understood that the majority of the parking associated with the development will take place on the former runway; however, 36 spaces are also shown as being located between Studios

I and II. The application form advises that a total of 150 car parking spaces and 15 spaces for light goods vehicles are to be provided to serve the development.

10.112 In order to carry out an assessment of the proposed level of parking, it is first necessary to correctly classify the use class of the development.

10.113 Class B2 of the Town and Country Planning (Use Classes) Order 2015 (as amended) relates to a “*Use for the carrying on of an industrial process other than one falling within the uses described in Schedule 2, Class E, sub-paragraph (g).*”

10.114 Class E (g) of the Town and Country Planning (Use Classes) Order 2015 (as amended) relates to “*an industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*”

10.115 Article 2 (Interpretation) of the Use Classes Order provides the following guidance in terms of what constitutes an industrial process:

*“industrial process” means a process for or incidental to any of the following purposes:—*

- *the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);*

10.116 It is not considered that a film studio could operate within a residential area without causing issues in terms of noise and vibration. It thus falls within Class B2.

10.117 Paragraph 7.1 of the Parking Standards SPD states that the non-residential parking standards ‘*are set as standards, with any developments seeking provision above or below these standards required to produce evidence acceptable to the council of the proposed provision (see 6.8). The standards are shown in **Appendix A.***’

10.118 Appendix A of the Parking Standards SPD states that B2 uses are required to provide one space per 75m<sup>2</sup> (GEA). It is further stated that one space is required for each employee who is a disabled motorist. In this instance, however, no information is available as to whether any staff member would be disabled; indeed, it is likely that the persons working at the studio will vary depending on which company is leasing the space. Of relevance is paragraph 8.13, which clarifies that: ‘*Blue badge parking is part of the overall total of parking required by the standards, not additional to it.*’ Accordingly, whether one or more staff members were disabled or not would have no bearing on the total required provision, though adequate allocation would still need to take place; that is to say, 5% of total provision. This view is backed up by the example provided at paragraph 8.10.

10.119 Calculating the parking requirement on the totality of development (i.e. 7,128.1m<sup>2</sup> GEA) gives rise to a parking standard of 95.04; which, duly rounded to the nearest whole number, gives a total of 95 spaces

10.120 Paragraph 8.16 confirms that an additional 4% of total parking spaces for motorbikes for all non-residential development is required; therefore, four motorbike spaces would be required in addition to the 95 already calculated.

10.121 The SPD requires that 20% of all parking spaces have active EV charging provision, with a further 30% having passive provision.

10.122 The terms active provision and passive provision are defined as follows:

*Active provision for electric vehicles: an actual socket connected to the electrical supply system that vehicle owners can plug their vehicle into.*

*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.*

10.123 Accordingly, there would be a requirement for 19 active EV spaces and 29 (28.5 spaces rounded up) passive EV spaces. A condition requiring full details of EV charge points and passive provision will be included with any grant of planning permission.

10.124 The required parking provision would thus be broken down as follows:

19 active EV spaces  
29 passive EV spaces  
42 standard spaces  
5 disabled spaces  
4 motorcycle spaces

Total: 99 spaces

10.125 As a result, there would be an overprovision of 66 parking spaces.

#### Justification for Increase in Parking Requirement?

10.126 Policy CS8 of the Dacorum Core Strategy states that:

*All new development will contribute to a well connected and accessible transport system whose principles are to:*

....

- a) *provide sufficient, safe and convenient parking based on car parking standards\*: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.*

10.127 Policy CS12 of the Dacorum Core Strategy states that:

*On each site development should:*

...

- b) *provide sufficient parking and sufficient space for servicing.*

10.128 The Council's Parking Standards Supplementary Planning Document - formally adopted on 18<sup>th</sup> November 2020 – amplifies and provides guidance in terms of the level of parking required for various forms of development. The details of provision within the SPD are set as standards, with any developments seeking provision above or below those standards being required to produce evidence acceptable to the council of the proposed provision.

10.129 Paragraph 7.7 goes on to state that:

*There may be exceptional circumstances when justification (see section 6.8) can be provided by applicants (which the Council considers to be acceptable) to vary from the parking standards.*

10.130 Paragraph 6.10 provides a list of possible scenarios whereby deviations from the parking standards can be deemed acceptable. All relate to where reductions in the parking standards are being sought and thus are not directly applicable to the matter at hand. The only reference within the SPD to allowing greater levels of parking is found in paragraph 6.8:

*In some cases, particularly where there are known on-street parking stress issues, the Council itself may require a higher standard of parking than set out in the standards, and will require robust evidence from the applicant to assess this. These cases will be considered on an individual basis*

10.131 The distance between the studio buildings from Chesham Road and the on-road parking conditions are such that it is extremely unlikely that parking would take place outside the confines of the airfield. Therefore, prima facie, there is no justification for the level of parking being proposed. That said, it is noted that no parking layout for the majority of the parking has been provided and therefore a suitably worded condition could require details of the parking layout and, in doing so, limit the number of spaces to an appropriate level.

10.132 In summary, whilst the level of parking exceeds the standard outlined in the Parking Standards SPD, the inclusion of a planning condition, effectively limiting parking to the designated areas, would be able to make the development acceptable in policy terms. It follows that the development would accord with Policies CS8 and CS12 of the Dacorum Core Strategy.

#### Other Material Planning Considerations

#### Other Considerations

##### *Flood Risk*

10.133 Paragraph 167 of the NPPF states that, where appropriate, applications should be supported by a site-specific flood risk assessment. Footnote 55 clarifies that proposals involving sites of 1 hectare or more in Flood Zone 1 should be accompanied by an assessment.

10.134 Advice is provided in the National Planning Practice Guidance (NPPG) in respect of site-specific flood risk assessments:

*The information provided in the flood risk assessment should be credible and fit for purpose. Site-specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available, including information in a Strategic Flood Risk Assessment for the area, and the interactive flood risk maps available on the Environment Agency's web site.*

10.135 A very basic flood risk assessment has been provided in the Planning Supporting Statement, which correctly identifies that the application site is located in Flood Zone 1. Studio III – the nearest building to a water source (reservoir) – is located approximately 600 metres north-north-west.

10.136 This was not considered to be proportionate to the scale of the development and therefore a more rigorous Flood Risk Assessment has been requested from the agent. Given the site location, it is not anticipated that this will engender any concerns and therefore the flood risk element of the application is considered to be acceptable. It is understood that the updated Flood Risk Assessment will be provided prior to the committee date but after this report has been published. As a result, an update will be provided to Members in the addendum or verbally on the evening of the committee.

10.137 In summary, it is considered that there is minimal risk of flooding. The development is therefore considered to be in accordance with the aims and objectives of Policy CS31 of the Dacorum Core Strategy and paragraph 167 of the NPPF.

### *Drainage*

10.138 A detailed strategy to indicate how surface water will be disposed of does not form part of the application submission. However, it is understood that BRE Digest 365 infiltration testing has taken place and the ground found suitable for infiltration – either by soakaways or boreholes.

10.139 Thames Water have provided comments in respect of the application and raised some concerns in terms of infrastructure capacity. There are, however, a couple of points to consider:

- b) Numerous applications for temporary filming have been approved over the years, none of which have been subject to input from Thames Water, and have operated with no reported issues. Indeed, the temporary buildings on site are understood to use soakaways to dispose of rainwater.
- c) Given that infiltration has been deemed a feasible option for draining the site, it is not unreasonable to assume that the discharge rate could either be attenuated to a level deemed acceptable by Thames Water or, failing this, surface water disposed of solely by way of infiltration.

10.140 As a result, since there would be a suitable mechanism of for draining the site one way or another, it is suggested that a condition requiring the submission of a drainage strategy prior to the commencement of construction of Studio II (Studios I and III already have permission to be erected on a temporary basis by virtue of application 20/03594/FPA) be included with any grant of planning permission. The particulars will be subject to assessment by the LLFA and, where discharge into the Thames Water foul water sewer is proposed, confirmation will be required that the flow rate is acceptable, thereby ensuring that there would be no adverse impacts on the existing underground infrastructure. The development would therefore be in accordance with Policy CS31 of the Dacorum Core Strategy.

### *Air Traffic Safety*

10.141 The proposed development has been examined by NATS from a technical safeguarding aspect and does not conflict with National Air Traffic Control (NATS) safeguarding criteria.

### *Contaminated Land*

10.142 The Council's Scientific Officer has been consulted and, whilst no objections are raised, given the complex site land use history, historic landfilling activities, and the site's former use as a wartime airfield, it is recommended that conditions are included with any grant of planning permission. These conditions will require a competent environmental consultancy to be engaged in order to robustly identify any potential land contamination. Subject to the inclusion of conditions, the development would comply with Policy CS32 of the Dacorum Core Strategy.

### *Ecology*

10.143 The previously developed nature of the site and the large areas of hardstanding are such that the site is considered to be of limited interest from an ecological point of view. Indicative landscaping has been shown on the proposed plans and primarily consists of new tree planting. Should planning permission be granted, it is recommended that a landscaping condition be included in order for the specifics to be scrutinised accordingly. There is no reason to believe that the proposed development would cause ecological harm. As a result, the development complies with Policy CS26 of the Dacorum Core Strategy.

### *Section 77 Direction*

10.144 The Town and Country Planning (Consultation) (England) Direction 2009 is applicable to applications received prior to 21<sup>st</sup> April 2021. It sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development.

10.145 The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under Section 77 of the Town and Country Planning Act 1990. The use of the call-in power allows the decision be taken by the Secretary of State rather than the local planning authority. This application meets one of the criteria in relation to Green Belt development thresholds (see below – officer emphasis).

*4. For the purposes of this Direction, 'Green Belt development' means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-*

*(a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*

*(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.*

....

....

*9. Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, the authority shall consult the Secretary of State.'*

10.146 Should the committee therefore be minded to recommend approval of this application, it will be necessary to refer the application to the Secretary of State prior to any grant of planning permission.

#### *Planning Obligations*

10.147 A section 106 agreement is in the process of being drafted. In summary, it will require:

- 1) The owner to not use the land or permit the land to be used as an outdoor market following a period of 18 months from the date that planning permission is granted. Furthermore, that all existing outdoor market infrastructure, including but not limited to, awnings, stalls, office and toilet blocks, will be removed within 18 months from the date that planning permission is granted. These clauses ensure that one element of the package of circumstances considered to constitute a VSC is secured.
- 2) Submission of a Travel Plan to Hertfordshire County Council.
- 3) Payment of £6,000 to Hertfordshire County Council to cover the costs of Travel Plan monitoring.

#### Planning Balance

10.148 It has been established that the new buildings would represent inappropriate development in the Green Belt. An assessment of the performance of this specific Green Belt land against the stated purposes of including land within the Green Belt has been conducted and it is considered that the primary function of this specific land is protecting the countryside from encroachment. All

countryside is not the same and it noted that the application site constitutes previously developed and is urban fringe rather than open countryside. No none Green Belt harm has been identified.

10.149 Very special circumstances have been advanced in support of this application. In summary, these comprise of the following:

- Economic benefits;
- Demand for studio space;
- Cessation of Bovingdon Market;
- Restoration of WWII control tower;
- Biodiversity and landscape enhancement; and
- Permitted development rights.

10.150 Substantial weight is given to the economic benefits of the development and the potential for it to act as a catalyst for the growth of associated knowledge and technical industries within the area. The economic benefits to the local economy have been quantified by way of submissions required by condition in respect of previously approved development. Further economic data has also been provided by relevant stakeholders to substantiate the benefits to the national economy.

10.151 Substantial weight is given to the demand for studio space. The UK is a world leader in film production but in order for this growth trajectory to continue (along with all the concomitant economic benefits referred to above), there needs to be a sufficient supply of studio space or else, notwithstanding the UK's inherent strengths, film studios may have no choice but to choose alternative countries for studio locations. The British Film Commission and Creative England have provided up to date data which confirms that, despite recent planning approvals, there remains a considerable shortfall in studio space, with demand considerably outstripping supply.

10.152 Moderate weight is given to the cessation of Bovingdon Market and the permanent removal of associated market infrastructure. As outlined earlier in this report, the apparent popularity of the market markedly exceeds the capacity of the local transport infrastructure at peak times. This has had significant impacts locally – on residents of Bovingdon, in particular, but also for Hertfordshire Constabulary, Hertfordshire Highways and the Council, who have had to intervene.

10.153 Modest weight is given to the sympathetic restoration of the WWII control tower and the historical and heritage benefits which naturally follow.

10.154 No weight is given to the proposed biodiversity and landscape enhancement, as these are requirements of planning policy.

10.155 No weight is given to the existence of permitted development rights for temporary filming. Unless an Article 4 Direction were served, this is something outside the control of the local planning authority. It is relevant to note that the government did not see fit to preclude the exercise of the relevant permitted development rights on land located within the Green Belt. The granting of planning permission would not extinguish these rights.

10.156 In having regard to the level of harm to the Green Belt arising from the proposed development and the package of circumstances put forward in support of this application, it is considered that these are sufficient to outweigh the harm to the Green Belt and therefore constitute the very special circumstances needed to make the development acceptable in Green Belt policy terms.

## **11. CONCLUSION**

11.1 The proposed built development would have a greater impact on the openness of the Green Belt and therefore represents inappropriate development. A case has been advanced to support the development on the basis of a package of very special circumstances. The weight attributed to very special circumstances is a matter for the decision maker based on the individual facts of the case. It is considered that in this instance that there are sufficient benefits to justify approving development.

11.2 The external appearance and siting of the studio buildings is considered to be acceptable and do not give rise to any concerns.

11.3 Subject to the inclusion of a condition requiring the submission of, and adherence to, a Noise Management Plan, it is not considered that there would be any significant adverse impacts on the residential amenity of nearby residents.

11.4 Consideration has been given to the impact of the development on the local highway network. Subject to a condition requiring that no filming take place on any day Bovingdon Market is operating, it is considered that any traffic attributable to the development would be compatible with existing highway capacity. Ample parking is available on site. However, it is recommended that a condition requiring a parking layout, and parking to take place only within it, be included with any grant of planning permission. This is to ensure that there is no overprovision of parking which would otherwise conflict with the shift to more sustainable means of transport.

11.5 Based on BRE Digest 365 infiltration tests, it is understood that the underlying geology is suitable for infiltration. Therefore, there would appear to be a feasible means of disposing of surface water. Indeed, the temporary studios currently operating at the site utilise soakaways to dispose of surface water.

## 12. RECOMMENDATION

12.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to completion of a S106 agreement and referral to the Secretary of State.

### 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:**

100	Rev. 03	Proposed Site Plan
101	Rev. 03	Proposed Site Plan - Northern Quarter
102	Rev.	Proposed Site Plan - Southern Quarter
103	Rev. 02	Entrance Building - Proposed Block Plan

205	Rev. 03	Entrance Building - Proposed View Plan
206	Rev. 03	Entrance Building - Proposed Front & Rear Elevations
207	Rev. 03	Entrance Building - Proposed Side Elevations

**PL-200 Studio Buildings S-I & S-II, Proposed Plan**

PL-201	Studio Building S-III, Proposed Plan
PL-300	Studio Buildings S-I & S-II, Proposed North-East & South West Elevations
PL-301	Studio Buildings S-I & S-II, Proposed N-W & S-E Elevations
PL-302	Studio Building S-III, Proposed N-E & S-W Elevations
PL-303	Studio Building S-III, Proposed N-W & S-E Elevations
PL-400	Studio Buildings S-I & S-II, Proposed Section A-A
PL-401	Studio Building S-III, Proposed Section A-A

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

3. **No development (other than that associated with Studio 1) 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;**
- 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).**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 55 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).

4. **No development (other than that associated with Studio I) shall commence until full details have been submitted and approved in writing by the Local Planning Authority to show an appropriate level of active and passive electric vehicle charging provision, and a timeline for their installation. The electric vehicle charging provision shall be installed in accordance with the approved particulars.**

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).

5. **Notwithstanding the details shown on the approved plans, no development (other than that associated with Studio I) shall take place until a formalised parking layout showing the total number of parking spaces (no more than 99) has been submitted to and approved in writing by the local planning authority.**

**The parking spaces shall be provided in accordance with the approved particulars within a period of 6 months from the date the details are approved and thereafter permanently retained. No parking in connection with the film use shall take place outside of the defined parking areas.**

Reason: To ensure that an appropriate level of parking is provided, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013).

6. **Construction and strike (dismantling) phases for a production will be limited to 07:30 - 19:00 Monday to Friday and 08:00 - 13:00 on Saturdays.**

Reason: In the interests of the residential amenity, in accordance with Policy CS12 of the Dacorum Core Strategy.

7. **Within 6 months of the date of this permission, details (in the form of a planning application) of a scheme of works, including a timetable for implementation, to restore the on-site control tower to its original (WW2) appearance shall be submitted to the local planning authority.**

**The scheme of works shall be carried out in accordance with the approved particulars and in line with the timetable for implementation.**

Reason: In the interests of enhancing the borough's heritage and to provide, in part, the level of planning gain necessary to justify development in the Green Belt policy terms as part of a 'Very Special Circumstances' case, in accordance with Policies CS27 and CS5 of the Dacorum Core Strategy (2013), and paragraph 148 of the National Planning Policy Framework.

8. **Mains supply of electricity shall be provided to all filming areas within 12 months of the date of the permission hereby granted. The use of generators shall not be permitted once a mains electrical supply has been created unless additional power requirements are needed that cannot be supported by the mains supply. Only super silent generators will be permitted within filming areas, and all generators must be screened from noise sensitive receptors by means of buildings / structures / barriers where provided for evening or overnight filming, such as powering of lighting rigs.**

Reason: In the interests of the residential amenity of the nearest residential uses, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

9. **(a) No development approved by this permission (other than that associated with Studio 1) 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 Policy CS32 of the Dacorum Core Strategy (2013).

10. **Any contamination, other than that reported by virtue of Condition 9 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.

11. **No filming shall take place on any day that Bovington Market is operating at the airfield**

Reason: In the interests of highway capacity and to ensure a safe and satisfactory means of access for all users, in accordance with Policy 51 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).

12. **No filming shall take place (other than that currently benefitting from temporary permission) until a Noise Management Plan (NMP) has been submitted to and approved in writing by the local planning authority.**

**The NMP should include, but is not limited to, details of the following:**

- **An explanation of the filming and production process and the key stages to determine potential sources of noise and when control may be needed.**
- **To then specify at which stages of production, noise could occur and how this is / will be controlled including;**
  - **A consideration of the cumulative impacts of noise having regard to neighbouring studios and how these affect the sound environment. For example filming activities taking place simultaneously which individually may not present a problem, but cumulatively lead to an adverse impact**
  - **Limits on certain types of outdoor filming - i.e. special effects which include loud audible effects - in particular, their frequency and the time at which they occur.\***
  - **Community liaison to keep residents informed of activity taking place, including active monitoring - i.e. monitoring noise impacts at residents' houses should there be a complaint, or proactive monitoring to ensure**

- noise controls for a specific set / production remain effective and measures to review - and a procedure for mail-drops
- A method statement for involvement with the Parish Council (and community) on filming, such as issues relating to filming proposals, noisy work and contact details for any time of the day or night should an issue arise.\*\*
- Noise arising from set build, including impacts on the local road network, for example the import and export of material.

The development shall be carried out fully in accordance with the approved NMP.

Any subsequent reviews of the NMP shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out fully in accordance with the approved particulars.

Reason: To protect the residential amenity of nearby residents and the local community from adverse impacts arising from the filming process, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

#### INFORMATIVES

*It is suggested is that no more than three such outdoor productions take place per year, with each shoot limited to seven days and restricted to daytime filming. Where night filming is proposed, it is suggested that filming does not continue past 23:00 and limited to three days of filming. If overnight filming is required, professional support is to be engaged and demonstrate no adverse impact - i.e. off-site sound monitoring and noise control mitigation incorporated into the shoot.*

*Where filming is expected to be intrusive, a mail-drop to dwellings and businesses likely to be affected shall be undertaken prior to the commencement of filming.*

13. **No development approved by this permission (other than that associated with Studio 1) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. A full detailed drainage design and surface water drainage assessment should include:**

- I. **A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.**
- II. **Full detailed design drainage plan including location of all the drainage features.**
- III. **Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests; carried out at the location and depths of the proposed infiltrating features.**

- IV. Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations and/or 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.
- V. Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.
- VI. Discharge from the site should be at an agreed rate with the water company. This should be at Greenfield run-off rate; justification will be needed if a different rate is to be used.
- VII. An indicative maintenance plan detailing how the scheme shall be maintained and managed.

Reason: A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the proposed development are unknown. This should be provided to prevent the increased risk of flooding, both on and off site. This is in order to comply with Policy CS31 of the Dacorum Core Strategy (2013).

14. **Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.**

**The management and maintenance plan shall include:**

- 1) **Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.**
- 2) **Arrangements for reasonable and practical measures to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site and to reduce the risk of flooding to the proposed development and future occupants. This is in order to comply with Policy CS31 of the Dacorum Core Strategy (2013).

15. **Notwithstanding the details shown on the approved plans, no filming (other than in Studio III) shall take place until a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority.**

**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 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).

16. **The studio buildings hereby approved shall be dark green to match Studio III.**

Reason: In the interests of the visual amenity / visual openness of the Green Belt, in accordance with the Policy CS5 of the Dacorum Core Strategy (2013) and the NPPF.

17. **All temporary buildings / structures constructed within the backlot areas shall be removed within two months of the cessation of the filming to which they relate.**

Reason: In the interests of the visual amenity / visual openness of the Green Belt, in accordance with the Policy CS5 of the Dacorum Core Strategy (2013) and the NPPF.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p><u>23/07/21</u></p> <p>We agree to the removal of the condition regarding the south east quarter of the airfield to be maintained for agricultural purposes / open space. In addition, the parish council continue to have concerns about the green land but note the comments received from the applicant which states that he confirms that they are willing to implement the following:</p> <ul style="list-style-type: none"> <li>• Additional landscaping works to include planting on the boundary fenceline to limit views into the site and retain rural feel of the airfield surrounds.</li> <li>• We will primarily use the market runway and the areas within the redline boundary for backlot sets, reducing my requirements to utilise the grass fields (at the southern end of the runway) within my scheduling and film management plans.</li> </ul> <p><u>09/07/21</u></p> <p>Support application with the proviso that it is conditional on the market operation ceasing within a defined period and that the land (shaded green on Plan No. 102 dated 7 June 2021) in the south east quarter of the airfield is maintained for agricultural purposes / open space.</p> <p><u>19/04/2021</u></p> <p>Support</p> <p><u>18/12/2020</u></p> <p>Awaiting further comments from the Case Officer regarding a possible meeting with the applicant and agent. No decision, pending further discussion.</p>
Hertfordshire Highways (HCC)	<p>13/05/21</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the</p>

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. No development shall commence until full details have been submitted and approved in writing by the Local Planning Authority to illustrate the following:

o An appropriate level of active and passive electric vehicle charging provision (in accordance with Dacorum Borough Council's Parking Standards Supplementary Planning Document);

o Details as to how traffic management would be planned / provided / controlled on those

occasions when filming would be on the day of Bovingdon Market.

o HCC as Highway Authority would recommend that Traffic Management Plans are used throughout any filming periods, particularly important for any larger productions when the details of such plans would need to be agreed with HCC's Network Management prior to the commencement of any such productions.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

## 2. Construction Management Plan

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;

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);

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).

### Planning Obligations

A Full Travel Plan would be required to be in place from first use until 5 years post use. A J1,200 per annum (total of J6,000, index-linked RPI March 2014) Evaluation and Support Fee would be necessary and secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme. Full guidance is available at: [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans) or [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

### Comments / Analysis

#### Vehicle Access and Highway Impact

There are two existing vehicle accesses into the airfield site from Chesham Road, which are currently used to provide access for previously approved filming uses and Bovingdon Market and are also proposed to be utilised for the current proposals. Chesham Road is designated as a classified B secondary distributor road and subject to a speed limit of 60mph. The proposals do not include any new or altered vehicle accesses with larger HGVs associated with the proposed uses using the main "western" access. The design and provision of the vehicle accesses from the highway including the levels of vehicular to vehicular visibility are considered to be acceptable by HCC as Highway Authority.

As acknowledged in the submitted Planning Statement, "the type of vehicles and the level of traffic to and from the site will fluctuate with the filming phases". Following consideration of the large size of the site, existing filming uses and significant distance of the proposed permanent structures from the highway, it is unlikely that any impacts solely from the proposed use would be severe or significant enough to recommend refusal for the proposals from a highways perspective.

Nevertheless following consideration of the use of the site for Bovingdon Market on Saturdays, HCC as Highway Authority would recommend that details are provided as to how traffic management would be planned / provided / controlled on those occasions when filming would be on the day of market. This is to ensure that the cumulative effect of the traffic generated by the market and any filming is adequately assessed and to ensure that any impacts on the surrounding highway network are minimised as much as is practically achievable.

HCC as Highway Authority would also recommend that Traffic Management Plans are used throughout any larger filming productions. The details of such plans would need to be agreed with HCC's Network Management prior to the commencement of any such productions.

#### Emergency Vehicle Access

Due to the size of the proposals, as part of the highway authority's assessment of this planning application, we consider that Hertfordshire Fire and Rescue should be consulted for any comments or recommendations which they may have. Therefore, details of the proposal have been passed to them for attention.

#### Car Parking

The application includes a total provision of 150 car parking spaces and 15 proposed LGV parking spaces, provided within the existing hardstanding on the former runway. HCC as Highway Authority would not have any specific comments or objection to the total level of parking provision, although would recommend that an appropriate level of EVC provision is provided to encourage electric vehicle use in accordance with the Highway Authority's Local Transport Plan (LTP4) and Sustainability Strategy. Dacorum Borough Council's (DBC) parking standards also state that 20% of all parking spaces should provide an active charging point whilst 20% of all remaining parking spaces should provide passive provision.

Dacorum Borough Council as the planning and parking authority would ultimately need to be satisfied with the overall level and type of proposed parking.

The site of a significant size and therefore it is considered that all vehicles on site would be able to easily turn around and egress to the highway in forward gear, which would be necessary.

#### Travel Plan

Following assessment of the size and nature of the proposals, a full Travel Plan would need to be secured via a Section 106 planning agreement. Developer contributions of J6000 are sought via a Section 106 obligation towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information and guidance is available at: [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans) or [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk).

This would be necessary to ensure that sustainable travel opportunities

	<p>to and from the site are promoted and maximised for all users and to ensure that the proposals are in accordance with LTP4. Due to the large size of the site, it would be prudent for the travel plan to cover all of the previously approved and proposed filming uses, if this is deemed appropriate from a planning perspective.</p> <p>The development is situated within DBC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Herts Growth &amp; Transport Plan would be sought via CIL if appropriate.</p> <p>Conclusion</p> <p>HCC as Highway Authority has no significant objections to the granting of planning permission, subject to the inclusion of the above planning conditions and informative, specifically those recommendations in relation to traffic management plans (most importantly when any filming coincides with Bovingdon Market) and an acceptable level of EVC provision.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 20/03194/MFA, Proposal: Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios &amp; creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/or as film set. Construction of security building at entrance. Address: Bovingdon Airfield Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP5 3RR.</p> <p>Although I am waiting for conformation from Planit Consulting, I am content that security and safety have been addressed for this application.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the application documents I am able to confirm that there is no objection to the proposed development. However, because the application site has a complex site land use history, including its use a war time airfield in addition to the landfilling activities it will be necessary to recommend the following condition.</p> <p>It is acknowledged that there is a good deal of site specific knowledge and some soil sample analysis information held by the site owner and applicant. However, it will be important for a suitably qualified and competent environmental consultancy to be engaged to support that owner/applicant through the process of robustly identifying potential land contamination liabilities associated with the landfilled material and the ground conditions at the finished site levels.</p>

Contaminated Land Conditions:

Condition 1:

(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.

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

	<p>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>
Conservation & Design (DBC)	We have no further comments to add. Please see previous comments.
Civil Aviation Authority	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>
Environmental And Community Protection (DBC)	I have reviewed the new documents recently submitted in support of this application and consider that the earlier advice that I provided remains relevant and that the recommended Conditions remain necessary.

<p>Hertfordshire Property Services (HCC)</p>	<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: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a>, who may request the provision of fire hydrants through a planning condition.</p>
<p>Hertfordshire Highways (HCC)</p>	<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 conditions.</p> <p>Comments</p> <p>Please refer to the response from HCC as Highway Authority dated 13/05/2021. No additional comments as part of the amended / supplemental information.</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for consulting the LLFA on the above application for Use of land for film making to include earth works to remove 'bund' and construction of 3 permanent studios &amp; creation of 'backlot space' to allow for construction of temporary studios with associated support services and parking. Use of former control tower as office space and/ or as film set. Construction of security building at entrance.</p> <p>In the absence of a flood risk assessment and surface water drainage assessment we object to this application and recommend refusal of planning permission until a satisfactory FRA and drainage assessment has been submitted.</p> <p>The application lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of flooding from Rivers. However, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed.</p>

An FRA is required for sites over 1 hectare. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit an FRA when development on this scale is proposed in such locations and should assess all sources of flood risk.

A drainage assessment is required under the NPPF for all Major Planning Applications as amended from the 6 April 2015.

An FRA and surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA and surface water drainage assessment, the flood risks resulting from the proposed development are unknown. The absence of an FRA and surface water drainage assessment is therefore sufficient reason in itself for a refusal of planning permission.

Our objection can be overcome by undertaking an FRA and surface water drainage assessment which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we will consider whether there is a need to maintain our objection to the application. Production of an FRA and surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA and surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal consultation. Our objection will be maintained until an adequate FRA and surface water drainage assessment has been submitted.

#### Informative to the applicant

For further advice on what we expect to be contained within the FRA and drainage strategy to support a full planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

This link also includes HCC's policies on SuDS in Hertfordshire and HCCs Local Flood Risk Management Strategy

The applicant should also refer to the Local Planning Authorities Strategic Flood Risk Assessments and any relevant surface water management plans.

Please note if the LPA decide to grant planning permission, we wished

	<p>to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.</p>
Thames Water	<p><b>Waste Comments</b></p> <p>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</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>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 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>With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application for SURFACE WATER drainage. 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</p>

	<p>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 <a href="http://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a>. 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.</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>Conservation &amp; Design (DBC)</p>	<p>This is the site of a former military airfield. It has a variety of uses including some for filming. We would not comment on the majority of the application however would note that for any large buildings constructed careful choice of colour can minimise impact.</p> <p>One area that would be useful to consider would be the restoration of the airfield control tower for office use. At present this is in a most dilapidated state however photographs are available where it can be seen still complete and in use in the 1950s. <a href="http://www.controltowers.co.uk/b/bovingdon.htm">http://www.controltowers.co.uk/b/bovingdon.htm</a></p> <p>The control tower is one of the few surviving elements of the historic airfield which had an impact on Bovingdon and wider national/international events. Therefore we would consider it to be as a heritage asset (although note its rather poor condition). If the applicant is needing to provide planning gain/ conservation gain the restoration of the tower would be a useful addition to the heritage of the borough. We would highlight that double glazed crittall windows could be used as could insulating render both of which could enhance the environmental performance of the structure. We would be happy to advise further perhaps on site if this avenue is to be explored.</p> <p>Recommendation We would not object to the proposals but the restoration of the aircraft control tower to its original form would be beneficial to the historic environment of the borough.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>08.07.21</p> <p>As discussed it would be sensible to have an NMP which we can approve against the development rather than making it a condition for submission and approval by the LPA. Making it a condition of development could put us in a similar runways situation where we have</p>

not accepted the NMP and now in an appeal.

We know the site has benefitted from a number of temporary permissions for a number of years with limited community impact. In part this seems to be reflected by what the current occupier allows in respect of type of filming. Were the site to be sold on we could go from a situation which has little impact on the local community to one which is more significant, but no controls in place.

Given what has taken place I don't believe the NMP needs to be defined based on qualitative noise assessment, and controls can be based around maintaining the status quo and adequately defining what that is by limiting certain types of noisy production alongside other factors like where shooting takes place (indoors / outdoors), how often, for how long etc, time of day. I've detailed some of the content the NMP may consider (not exhaustive) below.

To structure the NMP this should start with an explanation of the filming and production process and key stages to identify potential sources of noise and when control may not be needed. This could include explaining different types of filming that have taken place at site and why this did or did not lead to a noise issue, e.g. Britannia - no known issues, Batman - led to some community complaint. It should specify at which stages of production noise could occur, e.g. during set build, and how this is currently controlled. This may be because the set-build took is short-lived, 10 days to construct, sets made of timber and, occurred during reasonable hours. This could be alongside other controls such as good community liaison. This can also explain how other noise is controlled / eliminated, e.g. by post-production techniques which adds features such as explosions at a later stage.

A single filming may not lead to adverse impact but noise can occur the cumulative impact of various productions taking place throughout the year. There are also other neighbours who may contribute to the sound environment and should factor in the management plan development and aspects that may factor.

Control of noise may be down to type of production allowed mirroring what has already taken place, and if this can be defined / classified by genre or similar. A limit as suggested could be placed on certain types of filming such as use of outdoor special FX (covered in your email below), which includes a large audible effect. This is where the NMP can limit this type of filming and controllable by site manager to ensure minimal impact to community.

Sound which is audible in the community is not automatically defined as unacceptable impact if it occurs infrequently. For example we are aware

of pyrotechnics used for shooting certain scenes, which if confined to a few evenings are relatively short-lived and perceived as annoyance. I am aware there has been positive community engagement in managing expectations of local residents.

The suggested control for special FX is a strict control, i.e. no more than 3 such productions (outdoor) per year, each shoot limited to 7 days, and restricted to daytime filming. Where night filming is required this would not continue beyond 23:00, and reduced to 3 days filming. If overnight filming is required then professional support is engaged to demonstrate no adverse impact, i.e. off-site sound monitoring, noise control mitigation incorporated into the shoot.

With respect to overnight shooting outside of special FX the NMP can outline what is permissible based on potential noise impact (see above). Recent examples would assist, and whether a pre-filming risk assessment would work to determine if overnight shooting should go ahead. I am aware of complaints from outside district from one filming exercise where there were a number of vehicles running up and down the runway at night. I am not aware of any other issues. The filming process should also consider power source to site. We understand that mains supply will be provided within a period of 12 months, but in the interim super-silent generators will be supplied. To be flexible in this expectation it may be that production areas nearest to residential properties are prioritised for mains power and those sites are provided with mains power over a more relaxed timescale.

The NMP can also specify a section / requirement for close liaison with the community to keep residents informed of activity taking place. This should include active monitoring, i.e. monitoring noise impact at residents should there be a complaint or proactive monitoring to ensure noise controls for a specific set / production remain effective and if they cannot be controlled allows for revision of the NMP. Similar to health and safety management system / risk assessment which should be reviewed following a change in risk magnitude or following a near miss or accident.

The NMP can incorporate the method statement for involvement with the Parish Council (and community) on filming, such as issues relating to filming proposals, noisy work and contact details for any time of the day or night. If filming is likely or expected to be intrusive to the local community a letter drop shall take place. The NMP could be a wider document around community involvement and engagement, similar to a considerate contractor scheme for a construction site. Noise will be main concern, but a method by which the site operators work with local community and allows the parish council to input.

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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
60	3	0	2	1

### Neighbour Responses

Address	Comments
3 The Osiers Business Centre Leicester LE19 1DX	Please see documents tab - 'Objection comment - Howes Percival'
13 Chesham Road Bovingdon Hemel Hempstead Hertfordshire HP3 0ED	work as already started the chesham road is a mud bath and a hazard waiting to happen lorries speeding through the village noise and pollution level are high and due to lock down

# Agenda Item 5e

ITEM NUMBER: 5e

21/02104/FUL	Replacement dwellinghouse	
Site Address:	Garden Cottage, Kingshill Way, Berkhamsted, Hertfordshire, HP4 3TP	
Applicant/Agent:	Mr & Mrs D Higgins	Mr Christopher Higenbottam
Case Officer:	Daniel Terry	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Berkhamsted Town Council have provided a contrary view to the officer recommendation.	

## 1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**, subject to conditions.

## 2. SUMMARY

- 2.1 The application site is within the built-up part of Berkhamsted wherein development is generally acceptable in principle, in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposal would have an acceptable appearance and would harmonise well with the existing group of dwellings, which are predominantly large detached dwellings, in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The proposals would not result in unreasonable impacts to neighbouring amenity, nor would there be any significant risk to highway safety and as such the proposal would accord with Policy CS12 of the Core Strategy.
- 2.4 The proposals would have a negligible impact on existing ecology and new planting and biodiversity features would be incorporated into the scheme to provide a biodiversity net gain. Similarly the proposals would adhere to sustainable design and construction principles, in accordance with Policy CS29 of the Core Strategy.

## 3. SITE DESCRIPTION

- 3.1 The application site lies to the north of Kingshill Way (A416) and is accessed via a private track which serves the application dwelling, Garden Cottage, and its neighbour to the west Kingshill. The existing dwelling benefits from a large gravel driveway area to the front for parking, along with a single detached garage located to the north, adjacent to the rear garden.
- 3.2 The garden serving Garden Cottage is in two distinct parts, being behind the existing dwelling, to the north-east, and a slightly smaller area located to the north behind the garage.
- 3.3 The site is not subject to any planning constraints that would prevent development in principle, although the site does adjoin the Green Belt to the east, comprising the playing fields.

## 4. PROPOSAL

- 4.1 Full planning permission is sought for a replacement dwelling. The main part of the new dwelling measures to be 15m deep and 6.9m wide, although there is also a lower-height wing forming a T-shape to the right hand side which would have a depth of 6.8m and a width

of 6m. The new dwelling would have a one and a half storey appearance and would be 2.74m taller than the existing dwelling.

- 4.2 The new dwelling largely follows the existing footprint of the bungalow, although it would be slightly set in from its southern boundary with the access track, and set in from the eastern boundary where the site adjoins the open playing fields. The main reason for altering the plan form from an L to a T-shape is to provide a larger garden to the rear.
- 4.3 The application form sets out that the dwelling would be constructed of red multi bricks, with red plain clay hanging tiles to the upper parts of the elevations. Similar red plain clay tiles would also be used to the roof, whilst the doors and windows would comprise of grey powder-coated aluminium frames.
- 4.4 The dwelling would comprise of 4 bedrooms and parking for 2 cars would be provided at the front of the site, along with new planting. A third parking space would be retained within the existing garage.

## **5. PLANNING HISTORY**

Planning Applications (If Any): None

Appeals (If Any): None

## **6. CONSTRAINTS**

CIL Zone: CIL1

Parish: Berkhamsted CP

RAF Halton and Chenies Zone: Red (10.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Residential Character Area: BCA12

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 (July 2021)

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  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)  
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;  
The impact on highway safety and car parking; and  
Other material considerations.

### Principle of Development

9.2 The application site lies within the built-up part of Berkhamsted. Policy CS4 states that development will be guided towards appropriate areas within settlements and further states that appropriate residential development is encouraged. The proposal would therefore be acceptable in principle and furthermore, would not conflict with Policy CS1 which seeks to focus the majority of new development within existing towns and large villages.

### Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 generally state that development should respect the character and appearance of the site itself and the surrounding area. This includes matters such as density, important views and landscapes, layout, scale and use of materials for example.

9.4 The proposals seek a replacement dwelling that is larger than the existing, but would have the appearance of being one and a half storeys in height due to the relatively low eaves height. This means that the first floor rooms are partially provided within the roofspace. There are 5 other dwellings within this grouping that are accessed from Kingshill Way and which are generally all large, detached dwellings, set within spacious plots. The proposal for a larger detached dwelling would therefore be in-keeping with this group of dwellings. The suggested use of building materials would also help to ensure that the replacement dwelling successfully integrates with this group. At present, its single storey height and white-painted brickwork make it an anomaly. The materials should be secured by condition.

9.5 At the time of the site visit, the dwelling was observed from Chesham Road, some 275m to the east. It was noted that due to the open nature of the playing fields, the existing dwelling is visible from this nearby road. However, importantly, the dwelling is viewed in the context of

the adjacent dwellings, which currently forms a backdrop to Garden Cottage and are clearly two storey in height.

- 9.6 The site falls within the BCA12 Shootersway Character Area for Berkhamsted, set out in the Area Based Policies (2004). This character appraisal identifies that dwellings are mainly two storey in height and the area comprises of large dwellings throughout. The Design Principles section of the character appraisal suggests that large dwellings are appropriate and are encouraged. It also suggests that there are no special requirements in relation to design, although new development will be required to enhance existing landscaping provision, including planting to front gardens. The proposal for the dwelling to have a one and a half storey appearance with low eaves height would therefore give it the appearance of being subservient to nearby dwellings such as Kingshill.
- 9.7 The proposal to create a T-shaped plan form would ensure that a slightly larger garden can be provided to the rear of the property, whilst still retaining sufficient space at the front of the site for parking. This would also ensure that sufficient space within the site for new planting is available, including an infill of hedgerow to the eastern boundary. Details of new planting is required and so should be secured by condition.
- 9.8 Therefore, having regard to all of the above, it is not considered that the proposal would appear cramped, nor is it considered to amount to an overdevelopment of the plot. The proposal therefore complies with Policies CS11 and CS12 of the Core Strategy, the NPPF, and complies with the Design Principles set out in the Area Based Policies Character Appraisal, area BCA12.
- 9.9 Notwithstanding the fact that the proposals would be acceptable, it is considered appropriate in this instance to remove permitted development rights for any further extension of the property, which could lead to an overdevelopment. Removing these PD rights would therefore ensure that the LPA can enact careful control over any future development at this site.

#### Impact on Residential Amenity

- 9.10 Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004) states development should not have an adverse impact on the residential amenity of surrounding properties in terms of visual intrusion, loss of sunlight and daylight, outlook or privacy. Paragraph 130 of the NPPF adds that planning policies and decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.11 With regard to residential amenity, the neighbour most likely to be affected by the development is the nearest neighbour to the west, Kingshill. This neighbouring dwelling is separated from Garden Cottage by a shared driveway area that measures from the plans to be between 8.5m and as much as 9m where the western elevation is set in at the southern end.
- 9.12 Plans from two 2005 planning applications for Kingshill identify that the two ground floor windows serve a breakfast room and family room respectively. The breakfast room is an extension of the kitchen to the front, whilst the family room acts as a second living room, with the primary lounge being located towards the western end of the dwelling. This family room is also served by a conservatory to the rear which provides some additional access to light. The first floor window in the side elevation meanwhile is understood to be a secondary window, with the room's primary window being the dormer located in the northern elevation, facing the garages.

- 9.13 With regard to the impact on the abovementioned side-facing windows, the applicants have provided an assessment of the vertical sky component (VSC). This refers to guidance set by the Building Research Establishment (BRE) to assess the impact of physical built form upon a window's access to sunlight and daylight. This VSC drawing suggests that, based on the height of development and distance from Kingshill, there would be a reduction of some 15% of the former value (access to light). The applicants suggest that BRE guidelines indicate that any reduction less than 20% of the value would be acceptable.
- 9.14 Having carried out a site visit, and having regard to the separation distances involved and noting the rooms that the windows in Kingshill serve, it is considered that the impact would be acceptable in this instance. Whilst recognising that any increase in height at Garden Cottage will inevitably have a greater impact, this impact is not considered to be so significant that it would warrant refusal of the application. Furthermore the proposed dwelling would not breach a 45 degree line measured from the nearest windows in the principal or rear elevations. For the reasons set out above, it is not considered that the proposals would unreasonably affect outlook from the windows of Kingshill, taking into account the existing arrangement.
- 9.15 Given the site adjoins open land to the east and north-east, the proposals would have no impact on neighbours in that direction. To the south lies the access track so no neighbours would be affected in that direction either. The next nearest property to the development appears to be Gooseberry End. The nearest part of that neighbouring dwelling would be 15.6m away from the replacement dwelling at Garden Cottage and there are some single storey garages that intervene between the two sites. As such, it is not considered that the proposals would unreasonably affect any other neighbouring properties, besides those addressed above.
- 9.16 With regard to overlooking, the only windows shown in the western elevation at first floor level are three rooflights. These rooflights would all serve bathrooms or en-suites. The submission indicates that these would all be high-level so as to prevent any overlooking. It is considered appropriate in this instance to impose a planning condition to ensure these rooflights are obscure-glazed and at non-opening unless the parts that can be opened are at least 1.7m above the finished floor level. This is for the privacy of both Kingshill and Garden Cottage.
- 9.17 Due to concerns raised by neighbours, the applicant has also provided amended plans that suggest the windows at ground floor level in the side elevation, serving a hallway, shower room and utility room will be obscure-glazed. However, views of the windows in the side elevation of Kingshill are obtainable simply by standing in the driveway and it is not therefore considered that these ground floor windows mentioned would provide advantageous views. It would not therefore appear reasonable to impose a condition requiring these to be obscure-glazed. Instead, it would be at the discretion of the future occupiers of the development to install obscure-glazing if they wish to ensure their own privacy.
- 9.18 The proposal is therefore considered to comply with Policy CS12 of the Core Strategy and complies with the NPPF in this regard.

#### Impact on Highway Safety and Parking

- 9.19 Policy CS12 of the Core Strategy and paragraph 110 of the NPPF state that development should ensure a safe and suitable access to the site can be achieved for all users.
- 9.20 In this regard, the Highway Authority at Herts County Council have been consulted. The HA notes that the proposal would involve the use of the existing access and that the amount of

parking would remain the same. The HA do not consider the proposals to impact the adopted highway network and do not therefore object to the application.

- 9.21 With regard to parking, the replacement dwelling would comprise of 4 bedrooms and so in accordance with the Car Parking Standards SPD, 3.0 parking spaces should be provided within the site. These standards stipulate that external parking spaces should measure 2.4m by 4.8m in size, whilst garage spaces should measure 3m by 6m internally.
- 9.22 The two spaces to the front of the dwelling on the new permeable paved driveway would comply with the above measurements. The garage space measures 3m by 6m externally, but internally the space is likely to be less than this. The existing garage space would therefore fall short of the guidance in the SPD. Notwithstanding this, the parking arrangement remains unchanged from the existing provision. Therefore in this instance it is considered that the parking provision would be sufficient and the scheme would not result in any significant risks to highway safety.
- 9.23 The Parking Standards SPD requires all new development to achieve one active electric charging point per dwelling. This charge point has been shown on the submitted plan and should be secured by condition to ensure it is built out. This would help to assist in promoting the use of electric vehicles.
- 9.24 The proposal therefore complies with Policy CS12 of the Core Strategy, the Car Parking Standards SPD and the proposal would comply with the guidance in the NPPF.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

- 9.25 The Council's Trees & Woodlands team have been consulted on the proposals. There are no Tree Preservation Orders at the site, although the Tree Officer has suggested that a Horse Chestnut outside the site to the rear would be worthy of retention. It is important that any future development does not result in damage to the root protection area of the tree and therefore a tree survey and protection plan are required. This can be secured by condition.

##### *Ecology*

- 9.26 The applicants have submitted a Preliminary Ecological Appraisal (PEA) in support of the application, which was carried out by Samsara Ecology Ltd. This report refers to an inspection of the property that took place and confirms that the only likely species to be found on site are nesting birds, bats and hedgehogs.
- 9.27 For nesting birds, the report identifies that there were no nesting opportunities at the time of the inspection and the roof is tightly sealed presenting no gaps. It is acknowledged that the mature hedgerows around the property may provide some opportunities, but this is unlikely given the well-maintained nature of the hedges in order to retain their height.
- 9.28 Regarding bats, the roof tiles were noted as being tightly sealed and no other gaps in the building work or soffits were noted. An internal inspection of the loftspace found no signs of bat droppings and with the lights off, there were no signs of natural light entering the roofspace, thus confirming the above assertion that there are no entry points into the building for bats.
- 9.29 As with most residential areas, the report identifies that the site may be used by hedgehogs for commuting and foraging, particularly in light of the adjacent fields to the east.

- 9.30 The report recommends potential enhancements which include the installation of bat and bird boxes as well as suggestions on how the movement of hedgehogs can be preserved and enhanced. This can include features such as gaps in fencing to allow for free movement of hedgehogs.
- 9.31 It is recommended that the biodiversity net gains be secured by condition. Alongside the additional soft landscaping that has already been suggested above in this report, this should provide an overall biodiversity enhancement that is commensurate with the scale of development being proposed. The Ecology team at Herts County Council have been consulted and confirm that they have no objection, subject to a condition being imposed to achieve the enhancements referred to above. The proposal is therefore considered to comply with the NPPF in this regard.

#### *Thames Water*

- 9.32 Thames Water have considered the application and note that the scale of development would not materially affect the sewer network. Therefore with regard to waste water network and sewage treatment works, Thames Water have no objection. They have however suggested planning informatives that should be included as part of any decision.

#### *Contaminated Land*

- 9.33 The Council's Environment and Community Protection team have been consulted on the proposals. They have confirmed that there is no objection to the proposals in relation to contaminated land and therefore no planning conditions are required. However, as some groundworks will be involved, they have recommended planning informatives that should be included as part of any decision, should the applicants discover any contamination. These are standard planning informatives.

#### *Waste Management*

- 9.34 Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. Although these details have not been shown on the plans, the application is for a replacement dwelling and therefore the collection method for waste and recycling would remain unchanged from the existing arrangement on site.

#### *Sustainable Design and Construction*

- 9.35 The applicant has provided a completed sustainability checklist in line with Policy CS29 of the Core Strategy. This sets out how the development will comply with sustainability principles and includes, for example, ensuring that building materials such as timber are sustainably sourced; using permeable materials to the hardsurfaced areas; and providing new soft landscaping features such as infill hedgerows etc. As discussed above, the proposal also includes the provision of an electric charging point.
- 9.36 To ensure that the measures are implemented, a standard planning condition should be included as part of the decision. On that basis, the proposals would accord with Policy CS29 of the Core Strategy.

#### Response to Neighbour Comments

- 9.37 These points have been addressed above other than in relation to the shared driveway. Comments received by neighbours have highlighted that a large portion of the access track is owned and maintained by Kingshill (Berkhamsted) Ltd. Concerns have been raised that

the proposals may lead to damage to this shared driveway. Should any damage occur, this would be a civil matter between the applicants and the management company.

- 9.38 Concerns were raised with the intention to insert a door in the side elevation which would provide access from the driveway to the utility room. Due to these concerns, the applicants have amended the plans to omit this door and instead replace it with a window.

#### Community Infrastructure Levy (CIL)

- 9.39 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. Exemptions may apply and therefore the applicants would need to establish this with the Council's CIL Officer, prior to any works commencing on site.

### **10. CONCLUSION**

- 10.1 To conclude, the proposal would have an acceptable visual appearance that harmonises well with the surrounding built form. Planning conditions have been suggested that would ensure that appropriate building materials are used and furthermore ensures that the scheme will be supplemented by appropriate hard and soft landscaping, with details to be confirmed by condition.
- 10.2 Whilst recognising that any larger scale re-development of this site will have a greater impact on neighbours such as Kingshill, in this instance the harm is not considered to be so significant that it would warrant refusal of the application. Planning conditions have been recommended to ensure no overlooking from first floor level occurs and furthermore it has been suggested that permitted development rights be removed.
- 10.3 The proposals would not raise any concerns in respect of highway safety and the site would provide the required parking provision in accordance with the Parking Standards SPD. There are no other material considerations apparent that would lead to a decision being made contrary to the Development Plan.

### **11. RECOMMENDATION**

- 11.1 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 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).

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

**2270/02F;  
2270/03F;  
2270/04A;  
2270/05A.**

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

4. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

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 174 of the National Planning Policy Framework (2021).

5. **No development shall take place above slab level until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to occupation of the dwelling.**

Reason: In the interests of improving biodiversity in the Borough and delivering a biodiversity net gain in accordance with paragraph 174 of the National Planning Policy Framework (2021).

6. **The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing 2270/02F. 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).

7. **The dwelling hereby permitted shall not be occupied 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;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

- retained historic landscape features and proposals for restoration, where relevant.

**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 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 154 and 157 of the National Planning Policy Framework (2021).

9. **The rooflights at first floor level in the north-western elevation of the dwelling hereby permitted shall be permanently fitted with obscured glass and non-opening unless the parts of the window that can be opened are a minimum of 1.7m above the finished floor level.**

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 130 (f) of the National Planning Policy Framework (2021).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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:**

**Classes A, B, C and E of Part 1, Schedule 2.**

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 130 of the National Planning Policy Framework (2021).

**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. 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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. 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.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.
3. 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.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
4. 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 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
5. 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. 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. 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.

8. In the event that 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.
9. 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.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Objection</p> <p>The Committee noted the objections from the immediate neighbours regarding loss of amenity. The proposals are an overdevelopment and not in keeping with the streetscene with regard to scale, mass and bulk.</p> <p>CS12, Appendix 3 (iv, v)</p>
Environmental And Community Protection (DBC)	<p>Daniel,</p> <p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>However, given that the application site is a brownfield site (albeit only a residential dwelling) and that there will be a degree of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1:  In the event that 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:</p> <p>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> <p>Please let me know if you have any questions.</p> <p>Regards David Carr Lead Scientific Officer Environmental and Community Protection 01442 228562 / 07866 151275 david.carr@dacorum.gov.uk The Forum   Marlowes   Hemel Hempstead   HP1 1DN</p>
Hertfordshire Highways (HCC)	<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.</p> <p>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:</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 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 <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 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</p>

	<p>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> <p>Comments</p> <p>The application is for the construction of a replacement dwellinghouse at Garden Cottage, Kingshill Way, Berkhamsted. The dwelling is located on a private route that is not highway maintainable at public expense. The private route joins the highway network via a junction onto Kingshill Way, a 30mph principle A main distributor route that is highway maintainable at public expense.</p> <p>The new dwelling will use the existing access for the current dwelling, the amount of parking will stay the same. HCC Highways is primarily concerned with the adopted highway network. This application has no impact on the adopted highway network and therefore HCC Highways would not wish to restrict a grant of permission for this application.</p> <p>Signed George Fermer</p>
Trees & Woodlands	<p>Close to the rear boundary stands a large, prominent Horse Chestnut. I am surprised it doesn't appear to be the subject of a TPO however it would meet the criteria. The root protection area (RPA) will spread quite a way into the subject site. In order to ensure that parts RPA are not damaged by the construction process which can include numerous operations injurious to tree roots, a tree survey and protection plan in</p>

	<p>accordance with BS 5837 is needed.</p> <p>Condition tree survey as above, to be discharged before demolition or construction starts.</p> <p>No objection, subject to condition.</p>
Thames Water	<p>Dear Sir/Madam</p> <p>Re: GARDEN COTTAGE, KINGSHILL WAY, BERKHAMSTED, HERTFORDSHIRE , HP4 3TP</p> <p>Waste Comments</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>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>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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. 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>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</p>

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. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

#### Water Comment

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.

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 <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

Yours faithfully  
Development Planning Department

Development Planning,  
Thames Water,  
Maple Lodge STW,  
Denham Way,  
Rickmansworth,  
WD3 9SQ  
Tel:020 3577 9998  
Email: devcon.team@thameswater.co.uk

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
14	2	0	2	0

### Neighbour Responses

Address	Comments
Kingshill Kingshill Way Berkhamsted Hertfordshire HP4 3TP	see Consultee comment Kingshill on planning web-site
Gooseberry End Kingshill Way Berkhamsted Hertfordshire HP4 3TP	<p>Having reviewed the plans and documents that have been submitted with the application, I have concerns that I would like to raise.</p> <p>The existing property is described by the applicant as being a chalet bungalow, but with only one dormer window it is more akin to being a simple bungalow. The proposed replacement dwelling is a two storey dwelling.</p> <p>The property as it currently stands has a small gable end with no windows facing towards the rear garden of my property with a dormer window facing north west. The property when viewed from the entrance to Kingshill Way is diminutive due to its single storey nature. The replacement dwelling would completely change its setting within the street scene. Moreover, the height of the dwelling is proposed to be increased by 2.74m. This is not an insignificant change in height and is made more apparent by the difference in levels between the application site and my own property. The levels of the application site and the siting of the proposed dwelling show that it is a minimum of 0.5m higher than my own site, meaning that the 2.74m height increase to the property is amplified and has a further detrimental impact on my property.</p> <p>Noticeably, no comparison plans have been provided and no existing plans have been either. This does appear a little strange if wanting to demonstrate that the replacement dwelling would not have an impact on the street scene or its overall setting. In addition to the increase in height of the dwelling as a whole, the height of the eaves have increased significantly from the existing building. The increase in height of the ridge and the eaves enables the replacement dwelling to have large gable features on three of the four elevations in place of the smaller gable ends on the existing dwelling. Whilst the second floor is shown to be within the roof, the gable features and roof pitch create a very usable floor area akin to being an actual second floor of which the gable ends add weight to, rather than retaining a chalet style property.</p> <p>The change in style of the dwellinghouse adds substantial mass and bulk from what is currently viewed on the site.</p> <p>Furthermore the design and access statement states in the last paragraph on page 4, which continues into page 5, that the replacement dwelling will impact on Kingshill to the north east. The statement attempts to justify the increase in height and mass and bulk through a Vertical Sky Component (VSC) assessment.</p>

The statement says that the VSC demonstrates that Kingsmill would not be adversely affected, but with the change in style and increase in height, the bulk and mass of the replacement dwelling will appear overbearing and overdominant when viewed not only from Kingshill, but my own property, the school playing fields and the street scene. The plans show that there will be windows in north east elevation at first floor level. These windows are for bedrooms. As previously stated there are no windows currently on this elevation. Whilst the windows do not look towards my house directly, the introduction of the windows result in there being a detrimental effect on my property through perceived overlooking. But the windows will provide a degree of overlooking into the external private amenity area of my property.

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. But whilst the Design and Access Statement on pages 9 and 10 makes reference to the changes made from the pre-application that was submitted to the Council in February of this year that has resulted in the footprint being reduced, there is still considerable mass and bulk to the proposed property with the large gable ends which is not compliant with policy. I also question the fact that the applicant believes that the proposed property is only 53% larger than the existing dwelling, where it is in fact 65% with a far larger volume increase to the existing dwelling.

It is therefore quite clear that the development does not avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the neighbouring properties and would be contrary to the aforementioned policies.

Whilst the property is located within an urban area where there is no objection in principle to residential development through Policy CS4, and the NPPF promotes and supports development of underutilised land and buildings, the application site is well utilised in terms of its layout and provides habitable space for four bedrooms and living accommodation/amenity provisions.

The replacement dwelling is only a four bedroom dwelling as well, so it is clear that the site is not underutilised as there is no increase in bedrooms as the site accommodates the maximum size property available to it already other than increasing the height of the dwelling. I therefore do not consider the development to accord with the wording of paragraph 118 of the NPPF.

Given the foregoing, I therefore respectfully ask you to refuse the application due to the proposed scheme not complying with policy. If the officer is regrettably minded to approve the scheme, then I ask that conditions relating to the following are included:

- Remove permitted development rights to prevent further development within the roof space (Class B and C)
- Remove permitted development rights to prevent further extensions to the building as a whole (Class A) or erection of further buildings within the curtilage (Class E)
- That no further windows are inserted first floor level or above.
- That the windows on the north east elevation are obscurely glazed and high level opening on the north east elevation
- A materials schedule is produced
- A hard and soft landscaping scheme to be produced

Yours Sincerely  
On behalf Kingshill (Berkhamsted) Ltd. Company no. 03129489

The private road leading from the main road to the driveway owned by Kingshill, is owned, managed and maintained by Kingshill (Berkhamsted) Ltd. The owners of the following 5 properties are members of the company and manage the running and share the associated costs of the road. Old Meadow, Mayfield, Gooseberry End, Ashcombe House and Kingshill. It should be noted that Garden Cottage does not contribute.

The management company would like to officially raise their concerns over the proposed development of Garden Cottage in terms of the potential damage to the private road due to the heavy machinery and contractors usage on what is a road designed for access by car to the properties.

As a condition of planning, we require assurances that any exceptional wear and tear and damage is made good once the development is complete in the event the development goes ahead.

see consultee comment -Gooseberry End on planning web-site.

**ITEM NUMBER: 5f**

<b>21/00072/FUL</b>	<b>New dwelling</b>	
<b>Site Address:</b>	<b>5 Highbarns Hemel Hempstead Hertfordshire HP3 8AF</b>	
<b>Applicant/Agent:</b>	<b>Mr Abbas</b>	<b>Harry Dibden</b>
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>Nash Mills Parish Council</b>	<b>Nash Mills</b>
<b>Referral to Committee:</b>	<b>Objection received from parish council</b>	

## 1. RECOMMENDATION

That planning permission be GRANTED.

## 2. SUMMARY

2.1 The proposal would result in the formation of a terrace set of properties on the site. However, this would be seen in close context with terraced properties across the road and therefore not appear incongruous within the context of the surrounding area. The proposed would not have an adverse impact on the residential amenity of either 5 Highbarns or the properties located along Pond Road by virtue of its positioning and separation distances. It is considered adequate parking provision would be provided and Hertfordshire Highways have no objection to the proposed new access.

## 3. SITE DESCRIPTION

3.1 The application site comprises a two storey semi-detached dwelling located along HighBarns, Hemel Hempstead. The property it sited on a corner plot on the junction between Highbarns and Pond Road. The southern side of the road, leading towards Chambersbury Lane, mainly consists of semi-detached properties. However, on northern end of the road, the site comprises of mainly terraced dwellings.

## 4. PROPOSAL

4.1 The application seeks permission for the construction of a new two storey dwelling within the existing side garden of number 5 Highbarns.

## 5. PLANNING HISTORY

Planning Applications (If Any):

Appeals (If Any):

## 6. CONSTRAINTS

CIL Zone: CIL3

Former Land Use (Risk Zone):

Highbarns Zone: Highbarns Inner Zone

Highbarns Zone: LSP Funding Application Area

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Nash Mills CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Residential Character Area: HCA19

Parking Standards: New 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 (2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Core Strategy (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

Local Plan (2004):

Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Saved Appendix 3 – Design and Layout of Residential Areas

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
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  
The impact on highway safety and car parking.  
Other material planning considerations (landscaping, Highbarns Inner Zone etc).

### Principle of Development

9.2 Policy CS1 of the Dacorum Core Strategy (2013) states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.3 Policies 10 and 21 of the Local Plan (2001) and Section 11 of the NPPF (2021) all place an emphasis on making effective use of urban land.

9.4 The principle of the development in this location is therefore considered acceptable in principle.

#### Impact on the Surrounding Area

9.5 Policy CS11 of the Dacorum Core Strategy seeks to ensure that, amongst other things, new development respects the typical density in an area, preserves attractive streetscapes and protects and enhances significant views within character areas.

9.6 Policy CS12 of the Dacorum Core Strategy states that development should integrate with the streetscape character and respect adjoining properties in terms of: layout, security, site coverage, scale, height, bulk, materials, landscaping and amenity space.

9.7 Saved Appendix 3 of the Dacorum Local Plan states that the design of individual buildings should respect the overall street scene, and the finishing materials should be in keeping with those of the surrounding area.

9.8 The development would infill an area of side garden belonging to number 5 Highbarns which occupies a corner plot on the junction between Highbarns and Pond Road.

9.9 The area is defined by terraced and semi-detached properties of typical new town design. The proposed dwelling would be attached to number 5 Highbarns and comprise of the same plain, red brickwork design. The development would appear sympathetic to the design of 5 Highbarns and the surrounding development in the area. Therefore, no objection is raised with regards to the design of the proposal.

9.10 The dwelling would respect the front line established by number 5 Highbarns and be set in approximately 0.35m-0.45m from the boundary with Pond Road. This set in will assist in mitigating against any impact on Pond Road. Furthermore, the rising gradient of the road means that when viewed from the north east up Pond Road, the development would not appear unduly prominent.

9.11 5 Highbarns belongs to a semi-detached pair. The south eastern end of the street comprises mainly of semi-detached dwellings with regularly spacing between them. The development would result in the formation of a terrace on the site. However, the site is located on a section of the street where the semi-detached properties on the southern end of the road transition to terraced properties towards the north western end.

9.12 The development would be seen in close proximity to the existing terraces fronting onto Pond Road and those on Highbarns when approaching from both the south east and north west. In this context, it is considered that the property would not appear out of context within the surrounding area.

#### Impact on Residential Amenity

9.13 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.

9.14 The development would extend beyond the rear of 5 Highbarns by approximately 4m. However, the two storey element of the building would only extend beyond the rear build line of number 5 by approximately 2m. The single storey protrusion beyond this would measure approximately 3.4m in height reducing to approximately 2.52m towards the eaves. These dimensions are moderate and as a result it is considered that the protrusion from the rear of number 5 would have a significant impact on the outlook of this property.

9.15 Furthermore, the protrusion to the rear would be positioned north east of number 5's windows and therefore not have a significant impact on sunlight received by these fenestrations.

9.16 There is no side to front distance requirement contained within Saved Appendix 3 of the Local Plan (2004). The development would be positioned approximately 14-15m away from the nearest properties on Pond Road. It is considered this separation, combined with the absence of built form directly to the front or rear of the development site, would mean that the fenestrations of 1-5 Pond Road would have acceptable outlook in terms of vertical sky component from their windows. It is therefore considered that the proposed would not have a significant enclosing effect on the outlook from these properties.

9.17 There would be one first floor side facing window on the development which would face the properties on Pond Road. However, the distance referred to above would mitigate against any direct privacy issues and in this instance, the window would serve a landing where it is considered future occupiers would not be inhabiting this area for consistently long periods of time.

9.18 The dwelling would also be located northwest of these properties which would receive adequate levels of sunlight to their front fenestrations through the afternoon hours, with the rear fenestrations receiving some sunlight in the evening hours. Due to the orientation of the development to these dwellings, it is considered it would not have an adverse impact on light received by the neighbouring properties above and beyond the existing situation.

9.19 Number 5 Highbarns' overall garden depth would remain unchanged (approximately 11.28m). Whilst some of the existing rear garden would be lost to the new property, the overall portion of outdoor amenity space that would be allocated to the property is considered functional and thus acceptable, noting a retained depth of approximately 11.2m.

9.20 The development would have a rear garden depth of approximately 7.8m, which is below the 11.5m required by Saved Appendix 3 of the Local Plan. However, Saved Appendix 3 states that garden depths can be reduced in instances where properties are located in close proximity to other open land. In this case, the site is located a short distance from Long Deans to the west and Nash Mills Playground to the south. It is therefore considered that the rear garden depth is acceptable.

9.21 Overall, it is considered that the proposal would not have an adverse impact on the residential amenity of the surrounding properties in terms of loss of light, outlook or privacy.

#### Impact on Highway Safety and Parking

9.22 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.23 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.24 The proposed dwelling's parking area would be accessed via an existing dropped kerb. Two new parking spaces are proposed to the front of number 5 to serve this property. A new dropped kerb measuring 5.4m has been indicated and the Highway Officer has confirmed there would be no objection to this.

9.25 5 Highbarns is a three bedroom dwelling which would be served by two parking spaces post development. This would be an acceptable level of parking provision under the Parking Standards SPD (2020).

9.26 The development would be served by two parking spaces to the rear. One parking space is existing, with the existing garage to be demolished to make way for the second parking space. The proposed is indicated as a two bedroom dwelling. However, a third room marked as an office on the plans is considered to be of a size and in a location whereby it could reasonable be used as a bedroom. Thus, for the purposes of the parking provision assessment, the proposed would be considered a three bedroom dwelling. Nonetheless, under the Parking Standards SPD, two parking spaces for a three bedroom dwelling is considered sufficient.

9.27 Tandem parking would be provided for the new dwelling. It is recognised within the Parking Standards SPD (2020) that this can be appropriate if the bays are provided on plot and to be used by a single dwelling.

9.28 It is recognised that tandem spaces increase the likelihood of one vehicle parking on street to avoid obstructing the other. However, the site has been visited multiple times over the pandemic, whereby stay at home restrictions were in place. It is considered that from these visits, the immediate area (approximately 200m radius from the site) is not severely parking stressed whereby the potential parking of one vehicle on the street would result in a significant impact on the overall safety and operation of the highway.

9.29 Parking Stress does appear to be higher north east of the site up Pond Road towards Chambersbury Lane. However, on streets such as Highbarns and others such as East Green, it appears to be lower.

9.30 Nonetheless, for all intensive purposes the parking provision for the proposed dwelling complies with the SPD. Multiple site visits were undertaken during the lockdown period and it was considered that parking stress levels were not of a level whereby one vehicle potentially parking on street would result in significant impacts above and beyond the existing situation.

9.31 Details of electric vehicle charging provision will be secured by condition.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

9.32 The development would not have an adverse impact on any trees of significant amenity value. As such, the trees and woodland officer had no objection to the proposal. Details of hard and soft landscaping would be secured by condition.

##### *Waste Management*

9.33 The proposed dwelling would have bin storage to the rear. A specific bin storage area has not been indicated for the existing property but it is likely bins for this property would be stored to the front of the dwelling. There is no objection to this considering that this appears to occur for a number of properties located on the street.

9.34 The carry distance for the bins would comply with the guidance set out within the Refuse Storage Guidance Note (2015).

#### *Highbarns Inner Zone*

9.35 The site is located within the Highbarns Inner Zone whereby subsidence issues in 2007 led to the council commissioning out significant remediation works to stabilise this area. The technical reports for these works can be found at <https://www.dacorum.gov.uk/home/planning-development/planning-history/highbarns-chalk-mines>

9.36 The, under treatment area number 3, outlines the works conducted near to numbers 5-15 Highbarns.

9.37 With the remediation of the Inner Area it is understood that any new development can be considered in the knowledge that the land has been stabilised.

9.38 The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

9.39 Paragraph 183b of the NPPF (2021) states that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990

9.40 If the developer is concerned about possible ground instability consideration should be given by the developer in commissioning the developer's own report.

9.41 With regards to the above, it is considered that the Highbarns area has been successfully remediated and cannot be considered contaminated/unstable land. The council has commissioned remediation works, the details of which are publicly available. Therefore, if the developer is concerned with stability issues, the onus would be on them to commission further reports with respect to this.

9.42 An informative will be attached to the permission, which draws attention to the Highbarns Inner Zone to the developer, should permission be granted.

#### Community Infrastructure Levy (CIL)

9.43 The application would be CIL liable if it is to be granted and implemented.

## **10. CONCLUSION**

10.1 The proposal would result in the formation of a terrace set of properties on the site. However, this would be seen in close context with terraced properties across the road and therefore not appear incongruous within the context of the surrounding area. The proposed would not have an adverse impact on the residential amenity of either 5 Highbarns or the properties located along Pond Road by virtue of its positioning and separation distances.

10.2 Adequate parking provision would be provided for both 5 Highbarns and the proposed dwelling when assessed against the Car Parking Standards SPD (2020). Tandem parking is proposed for the new unit but these would be on plot for the use of the same dwelling and therefore is not considered inappropriate. It is recognised that tandem parking increases the likelihood of one vehicle parking on street. However, the surrounding area does not appear to exhibit significant levels of car parking stress where one vehicle potentially parking on street would have a serious impact on the safety and operation of the adjacent highway.

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

**OAK-0124 Rev D (Received 17.08.2021)**

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:**

- 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;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- retained historic landscape features and proposals for restoration, where relevant.

**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).

5. **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 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), Policy CS12 of the Dacorum Core Strategy (2013), and Saved Policy 54 of the Dacorum Local Plan (2004).

6. **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).

#### **Informatives:**

1. The site is located within the High Barns Inner Area. The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. If the developer is concerned about possible ground instability consideration should be given by the developer in commissioning the developer's own report

2. **Waste Comments**  
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.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, 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.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

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.

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.

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.

3. 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.
4. 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.
5. 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.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Trees & Woodlands	According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. I have examined the information and have no objections to the application being approved in full.
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 recommends that permission be refused for the following reasons:</p> <p>1) The proposals and drawings lack enough information illustrating how</p>

vehicle parking in P1, P2 and P3 for No 5 in drawing Oak-0124 will access the highway and as such could endanger the safety of pedestrians due to vehicles crossing the footway. This would be contrary to policy 1 and 5 within Hertfordshire's Local Transport Plan (adopted 2018) whereby more information would be needed to illustrate this is not the case.

#### Comments

The proposal is for a new build dwelling at 5 Highbarns, Hemel Hempstead. Highbarns is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The location includes existing parking on Pond Lane which includes a small hardstanding and an existing garage. This is deemed to be used for the new dwelling. HCC as Highway Authority has considered that the proposals are not acceptable and would recommend that the application be refused for the following reasons:

The proposal is for a new build dwelling at 5 Highbarns, Hemel Hempstead. Highbarns is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The location includes existing parking on Pond Lane which includes a small hardstanding and an existing garage. This is deemed to be used for the new dwelling.

HCC as Highway Authority has considered that the proposals are not acceptable and would recommend that the application be refused for the following reasons:

The additional parking for the front of the existing dwelling as seen in the proposal and noted in the planning application form, has not indicated if there is an existing dropped kerb or a new dropped kerb is required. Therefore, HCC Highways is unsure of how vehicles will access these parking spaces from the highway network.

The plans lack enough information to warrant a recommendation for a grant owing to the lack of information provided concerning the requirement for a access to the highway concerning the 3 new parking spaces as noted in the application form.

The planning application clearly states in section 8, that no new access is required. However, as stated previously there is a need for a new access if the parking on the proposed plans is obtainable in terms of the 3 new parking spaces illustrated on drawing OAK- 0124 and section 9 in the application form.

	<p>The applicant has not illustrated the location of bin storage for the property and its collection point which is recommended in an application to investigate the impact of refuse vehicles stopping to collect waste.</p> <p>17.08.2021:</p> <p>The dropped kerb indicated is 5.4m in width and therefore acceptable.</p>
Thames Water	<p><b>Waste Comments</b></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>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, 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 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 NETWORK and SEWAGE TREATMENT WORKS infrastructure</p>

	<p>capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>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.</p>
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, 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>I trust the above is of assistance if you require any further information please contact the Growth &amp; Infrastructure Unit.</p>
National Air Traffic Services	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory</p>

	<p>consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>
<p>Parish/Town Council</p>	<p>Objection</p> <p>' CS11 (a)-Density Overdevelopment (tapered site)</p> <p>' CS12 (a,b,c,f,g) New drop kerb proximity to junction unsafe No safe and satisfactory means of access to new parking provision</p> <p>' Does amenity space comply with DBC minimum specification? ' Parking Standards SPD-does not comply. Parking spaces-is the existing garage being demolished if not is it an appropriate size in line with the parking standards. There is no provision for an electric charging point to the new development.</p> <p>' Tandem parking suggested. This is not supported in the adopted standards if there are consequences for additional parking on the highway. NMPC have grave concerns whether the locality could support any additional parking on the highway-this is an item that NMPC are currently addressing as a major concern of our residents.</p> <p>Tandem Parking 8.5 Tandem (in-line) parking generally means that the provision of two parking places one after another, configured like a single, double-length perpendicular parking place. Tandem parking is inconvenient, and both spaces may not be used at all times. It should not be used for unallocated, off-plot spaces; however, it may be appropriate for spaces on-plot within the curtilage of the dwelling or commercial property if for use by the same property/dwelling and if an additional vehicle parking on the highway would not have unacceptable consequences. Consequently, the presumption is for tandem spaces counting as part of the parking provision if on-plot provided they are allocated spaces.</p> <p>Other matters Due to the historic chalk mines issues NMPC would like to request that the applicant obtains a ground stability report. Consideration should be given to the impact on drainage and surface water run off caused by the repairs to the foundations in this locality.</p> <p>It is unclear whether the plans are for a large study or whether this could be intended to change post approval to a bedroom. NMPC are concerned that detailing an upstairs room just as a study (even though it</p>

	<p>is large enough to comfortably be used as a bedroom) may lead to the incorrect application of the parking standards.</p> <p>The application states that there are 5 parking spaces-this could be misleading as there is in fact 3 for the existing property (which will require a new drop kerb being approved very close to the junction) and 2 for the new property, which depending on the actual habitation of the new property may not comply with the standards.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>The proposed development is on a site that does not appear to have a potentially contaminative land use history and the application is for a development that will not result in an increase in vulnerability of the end use to the presence of ground contamination. However, it will involve significant ground works on a previously developed site so it is recommended that the following informatives are included in the 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>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>

13	1	0	1	0
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### Neighbour Responses

Address	Comments
11 Pond Road Hemel Hempstead Hertfordshire HP3 8BA	<p>I live opposite this plan and can see it causing lots of disruption, every single space in Nash mills people are building to make money, this will spoil the outlook and cause lots of noise to pond road. it is being built on a previous sink hole, do the builders know this? I am quite surprised that they would even attempt it, seeing as the whole area had collapsed. there will be no space to breathe here soon, whilst the owners swan off to the countryside in peace leaving others to deal with the build, building in nash needs to stop, I have lived here 25 years and we are being hemmed in. please check if it's even safe to build as there has been another sink hole appearing near this plan a month ago. we have had 7 years of sink hole disruption in this area.</p>

# Agenda Item 5g

ITEM NUMBER: 5g

20/01889/FUL	New Dwelling	
Site Address:	Land At Birch Lane To Side Of Annexe Of 96/97 Flaunden Flaunden Hertfordshire HP3 0PT	
Applicant/Agent:	Mrs Jacqui Sander	Mr Mark Battram
Case Officer:	Heather Edey	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Objection from Parish Council	

## 1. RECOMMENDATION

That planning permission be GRANTED.

## 2. SUMMARY

2.1 The application is recommended for approval.

2.2 The proposed development is considered to be acceptable in principle, reflecting appropriate development in the Green Belt, in accordance with Paragraph 149 of the National Planning Policy Framework (NPPF) (2021) and Policy CS5 of the Dacorum Borough Core Strategy (2013). The proposed new dwelling is also considered to be acceptable in design terms and in terms of its impact on designated heritage assets, (i.e. Flaunden Conservation Area and neighbouring Grade II Listed Buildings), by virtue of its scale, design, detailing, bulk, mass, height, positioning and material finish.

2.3 Furthermore, 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 it is noted that the proposal would generate a shortfall of 0.5 parking spaces, it is not considered that a refusal of the scheme on these grounds could be sustained, given the availability of off-street car parking provision within the immediate area. Given all of the above, the proposal complies with the NPPF (2021), Policies CS5, CS6, CS11, CS12, CS27 and CS29 of the Core Strategy (2013), Saved Policies 57-58 and 99 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Parking Standards Supplementary Planning Document (2020) and the Dacorum Refuse and Storage Guidance Note (2015).

## 3. SITE DESCRIPTION

3.1 The application site is situated on the eastern side of Birch Lane, and comprising an area of approximately 0.03 hectares. The site is currently occupied by a detached brick built garage and attached lean-to greenhouse.

3.2 The applicant has confirmed that the application site was purchased under a single Land Registry title in 2011, with the site providing private amenity space and off-street car parking provision for property 94 Flaunden. The application site is, however, physically separated from this property, and has been functionally severed from this property for a period of approximately nine years, with the applicant letting the cottage out and retaining the application site for their own personal use.

3.2 The site falls within the Metropolitan Green Belt, Flaunden Conservation Area and is sited within close proximity of a number of Grade II Listed Buildings, including Granary Cottage, 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden).

#### **4. PROPOSAL**

4.1 Planning permission is sought to demolish the existing lean-to greenhouse and construct a new two storey cottage with associated patio area. The new cottage would provide two new bedrooms, and would comprise a long catslide roof, reducing its visual bulk at the rear. The proposed development would be constructed in high quality materials, comprising windows and joinery finished in high quality timber, external walls finished in fair face brickwork laid in Flemish bond, with flint and gauged rubbed arches, and a roof clad in double cambered clay tiles and gable ends with decorative bargeboards and detailing.

#### **5. PLANNING HISTORY**

Planning Applications (If Any):

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*

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*

21/00365/FUL - Raising of roof, Change of roof pitch, Conversion of barn to residential use and changes to fenestration. Repositioning of tree planting screen.  
*GRA - 6th August 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*

4/02987/15/FHA - Single storey rear extension  
*WDN - 11th October 2016*

Appeals (If Any):

4/02987/15/FHA - Development Appeal  
*- 17th August 2016*

#### **6. CONSTRAINTS**

Special Control for Advertisements  
CIL Zone 2  
Conservation Area: Flaunden  
Former Land Use (Risk Zone)  
Green Belt  
Heathrow Safeguarding Zone: LHR Wind Turbine  
RAF Halton and Chenies Zone: Green (15.2m)  
Parking Standards: 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 (2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Planning (Listed Buildings and Conservation Areas) Act (1990)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Conserving the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (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

#### *Policy Context*

9.2 The site is located within the Metropolitan Green Belt, whereby inappropriate development is restricted by national and local planning policy.

9.3 Whilst Paragraph 149 of the NPPF (2021) states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as inappropriate, it goes on to list the following exception to this rule: 'e) *limited infilling in villages.*'

9.4 Local policy aligns with national policy when defining appropriate development in the Green Belt. Policy CS5 of the Dacorum Borough Core Strategy (2013) states that small-scale development will be permitted for the uses defined as appropriate in national policy, provided it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside.

#### *Principle*

9.5 The NPPF (2021) fails to define what constitutes 'limited infilling.' Local Policy, (as set out in the explanatory text preceding Policy CS6 of the Core Strategy), however defines infilling as 'a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings.' This text later goes on to define the terms 'limited', noting that this term is used to refer to 'development which does not create more than two extra dwellings.'

9.6 Given that the current proposal seeks permission to construct a single detached dwelling between two points of built form, (i.e. between the existing garage and the annexe of no. 96/97 Flaunden), the proposal is considered to constitute limited infilling.

9.7 Taking the above into account, the key issue of consideration to the application is whether the site forms part of the village of Flaunden.

9.8 Flaunden does not have a defined village boundary. It is however noted that recent case law and appeal decisions, (e.g. Wood vs. Secretary of State), attach little weight to designated village boundaries when determining whether a site forms part of the village, noting that such assessments should be made subjectively with reference to facts on the ground. For example, case law and appeal decisions have clarified that reference should be made to the individual physical characteristics of the site, (including patterns of development and density etc.), functional/locational characteristics of the site, (including the distance of the site to the physical centre of the village and core village services etc.), and visual characteristics of the site.

#### *Assessment*

9.9 Ordnance survey mapping indicates that the historic core of the village is centred around the crossroads of Birch Lane, Village Hill and Flaunden. It is noted that the centre of the application site in question, is located approximately 50m from this crossroads.

9.10 In addition to the point raised above, it is noted that development surrounds the site on all sides. The presence of six semi-detached properties on the western side of Birch Lane, coupled with the footpath and parking bays, add to the sense of arriving within a settlement when heading in a southerly direction, noting that views of agricultural fields are lost and development becomes prevalent.

9.11 Given the specific characteristics of the application site and surrounding area, it is considered that the facts on the ground in this case are that the application site lies within the village of Flaunden. As such, the proposal is considered to be acceptable in principle, subject to its compliance with other local and national planning policies.

#### Quality of Design / Impact on Visual Amenity and Designated Heritage Assets

9.12 The NPPF (2021) 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 Core Strategy

(2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.13 The site falls within the Flaunden Conservation Area and is within close proximity of a number of Grade II Listed Buildings, including Granary Cottage, 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden). With regards to designated heritage assets, the NPPF (2021), 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.

9.14 The Conservation and Design Officer was consulted in relation to the proposal and raised no objection, considering the proposed development to be acceptable in terms of its impact on the Flaunden Conservation Area and neighbouring Grade II Listed properties.

9.15 With regards to the Flaunden Conservation Area, the Conservation and Design Officer has stated that the proposal would have a neutral impact, (thereby preserving the character of the area), by virtue of its sympathetic design, (i.e. noting that the scale, mass, design, detailing and proposed material finish of the new dwelling would harmonise with and reflect the character of the village). Furthermore, with regards to the proposals' impact on neighbouring Grade II Listed Buildings, it has been noted that the proposed new dwelling would not cause harm to the setting or significance of the properties by way of its design, detailing and positioning within the site, predominantly screened by surrounding trees and boundary hedges.

9.16 Taking the above into account, it is considered that the new dwelling is acceptable in design terms and in terms of its impact on designated heritage assets, (i.e. the Flaunden Conservation Area and neighbouring Grade II Listed Buildings), noting that the new dwelling has been sympathetically designed to harmonise with the character and appearance of the area in terms of its scale, bulk, mass, detailing and material finish. As such, no concerns are raised in this regard, and the proposal accords with Saved Appendix 7 of the Local Plan (2004), Policies CS11, CS12 and CS27 of the Core Strategy (2013), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant sections of the NPPF (2021).

#### Impact on Residential Amenity

9.17 The NPPF (2021) 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.

#### *Visual Intrusion*

9.18 Given its scale, bulk, mass and proposed positioning on the site, it is not considered that the new dwelling would appear a visually overbearing addition to the streetscene or neighbouring properties. The submitted streetscene plan also evidences that the new dwelling would be sympathetic in height in relation to neighbouring properties, noting that it would be set down from the ridge height of neighbouring properties 94 Flaunden and Copse Cottage, (i.e. 96/97 Flaunden).

#### *Loss of Light*

9.19 By virtue of its scale and positioning, it is not considered that the proposal would adversely affect daylight or sunlight levels to neighbouring properties.

#### *Overlooking*

9.20 New ground and first floor windows have been proposed to both side elevations of the new dwelling. Given the separation distance retained between the new dwelling and neighbouring property the Old Chapel, it is not considered that the proposal would result in a significant loss of privacy to occupiers of this dwelling.

9.21 Given the scale and positioning of the windows on the side elevation of the annexe of Copse Cottage, (i.e. 96/97 Flaunden), the separation distance that would be retained between the new dwelling and this annexe, as well as noting that the boundary treatment currently separating the application site from this annexe would be retained, it is not considered that the proposed new dwelling could be used to facilitate any harmful overlooking of this property.

9.22 Concerns were raised at pre-application stage that windows proposed to the rear elevation of the new dwelling could be used to facilitate harmful overlooking of the strip of amenity land to the rear of the site, (currently within the ownership of neighbouring property Copse Cottage, (i.e. 96/97 Flaunden)). In light of these concerns, the design of the new dwelling has been amended, with a single window being proposed at ground floor level, and two rooflights being proposed within the new catslide roof.

9.23 The proposed ground floor window is modest in scale and would be screened from view by the existing boundary treatment. Taking this into account and noting the modest scale and positioning of the proposed new rooflights, it is not considered that these new openings could be used to facilitate harmful overlooking of the private amenity space owned by Copse Cottage, (i.e. 96/97 Flaunden).

9.24 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties, thereby accords with the NPPF (2021), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Highway Safety and Parking

9.25 The NPPF (2021), Policies CS8 and CS12 of the 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.

#### *Highway Safety*

9.26 The proposed development would not involve any changes to the existing site access, and as such, it is not considered that the proposal would generate any highway or pedestrian safety concerns. The Highways Authority were consulted in this regard and have raised no objection on these grounds.

#### *Parking*

9.27 The Parking Standards Supplementary Planning Document (2020) notes that a two bed dwelling in this location should provide 1.5 off-street car parking spaces. Noting that the proposal would involve the retention of the existing garage, off-street car parking provision would be retained for one car. Whilst there is a small grass area to the front of the garage currently used to provide off-street for one car, this area falls short of the minimum standards for a car parking space and as such, is not factored into the proposed parking provision for the new dwelling.

9.28 Taking the above into account, it is noted that the proposal would generate a shortfall of 0.5 of a space. Whilst the Parking Standards Supplementary Planning Document (2020) clearly sets out the Council's parking standards, Paragraph 6.10 of this document allows for some flexibility to these standards, noting that changes to the standards may be appropriate wherein the nature, type and location of the development is likely to make a change to the parking standards acceptable.

9.29 Whilst concerns were initially raised that the shortfall in off-street car parking provision generated by the new dwelling could result in an increase in on-street parking, the Applicant has confirmed that there are sufficient parking spaces within the immediate area to accommodate occupiers of the new dwelling. In particular, reference has been made to the parking bays directly opposite the site, (i.e. fronting 1-6 Birch Lane), and the car park at the Flaunden Village Hall.

9.30 Properties 1-6 Birch Lane comprise large front driveways and associated rear garages, and as such, are not considered to generate an overspill of parking or generate the requirement for occupants of these properties to use the parking bays directly opposite these properties. With this in mind, it is not considered that a refusal of the proposal on parking grounds could be sustained, given that an additional off-street car parking space for occupants of the new dwelling could be accommodated within the parking bays directly opposite the site, (i.e. fronting 1-6 Birch Lane). Furthermore, in the event that these spaces could not be occupied, it is not unreasonable to assume that occupiers of the new dwelling could use the car park at Flaunden Village Hall, noting that is open day and night, publicly accessible and positioned within close proximity of the application site.

9.31 The Highways Authority were consulted in relation to the above parking arrangements, and raised no objection to the proposal on these grounds, considering the above parking arrangements to be sufficient to prevent on-street parking, and the highway safety concerns that would arise from occupiers of the new dwelling doing so.

#### *Parking for 94 Flaunden*

9.32 The application site currently comprises a detached garage, providing one off-street car parking space. Given that the site formerly served occupants of no. 94 Flaunden, (i.e. providing one off-street car parking space for occupants of this dwelling), objections have been raised that the proposal would result in the loss of parking for these residents, thereby increasing on-street car parking provision and adversely affecting the safety and operation of the highway.

9.33 The applicant has, however, submitted information in support of the application to evidence that the application site has been formerly severed from no. 94 Flaunden. In particular, it has been evidenced that the cottage has been let out to tenants over a nine year period with its associated courtyard area, and that the applicant has retained sole ownership over the application site, retaining the site for their own personal use.

9.34 Taking the above into account, it is not considered that the proposal would generate any additional loss of parking in this regard, noting that the current parking situation for occupants of 94 Flaunden would remain unchanged, (i.e. with occupants of this cottage continuing to utilise the parking bays opposite 1-6 Birch Lane and/or the Flaunden Village Hall car park). As such, it is not considered that a refusal of the scheme on these grounds could be sustained.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

9.35 The NPPF (2021), Policy CS12 of the Core Strategy (2013) and Saved Policy 99 of the Local Plan (2004) all seek to ensure that important trees and hedgerow are retained in urban and rural areas, whilst also encouraging the planting of new trees and shrubs.

9.36 The proposal would not involve the removal of any important trees, and would instead involve the planting of a new tree on the site, (i.e. a new Japanese Cherry tree to the rear of the dwelling).

9.37 A small area of existing hedgerow would however be removed to facilitate the creation of a new pedestrian access into the dwelling from Birch Lane. Given the scale and nature of these works, it is

not considered that these works would be harmful or detract from the rural character of the streetscene or village of Flaunden, and as such, no concerns are raised in this regard.

### *Waste Management*

9.38 Refuse storage bins for property 94 Flaunden are currently stored and collected from the side of the garage on the application site. The current application proposes to amend these arrangements, storing the refuse storage bins for the new dwelling in this location and repositioning the refuse storage bins in the rear courtyard at 94 Flaunden.

9.39 These arrangements are considered to be acceptable, given that the refuse storage bins for both properties would not need to be taken more than 25m to be collected. These arrangements comply with the standards set out under the Dacorum Refuse and Storage Guidance Note (2015). The Highway Authority have raised no objection to these arrangements.

### *Amenity Space*

9.40 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers. Whilst this policy notes that private gardens should normally be positioned to the rear of the dwelling with an average minimum depth of 11.5m, this policy allows a degree of flexibility, stating that reduced garden depths may be acceptable in accordance with the scale of the new dwelling, provided the space is of sufficient width, shape and size to be functional, there is open land, public open space or amenity land within close proximity of the site and that the new garden is compatible with the surrounding area.

9.41 The proposed site plan shows that the new dwelling would be served by a private area of amenity space and associated patio area. Whilst this private garden space would be positioned to the side of the new dwelling, it is considered that it would be of sufficient depth, (i.e. noting that it would measure 11.5m wide), and shape/size to provide a functional area of private amenity space for future occupiers of the new dwelling. As such, no concerns are raised in relation to these arrangements.

9.42 Given that the application site formerly served as a garden for no. 94 Flaunden, concerns have been raised that occupants of this dwelling would not have sufficient private amenity space should the proposed development be constructed.

9.43 Property 94 Flaunden is a modest two bed cottage that currently comprises a small private courtyard area. Whilst this courtyard falls short of the 11.5m minimum garden depth set out under Saved Appendix 3 of the Local Plan (2004), it is not considered that a refusal of the scheme on these grounds could be sustained, given that a number of instances whereby a reduced garden depth is accepted in accordance with this policy can be directly applied to this case.

9.44 For example, by reason of its width, shape, size and positioning, the existing courtyard provides a functional area of private amenity space for occupiers of this property. In addition to this, property 94 Flaunden is sited within close proximity of public open space, (i.e. the public open space and associated play area next to the Flaunden Village Hall), and it is noted that this area of private amenity space would be largely compatible with gardens serving properties in the immediate area, (i.e. properties 98, 99 and 100 Flaunden), in terms of its shape, size and scale.

9.45 Given the above assessment, it is considered that the proposed development would provide sufficient private amenity space for occupiers of the new dwelling and 94 Flaunden, and it is not considered that a refusal of the scheme on these grounds could be sustained. As such, the proposal accords with Saved Appendix 3 of the Local Plan (2004).

## Response to Neighbour Comments

9.46 A number of objections have been received from neighbours. The reasons for objecting to the application are summarised below:

- Principle – the proposal reflects inappropriate development in the Green Belt;
- Impact on Heritage Assets - the proposal would adversely affect the character and setting of the Flaunden Conservation Area and Grade II Listed Buildings;
- Impact on the Streetscene/Village – the proposal would be out of keeping with the character and appearance of the area;
- Parking – the proposal would result in loss of parking for no. 94 Flaunden;
- Highway/Pedestrian Safety – the proposal would result in an increase in on-street parking, thereby generating highway and pedestrian safety concerns;
- Impact on Residential Amenity – the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing and facilitating harmful overlooking;
- Impact on 94 Flaunden – the proposal would result in the loss of private amenity space for this property and adversely impact the property's existing refuse storage arrangements;
- Land Ownership – the submitted plans/application form incorrectly indicates existing land ownership; and
- Application Description – the description of the site is unclear and as such, fails to clearly indicate the location of the application site.

9.47 The majority of the concerns raised above have already been addressed during earlier sections of the report. However, the issues raised in relation to land ownership and the applications' description noted above have not been previously considered, and as such, have been addressed below.

### *Land Ownership*

9.48 With regards to land ownership, a neighbour has raised concerns that the submitted site plans are inaccurate, noting that a strip of land on the OS/Land Registry Plan has been incorrectly included as part of the applicants' ownership. These concerns were put to the applicant who has confirmed that the submitted site plans are correct, with the plans evidencing the correct boundaries as defined on the ground. They have also submitted a new Site Location Plan in support of the proposal to evidence this.

9.49 Given that land ownership is a civil matter and not a material planning consideration, this dispute has not been factored into the assessment of the proposal, and is not considered to reflect sufficient grounds for refusing the current proposal.

### *Application Description*

9.50 With regards to the site address, concerns raised by neighbours in this regard were considered, with the site address being updated and neighbours formally re-consulted on the proposal as part of the application.

## Community Infrastructure Levy (CIL)

9.51 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 CIL liable.

## 10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposal is acceptable in principle, noting that the proposed development is considered to reflect limited infilling in the village of Flaunden, in accordance with the exception for appropriate development in the Green Belt, set out under Paragraph 149 of the NPPF (2021). The proposed new dwelling has been sympathetically designed to harmonise with and respect the character and appearance of the Flaunden Conservation Area and neighbouring Grade II Listed Buildings, (i.e. by reason of its scale, design, detailing, bulk, mass, height, positioning and material finish), and as such, it is considered that the proposed new dwelling would reflect an attractive addition to the streetscene and village of Flaunden.

10.3 By virtue of its scale, bulk, positioning and design, 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. Furthermore, it is not considered that the proposed development would generate any highway or pedestrian safety concerns. Whilst it is noted that the proposal would generate a shortfall in off-street car parking provision, it is not considered that a refusal of the scheme on these grounds could be sustained, given the availability of off-street parking in the parking bays fronting 1-6 Birch Lane, and Flaunden Village Hall car park.

10.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS6, CS11, CS12, CS27 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and 99 and Saved Appendices 3, 5 and 7 of the Local Plan (2004), Planning (Listed Buildings and Conservation Areas) Act 1990, Parking Standards Supplementary Planning Document (2020) and the Dacorum Refuse and Storage Guidance Note (2015).

## 11. RECOMMENDATION

11.1 That planning permission be **GRANTED** with 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. **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 preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).

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 Policy CS32 of the Core Strategy (2013).

4. Any contamination, other than that reported by virtue of Condition 3 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 Policy CS32 of the Core Strategy (2013).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the existing garage shown on Site Plan Rev B, shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 AA, A, B and E; 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 130 of the National Planning Policy Framework (2021).

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

**7233-01 Rev A  
Environmental Report (dated 7th November 2011)  
Refuse Location Plan  
7233-02 Rev B  
Site Location Plan  
Site Plan Rev B  
Renewable and Sustainable Measures document  
Site Contamination Report  
Sustainability Checklist  
Streetscene Plan**

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 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.

2. **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.

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.

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.

AN 4) 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. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application, particularly the Site Contamination Assessment - Phase 1 Desk Study, 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>Full conditions are recommended in line with the recommendation within the submitted report for environmental testing of soil samples.</p>

"At the start of the works it would be prudent for the site Investigation report to not only look at the soils for foundation design but carry out topsoil tests in the vicinity of the new cottage and centred to the site where this older structure once stood."

The Desk Study part of the Condition can be avoided by completion of an acceptable Land Contamination Self Certification Questionnaire if it is received and agreed before the planning decision is reached. Alternatively it can be submitted in order to discharge that part of the condition post planning decision.

In order to discharge the second part (intrusive Site Investigation) of the condition we would, subject to review of the self-certification questionnaire, be happy to accept an appropriate suite of contamination testing undertaken on appropriately targeted areas of the site as an addition to the geotechnical investigations, rather than needing a standalone Environmental Site Investigation.

If the questionnaire is not completed prior to the decision notice then the following planning conditions should be included if permission is granted.

#### Contaminated Land Conditions

##### Condition 1:

(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.

#### 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.

	Please let me know if you have any questions.
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>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 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  <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 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</p>

1234047.

AN 4) 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. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Comments:

The proposals are for the construction of a new dwelling and associated parking on land adjacent to Birch Lane, Flauden. Birch Lane is an classified C local access road with a speed limit of 30 mph and is maintained at public expense.

There are currently no parking restrictions or weight limits associated with the proposed planning area. The dwelling in the application is not proposing a new access and will use the current access at the site. However, HCC would like to see detailed plans regarding vehicle visibly splays and VXO arrangements to fully gauge the impact on the highway.

Parking is a matter for the Local Planning Authority (LPA). However, HCC would comment that from the proposal drawings there will be no change to the number of vehicles that are available to park at the dwelling as the removal of the garage will still enable 2 parking spaces for the property. The construction of the planned dwelling should not affect surrounding dwellings or the highway network and therefore HCC is satisfied with this outcome.

Conclusion

HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the

application.

**ADDITIONAL COMMENTS:**

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. 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-anddeveloper-information/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-information/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-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300

1234047.

Comments:

HCC Highways previously commented on this application on 28/7/2020. However, since then amended plans have been produced for which a great deal has changed from the previous proposal. The amended proposal now shows that the existing garage will be retained with the new dwelling being moved from its previous proposed location. The amended proposal illustrates that the pedestrian path will be moved further south to accommodate the new location of the dwelling. I would note that I have received a few comments from members of the public for this application which have been taken into account.

Vehicle Access & Parking

The proposals are for the construction of a new dwelling and associated parking on land adjacent to Birch Lane, Flaunden. Birch Lane is a classified C local access road with a speed limit of 30 mph and is maintained at public expense.

The dwelling in the application is not proposing a new access and will use the current access at the site for the garage. However, HCC would like to see detailed plans regarding vehicle visibility splays and VXO arrangements to fully gauge the impact on the highway. HCC Highways would like to see detailed parking plans to illustrate where vehicles will be parked in the new arrangement. This is because from observation it appears that the garage door would not accommodate a modern car. The parking plans would demonstrate that parked vehicles do not obstruct the highway network and are adequate for the dwelling size. Owing to the property being on a country road, HCC Highways would have to insist that no vehicles park in front of the property as this would impact highway safety.

A concern was raised that the property would increase on-street parking for the area which would impact highway safety. However, HCC would note that there are parking areas down the street which anyone can park and will offset the loss of parking that is currently enjoyed on the land in question.

Refuge / Waste Collection

Provision has been made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is considered to be acceptable. The collection method must be confirmed as acceptable by DBC waste management.

	<p>Emergency Vehicle access</p> <p>The proposed plot 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</p> <p>HCC as Highway Authority considers that the proposal would not have a severe impact on the safety and operation of the surrounding highway network. Therefore, HCC has no objections on highway grounds to the application.</p>
Parish/Town Council	<p>Flauden Parish Council (FPC) wishes to draw your attention to the Planning Application address and description of the site.</p> <p>The description of the site should be "Garden and garage of 94 Birch Lane" and not simply "Land at Birch Lane. The application cannot be considered without considering the effect of this application on 94 Birch Lane.</p> <p>Planning and Regeneration document lodged with the application:</p> <p>Item 9. Vehicle Parking. The information provided states that there are 2 existing parking spaces and the total proposed including spaces retained is 2. These parking spaces are in fact for the property of 94 Birch Lane and to claim there will still be two spaces means that the parking, presently enjoyed by 94 will be transferred to the proposed new dwelling and there will be a net loss of two parking spaces.</p> <p>FPC also refers to Page 3. Paragraph 2 of this document. The applicant appears to agree that the amenity space for the proposed dwelling is under the guidelines of DLP but fails to mention that by building on the garden of 94 Birch Lane the amenity space of 94 will be reduced to a tiny piece of garden to the rear of the property well below the recommended guideline.</p> <p>94 Birch Lane fronts directly onto Birch Lane and there is not a back or side access to the rear of the property. The loss of the parking space means that there will be nowhere to keep the refuse bins.</p> <p>It would be against all recommendations to allow a new building without the provision for parking or amenity space and that is what will happen to 94 Birch Lane if the land in question is separated from its title.</p> <p>This is quite clearly illustrated on the Land Registry document HD 2436. People who have lived in the village for over 70 years confirm that the</p>

	<p>application site has always been the garden for 94 Birch Lane.</p> <p>Heritage, Design and Access Statement NPPF (2019)</p> <p>Paragraph 118 d. This is not underutilised land it is the garden and parking area of 94 Birch Lane an existing dwelling owned by the applicant.</p> <p>Paragraph 145. FPC considers the proposed development as harmful to the Green Belt, the Conservation area and the openness and character of the rural village. It will not enhance the village and infilling of this type reduces the openness of the village.</p> <p>It will have a negative impact on the character and appearance of the countryside. Ref: CS5</p> <p>Flaunden is classified in the Core Strategy Document as an Area of Development restraint. This is especially so as the proposed development is also within the Flaunden Conservation area with its many listed buildings.</p> <p>Policy CS1. The proposal does not provide a development that supports the vitality and viability of the local community.</p> <p>The applicant seeks to use the shortage of small/starter homes to support this proposed development. Studying the prices of even small homes in Flaunden with the other small properties in Birch Lane having estimated prices of over £600,000 this argument is certainly not relevant. This certainly would not provide affordable housing.</p> <p>Flaunden Parish Council recommend refusal of this application.</p>
Thames Water	<p>Waste Comments</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</p>

	<p>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>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 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> <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>
Parish/Town Council	<p>Amended plans October 2020</p> <p>Flaunden Parish Council wishes to comment on the amendments for the above application.</p> <p>The vacant land is shown very clearly on the Land Registry Document HD243693 as the garden belonging to 94, Birch Lane.</p> <p>The area is not "Under-utilised land as defined in Paragraph 118(d), it is the amenity space, off road parking and bin storage area for 94.</p> <p>The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village</p> <p>The amended plan states that the distance from the nearest home is 23m. This is incorrect as to the south the distance is 7.8m</p> <p>The following statement concerning Policy 58 "levels of car parking exceed the minimum 1.5 car spaces required" is incorrect since the proposed development would result in two spaces to service both the proposed dwelling and 94 Birch Lane from which the spaces have been</p>

deprived.

94, Birch Lane is a listed building and sits at the end of a row of 6 listed cottages. It is at the southern end of the village which is a traditional settlement with a range of cottages dating from the sixteenth century onwards.

This development does not fall, within the type of limited infilling which might be permitted under clause CS5. Flaunden is classed as an area with the highest level of development restraint. The development is not needed to secure the economic prosperity of the village or to achieve social objectives since there have already been a significant number of new houses (10) for which planning has been granted in the village. The house proposed will not be "affordable" nor does it provide a development that supports the vitality and viability of the local community.

The addition to a hard-standing space to the proposed development does nothing to address the loss of bin space, amenity space or parking for 94 Birch Lane.

Due to lack of public transport it is necessary for residents of Flaunden to have a car. This development would therefore necessitate parking on the road outside these properties. The properties are close to the crossroads at the top of the village where the sight lines are difficult and there have been several accidents.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

#### ADDITIONAL COMMENTS

Flaunden Parish Council wish to comment on the amended plans and drawing for the above application.

The plan outlining the refuse location shows the position of the bins in the courtyard at the rear of the property 94 (Birch Lane) Flaunden. The FPC would like to point out that there is no access from the rear of 94 (Birch Lane) Flaunden to the road (as can be seen on the site plan) so any bins would need to be brought through the house at 94 Flaunden.

The Land Registry also indicates that 94 Flaunden do not own any land to give them access from the rear of 94 Flaunden to the main road.

The FPC would like to reiterate that the vacant land outlined in red in the above plan, is very clearly marked on the Land Registry Document HD243693 as the garden belonging to 94 Flaunden. This area is the amenity space, off road parking for two cars and the bin storage area for 94 Flaunden. Should this off-road parking pertaining to 94 Birch Lane be taken away there would not be sufficient space in the layby opposite to accommodate more cars.

On viewing the Map Title, it is apparent that this application overlaps with the ownership boundary of both No. 96/97 Flaunden, and that of Flaunden Construction Ltd (Honeysuckle Barn). The parcel of land (i.e. the garden of 94 Birch Lane) overlaps to the East of the plot along the whole length and to an estimated depth of more than 1m.

It would appear that the proposed plan includes this additional parcel of land, as it shows the depth of the plot to be 11.2m. Looking at the Land Registry map (attached) we estimate the depth of the plot to be 8.5 m at the southern end, widening to approx 10.5 m at the northern end. If this is the case, it would be impossible for the plan as proposed to be implemented on the existing garden due to the restrictive depth to the plot.

This proposal would deprive 94 Birch Lane of parking and a garden, the refuse bins would need to be stored in the small courtyard taking up valuable space, which goes against the policies in the development plan and the policies in the National Planning Policy Framework.

The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

ADDITIONAL COMMENTS

	<p>We would ask that the Conservation Officer re-examine the comments on this application in light of the amendments which have been recently added to the application. We are requesting this be reviewed as we believe it was not made clear in the original application, that the plot constitutes the garden and parking area of 94 Flaunden. The description of the site has changed 3 times during this application when they have tried to describe it as vacant land and not part of 94 Flaunden.</p> <p>The status of the land in question is clear when the Land Registry records are inspected. The two land parcels are contained within the same title (ref HD243693): and the Register is explicit that the title comprises "The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead (HP3 0PW)".</p> <p>The use of the application site today is parking, refuse bin storage and garden for 94 Flaunden. As the property does not have an attached garden or any other place to park the proposed development would remove all of these amenities from 94 Flaunden. (Attached photo shows the front of the property, which would be left with no off or on road parking facility). The proposal of putting the bins storage in the tiny courtyard of 94 Flaunden drastically reduces this limited space. The fact that the positioning of the bins now has to be shown confirms that this land should be acknowledged as the garden, parking area and bin storage of 94 Flaunden and the whole impact on 94 Flaunden should very much now be taken into consideration.</p> <p>The development of a two storey dwelling on the garden to 94 Flaunden, would result in the loss of parking, garden and refuse storage for 94, and would irreparably harm the setting and curtilage of the dwelling at 94. The proposal significantly adds to the density of the built environment causing harm to the character of the conservation area and setting of the listed building within the Flaunden Conservation Area.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>The site is currently a garden area and includes a garage. Negotiations have been going on for some time on the site.</p> <p>The proposed dwelling is of a relatively modest scale in flint and brick with a pitched tiled roof and catslide to the rear. The ridge line is lower than the cottages which face on the road to Belsize. It would be located behind the hedge and between the existing garage and the adjacent property. The design and detailing appears to reflect the character of the conservation area.</p> <p>Overall we believe that the proposal would have a neutral impact on the character of the area. The building would be in keeping with regards to</p>

	<p>the scale, mass, materials and detailing. It reflects and responds to the general character of the village. As such we believe that it would be in keeping with national government policy and guidance which recommends that the building should preserve the character of the area. We believe that this cottage would preserve this character and not cause harm to the conservation area. As such we believe that it would be considered acceptable.</p> <p>We do not believe that the proposed new dwelling would cause harm to the setting or the significance of the nearby listed dwellings. This is due to the design, detailing and positioning within the site.</p> <p>The detailing and materials would be key to ensure that the building preserves the character of the area. It would also be recommended that permitted development rights be removed to ensure that the cottage could not be altered or extended in an inappropriate manner which would detract from the character of the area.</p> <p>Recommendation we would not object to the proposals. External materials ( brick and brick bond, roof tiles, joinery details, rainwater goods, hard and soft landscaping subject to approval. The flintwork to the façade must be freehand flintwork a sample panel should be built on site for approval. An external meter box should not be added to the front of the property. Permitted development rights should be removed to protect the character of the area.</p>
<p>Environmental And Community Protection (DBC)</p>	<p><b>CONTAMINATED LAND</b></p> <p>Having reviewed the planning application, particularly the Site Contamination Assessment - Phase 1 Desk Study, 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 fully considered and where it is present will be remediated.</p> <p>Full conditions are recommended in line with the recommendation within the submitted report for environmental testing of soil samples.</p> <p>"At the start of the works it would be prudent for the site Investigation report to not only look at the soils for foundation design but carry out topsoil tests in the vicinity of the new cottage and centred to the site where this older structure once stood."</p> <p>The Phase I part of the Condition (part a) can be addressed by completion of an acceptable Land Contamination Self Certification Questionnaire, which asks the applicant to focus on key potential sources of contamination.</p> <p>In order to discharge part b (intrusive Site Investigation) of the condition we would, subject to review of the self-certification questionnaire, be</p>

happy to accept an appropriate suite of contamination testing undertaken on appropriately targeted areas of the site as an addition to the geotechnical investigations, rather than needing a standalone Environmental Site Investigation.

Contaminated Land Conditions:

Condition 1:

(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.

Condition 2:

	<p>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 wish to comment on the amended plans and drawing for the above application.</p> <p>The plan outlining the refuse location shows the position of the bins in the courtyard at the rear of the property 94 (Birch Lane) Flaunden. The FPC would like to point out that there is no access from the rear of 94 (Birch Lane) Flaunden to the road (as can be seen on the site plan) so any bins would need to be brought through the house at 94 Flaunden. The Land Registry also indicates that 94 Flaunden do not own any land to give them access from the rear of 94 Flaunden to the main road.</p> <p>The FPC would like to reiterate that the vacant land outlined in red in the above plan, is very clearly marked on the Land Registry Document HD243693 as the garden belonging to 94 Flaunden. This area is the amenity space, off road parking for two cars and the bin storage area for 94 Flaunden. Should this off-road parking pertaining to 94 Birch Lane be taken away there would not be sufficient space in the layby opposite to accommodate more cars.</p> <p>On viewing the Map Title, it is apparent that this application overlaps with the ownership boundary of both No. 96/97 Flaunden, and that of Flaunden Construction Ltd (Honeysuckle Barn). The parcel of land (i.e.</p>

the garden of 94 Birch Lane) overlaps to the East of the plot along the whole length and to an estimated depth of more than 1m.

It would appear that the proposed plan includes this additional parcel of land, as it shows the depth of the plot to be 11.2m. Looking at the Land Registry map (attached) we estimate the depth of the plot to be 8.5 m at the southern end, widening to approx 10.5 m at the northern end. If this is the case, it would be impossible for the plan as proposed to be implemented on the existing garden due to the restrictive depth to the plot.

This proposal would deprive 94 Birch Lane of parking and a garden, the refuse bins would need to be stored in the small courtyard taking up valuable space, which goes against the policies in the development plan and the policies in the National Planning Policy Framework.

The residential garden should not be viewed as suitable for development and falls outside the type of development envisaged in CS5. It is inappropriate development of the Green Belt and it would have a negative impact on the open and rural character of the village.

The Heritage and Design Statement states that "the enhancement is paramount and a positive contribution to the conservation area and a VSC (very special circumstance)." Flaunden Parish Council does not believe that any special circumstances have been made. Furthermore, the proposal does not make any contribution to the character, openness, or distinctiveness of the village.

Flaunden Parish Council recommend refusal of this application for the material reasons stated.

#### ADDITIONAL COMMENTS

We would ask that the Conservation Officer re-examine the comments on this application in light of the amendments which have been recently added to the application. We are requesting this be reviewed as we believe it was not made clear in the original application, that the plot constitutes the garden and parking area of 94 Flaunden. The description of the site has changed 3 times during this application when they have tried to describe it as vacant land and not part of 94 Flaunden.

The status of the land in question is clear when the Land Registry records are inspected. The two land parcels are contained within the same title (ref HD243693): and the Register is explicit that the title comprises "The Freehold land shown edged with red on the plan of the

	<p>above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead (HP3 0PW)".</p> <p>The use of the application site today is parking, refuse bin storage and garden for 94 Flaunden. As the property does not have an attached garden or any other place to park the proposed development would remove all of these amenities from 94 Flaunden. (Attached photo shows the front of the property, which would be left with no off or on road parking facility). The proposal of putting the bins storage in the tiny courtyard of 94 Flaunden drastically reduces this limited space. The fact that the positioning of the bins now has to be shown confirms that this land should be acknowledged as the garden, parking area and bin storage of 94 Flaunden and the whole impact on 94 Flaunden should very much now be taken into consideration.</p> <p>The development of a two storey dwelling on the garden to 94 Flaunden, would result in the loss of parking, garden and refuse storage for 94, and would irreparably harm the setting and curtilage of the dwelling at 94. The proposal significantly adds to the density of the built environment causing harm to the character of the conservation area and setting of the listed building within the Flaunden Conservation Area.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	27	0	26	0

### Neighbour Responses

Address	Comments
2 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT	We are objecting to this proposal of the new development. This is inappropriate within the conservation area of Flaunden and Green Belt Parking is going to be a big issue as there is already little parking space left for residents.
1 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT	<p>My husband and I are writing in reference to the proposed new dwelling on land at Birch Lane, Flaunden (20/01889/FUL). We are the owners of 1 Birch Lane, which is diagonally opposite the site.</p> <p>We wish to object to the application for the following reasons:</p> <p>The site is not vacant land it is the garden, parking spaces and garaging for No 94. Use of the plot for a new dwelling would mean that</p>

	<p>No 94 would no longer have a garden, its residents would have to park on the street as their existing parking spaces would be lost, they would lose their existing garage and they would lose their bin storage (Flaunden has three large bins and one food caddy per household). None of this is identified in the application.</p> <p>Harm caused to the Green Belt and Flaunden Conservation Area through inappropriate development.</p> <p>Negative impact of an additional dwelling on the openness and character of Flaunden village which consists of dwellings interspersed with open space.</p> <p>The proposed house, whilst fairly small, cannot be considered as a starter home as property prices in Flaunden are high.</p> <p>The revised application does not address any of the concerns raised in the objections to the original application, in particular the complete loss of garden, parking and bin storage for No 94 Flaunden. It is still inappropriate infill development and goes against the character of Flaunden. The position of the entrance path alters the hedge and is likely to lead to vehicles such as delivery drivers parking directly outside. This will reduce visibility and make the approach to the crossroads more dangerous, especially to those trying to exit from the roads adjoining Birch Lane. The location of the house at the narrow end of the plot also increases the impact and intrusion on neighbouring homes.</p> <p>The revised application does not address the issues previously raised.</p> <p>The issue of loss of parking for No 94 Flaunden is not addressed. On street parking is already extremely limited in Flaunden. The nearby parking spaces outside 1-6 Birch Lane are already heavily used by existing residents and delivery drivers. Any parking closer to the crossroads, even temporarily, is dangerous as visibility at the crossroads is already very limited.</p> <p>The bin store location shown for No 94 is impractical as there is no direct access to the street and wheelie bins would have to be brought through the house. In reality the bins would end up permanently on the street, detracting from the attractiveness of the crossroads conservation area and potentially causing an obstruction to the pavement.</p> <p>Additionally the loss of garden for No 94 is not addressed in the application.</p> <p>The application is still inappropriate development in a conservation area and will impact on the privacy of neighbours.</p>
<p>Granary Cottage 89 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP</p>	<p>Objection to planning application at 94 Birch Lane Flaunden; Garden parking/bin area NOT vacant land at Birch Lane 20/01889/FUL</p> <p>I object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>o The impact on the 94 Birch Lane facilities which would result.</li> </ul> <p>The existing site is used as the garden, garaging, parking and bin storage area for 94 Birch Lane, Flaunden. This development, should it</p>

	<p>be approved, would result in 94 Birch Lane having no parking, garaging or storage area for bins.</p> <p>o Whilst the new property would have 2 parking spaces, I am particularly concerned about the lack of parking spaces for 94 Birch Lane which may result in cars parking on the verge opposite my property, Granary Cottage, making it almost impossible to enter and exit safely.</p> <p>o The planning application states that the proposed development is not within the Conversation Area According to the latest map of the Conservation Area on the Dacorum Council website (<a href="http://www.dacorum.gov.uk/docs/default-source/strategic-planning/flaunden-(pdf-1-5-mb).pdf?sfvrsn=0">http://www.dacorum.gov.uk/docs/default-source/strategic-planning/flaunden-(pdf-1-5-mb).pdf?sfvrsn=0</a>) 94 Birch Lane, Flaunden and the garden and garage enjoyed by it fall wholly within the boundaries of the Conservation Area. Flaunden Village has been classified as an Area of Development Restraint within the Core Strategy Document. I consider that the development proposed is harmful to the Green Belt, the Conservation Area and will have a negative impact on the village. I fully support all the objections raised by my neighbours Mr &amp; Mrs Copp; in particular the revised relocation of the proposed property infringing on their privacy.</p> <p><b>ADDITIONAL COMMENTS</b></p> <p>Once again I object to the revised planning application for development of land @ 94 Flaunden. The Green belt area and Conservation status have not changed since the first application which was refused. My concerns also centre round the lack of ground available for off-street parking. As there would be minimal room for even one vehicle the likelihood of parking on the road would potentially, result in unsafe access for all villagers.</p> <p>The amended application does nothing to satisfy my concerns already expressed in the initial application. In particular regarding the parking and safe access to my own property.</p> <p>I also have concerns regarding the safety of pedestrian access to the proposed property, especially if cars are parked on the road (as they will need to be if the planning application is approved in its current state).</p> <p>Once again I object to the revised planning application for development of land @ 94 Flaunden. The Green belt area and Conservation status have not changed since the first application which was refused. My concerns also centre round the lack of ground available for off-street parking. As there would be minimal room for even one vehicle the likelihood of parking on the road would potentially, result in unsafe access for all villagers</p>
<p>Copse Cottage 96-97 Flaunden Flaunden Hemel Hempstead Hertfordshire</p>	<p>We would like to object to the planning application 20/01889/FUL on the following grounds:-</p> <p>o This application says that it is just 'land at Birch Lane'. This land is not</p>

HP3 0PP

just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness

of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

o Para 3 page 3 of the HD&A Statement. The preapp mentions to avoid street parking and the application says they are doing this by providing 2 spaces for the house proposed. However they are going to cause street parking by taking away the 2 spaces for number 94 Flaunden.

o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home and garden. Bedroom 1 has 2 windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not

underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

#### ADDITIONAL COMMENTS

Please take these comments as additional comments which we now wish to make following us receiving notification of the amended application 20/01889/FUL. They are not replacement comments to our objection with regards to planning application but further comments for our reasons to objecting to this planning application and comments that we hope will be considered for this application to be refused.

We are very concerned to see that the revised application is even worse than the first. The proposed house has now been moved right up to our garden fence and house end. It is totally intrusive and looking over our home and garden. There is not enough room for the property on the size of land they wish to build on. They are now planning to keep the garage building and not take it down. This garage is being used as an office/room and not as a garage that can be considered for parking but just gives a larger amount of building on the land. In the pre-app it was mentioned that it would be good for the garage building to be removed. In our time in the village it has been a normal garage for parking a car.

The revised layout of the site is a shambles and it gives us even more cause for concern as we feel there has been no regard for health and safety of the highways, as well as all the other issues in our original objection letter.

o They have again made no mention of this land being the garden, parking area and bin area for 94 Flaunden, and subsequently made no provision of car parking or bin area for 94 Flaunden going forward.

o The revised plan (and in fact the original plan, but in a different position) shows a new/additional- path/access (in what is now a hedge) being put in to the front door of the proposed new house. This would inevitably mean that people would park by the gate/path to the house

and also delivery drivers would park on the main road here. There is a bend on the road at this point and so it would be very dangerous as it is also very close to the main crossroads in the village and any cars parked in the road near the crossroads from 94 Flaunden or the new proposed house would greatly affect visibility.

o The parking area proposed and the new path access to the front door will mean that undoubtedly cars will end up parking on the road at the new proposed house and also 94 Flaunden will no longer have any designated parking area so inevitably people will park on the road who live there or visit there.

o The speed of traffic going through the village on the main road is already a great cause for concern. There is a SID traffic device on the main road outside the village hall because it is already noted the speed problems/concerns in the village. This planning application will undoubtedly cause cars to park on the main road where visibility will not be good and will end up causing accidents.

o Cars parked on the road here would also obstruct the views of other houses getting in and out of their parking areas.

In the Application for Planning Permission submitted by the applicant.

In section 8 Pedestrian and Vehicle Access, Roads and Rights of way.  
2

o For the question 'Is a new or altered pedestrian access proposed to or from a public highway' they have stated No. This is not correct as they have put in an additional path/access going to the front door of the proposed house in the original application and in the revised application. This position of this is also drawn incorrectly when you try to match up the proposed site plan with the proposed elevations plan. The path and position of the front door do not match in the revised application.

In section 9 Vehicle Parking

o They state the difference in spaces is 0. However this is untrue as it is taking away 2 parking spaces for 94 Flaunden and only allowing parking spaces for the proposed new house and so the real difference for the village is -2.

In section 10. Trees and Hedges

o Hedges/Hedging would be removed in either proposed application as there is a new pathway to the front door being added and therefore hedging taken away. So where on the photo on page 1 of the Heritage, Design and Access Statement there is a photo of the hedge where they say 'Extensive road hedge to be retained'. They are in fact planning to take some of this away as shown in the site view plan and the street scene.

In Section 14 Waste storage and collection

o They are taking away the waste storage area and the collection area for 94 Flaunden bins.

In Section 17 All types of development: Non- Residential Floorspace

o We would highlight here that on the revised plan they are proposing to keep the garage building (against the pre-app information), and I would question what this garage building is being intended to be used for?

In section 23 Pre-Application Advise

o This has not been completely filled in.

Referring now to the Heritage, Design and Access Statement

o On the map they show for the site they are making the plot out to be larger than it is. The site map they have highlighted show the garage centred in the land. However as you can see from the photos the 'front view from the highway' shows the garage set back into the garden, where as the 'side view in the garden' photo show the end of the garden very close to the fence/hedge and boundary. I would question any measurements. These site plans also do not show correct fences for the surrounding properties, therefore giving misleading information. No garden as far as I am aware are as small as this for a property to be on, which they state they are. The size of the land is under the required planning size and they are now putting the dwelling at the narrowest end of the site.

Under Planning Context: 3

o Where they state: The presence of local trees and established front and back hedgerows and maintaining them... They fail to state that they would be taking some areas away for the new path on to the highway that they proposed to the front door. They also fail to mention this under the Ecology and Landscape section where they mention keeping the perimeter hedges.

o Where they state 'The density of the locality in creating a new cottage of suitable size that does not impact materially on the neighbours homes'. This is totally untrue. It is right up against our borders and the side and the back of the new proposed dwelling. The porch on the side of the house is up to the fence bar possibly a few inches. There is very little space all around the side of the house and the back up to our fences/boundaries. And as mentioned before I do question any measurements. Further on where they discuss access they mention people with impaired movement/ mobility problems having access via the side door. This door is right up against our boundary and would not give much room for movability and access.

o This proposed new dwelling takes away the openness of this area of the village and is therefore harmful to the green belt. As mentioned on page 3 para 4 in the Heritage, Design and Access Statement where it mentions the summing up of the officer re the pre-app. He did state the proposed new dwelling would be larger in mass and a greater impact than the garage at present on the land. The applicant therefore says that they would therefore build it with high quality materials. What materials are used does not change the size of the proposed new

dwelling and does not change the greater impact of it.

o It completely impacts on our home and windows as the side of the new proposed dwelling overlooks habitable rooms. In the pre-app. Overlooking the back was taken into consideration but not over looking at the side. This should certainly be taken into consideration as the building they refer to as a garage to the south of the site is an annex with living space in it and is only 7-8metres from the boundary and the upstairs window on this side of the proposed new house would have direct line of vision into the windows.

So where they mention no dwelling within 23m of the new proposed house, this is completely untrue as our annex is only 7 -8 m away and their window would look into ours.

Other issues:-

o This is a Green belt area and conservation area and the land in the application is part of the curtilage of 94 Flaunden. This is a grade 2 listed building and is part of 5 listed building that are on this road and at the crossroads. 94 Flaunden, Copse Cottage, Christmas Cottage, Inglenook Cottage and Lavender Cottage.

Environmental Report

o It is interesting that the Environmental report submitted that was done for the applicant in 2011 does refer to it as 94 Flaunden for the land and the report was done on the basis of the land being part of 94 Flaunden and not a spare piece of land!

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4

We are sad that when the applicant asked us to cut down some conifers on our land to give light to the land ( 94 garden) for planting vegetables etc. we were good neighbours and understood that this would be good for the land and did allow the conifers to come down for her. Now it appears that this was not for growing plants at all.... but because she wanted to build a house in a village where she does not live and already has a 2 bedroomed house that she lets out as she has a home about 15 minutes away in another area of Hertfordshire.

There is no consideration for neighbours, villagers, the village or conservation area and greenbelt and takes away the parking , bin area and lovely green space garden to 94 Flaunden. It would not make any positive impact to the area, but only negative impact as mentioned in our initial objections submitted and these additional objections based on the revision to the application.

There are no grounds for the application to be considered a 'very special circumstance' but only detrimental to the area.

On these further grounds and our previously grounds, we strongly object to this application and we would request that the application is refused.

INITIAL COMMENTS

We would like to object to the planning application 20/01889/FUL on the following grounds:-

o This application says that it is just 'land at Birch Lane'. This land is not

just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

o Para 3 page 3 of the HD&A Statement. The preapp mentions to avoid street parking and the application says they are doing this by providing 2 spaces for the house proposed. However they are going to cause street parking by taking away the 2 spaces for number 94 Flaunden.

o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home

and garden. Bedroom 1 has 2

windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any

additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

Please take these comments as additional comments which we now wish to make following us receiving notification of the amended application 20/01889/FUL. They are not replacement comments to our objection with regards to planning application but further comments for our reasons to objecting to this planning application and comments that we hope will be considered for this application to be refused.

We are very concerned to see that the revised application is even worse than the first. The proposed house has now been moved right up to our garden fence and house end. It is totally intrusive and looking over our home and garden. There is not enough room for the property on the size of land they wish to build on. They are now planning to keep the garage building and not take it down. This garage is being used as an office/room and not as a garage that can be considered for parking but just gives a larger amount of building on the land. In the pre-app it was mentioned that it would be good for the garage building to be removed. In our time in the village it has been a normal garage for parking a car.

The revised layout of the site is a shambles and it gives us even more cause for concern as we feel there has been no regard for health and safety of the highways, as well as all the other issues in our original objection letter.

They have again made no mention of this land being the garden, parking area and bin area for 94 Flaunden, and subsequently made no provision of car parking or bin area for 94 Flaunden going forward.

The revised plan (and in fact the original plan, but in a different position) shows a new/additional- path/access (in what is now a hedge) being put in to the front door of the proposed new house. This would inevitably mean that people would park by the gate/path to the house and also delivery drivers would park on the main road here. There is a bend on the road at this point and so it would be very dangerous as it is also very close to the main crossroads in the village and any cars parked in the road near the crossroads from 94 Flaunden or the new proposed house would greatly affect visibility.

The parking area proposed and the new path access to the front door will mean that undoubtedly cars will end up parking on the road at the new proposed house and also 94 Flaunden will no longer have any designated parking area so inevitably people will park on the road who live there or visit there.

The speed of traffic going through the village on the main road is

already a great cause for concern. There is a SID traffic device on the main road outside the village hall because it is already noted the speed problems/concerns in the village. This planning application will undoubtedly cause cars to park on the main road where visibility will not be good and will end up causing accidents.

Cars parked on the road here would also obstruct the views of other houses getting in and out of their parking areas.

In the Application for Planning Permission submitted by the applicant.

In section 8 Pedestrian and Vehicle Access, Roads and Rights of way.

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For the question 'Is a new or altered pedestrian access proposed to or from a public highway' they have stated No. This is not correct as they have put in an additional path/access going to the front door of the proposed house in the original application and in the revised application. This position of this is also drawn incorrectly when you try to match up the proposed site plan with the proposed elevations plan. The path and position of the front door do not match in the revised application.

In section 9 Vehicle Parking

They state the difference in spaces is 0. However this is untrue as it is taking away 2 parking spaces for 94 Flaunden and only allowing parking spaces for the proposed new house and so the real difference for the village is -2.

In section 10. Trees and Hedges

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Hedges/Hedging would be removed in either proposed application as there is a new pathway to the front door being added and therefore hedging taken away. So where on the photo on page 1 of the Heritage, Design and Access Statement there is a photo of the hedge where they say 'Extensive road hedge to be retained'. They are in fact planning to take some of this away as shown in the site view plan and the street scene.

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They are taking away the waste storage area and the collection area for 94 Flaunden bins.

In Section 17 All types of development: Non- Residential Floorspace.

We would highlight here that on the revised plan they are proposing to keep the garage building (against the pre-app information), and I would question what this garage building is being intended to be used for?

In section 23 Pre-Application Advise

This has not been completely filled in.

Referring now to the Heritage, Design and Access Statement

On the map they show for the site they are making the plot out to be larger than it is. The site map they have highlighted show the garage centred in the land. However as you can see from the photos the 'front view from the highway' shows the garage set back into the garden, where as the 'side view in the garden' photo show the end of the garden very close to the fence/hedge and boundary. I would question any measurements. These site plans also do not show correct fences for the surrounding properties, therefore giving misleading information. No garden as far as I am aware are as small as this for a property to be on, which they state they are. The size of the land is under the required planning size and they are now putting the dwelling at the narrowest end of the site.

Under Planning Context:

Where they state: The presence of local trees and established front and back hedgerows and maintaining them...

They fail to state that they would be taking some areas away for the new path on to the highway that they proposed to the front door. They also fail to mention this under the Ecology and Landscape section where they mention keeping the perimeter hedges.

Where they state 'The density of the locality in creating a new cottage of suitable size that does not impact materially on the neighbours homes'. This is totally untrue. It is right up against our borders and the side and the back of the new proposed dwelling. The porch on the side of the house is up to the fence bar possibly a few inches. There is very little space all around the side of the house and the back up to our fences/boundaries. And as mentioned before I do question any measurements.

Further on where they discuss access they mention people with impaired movement/ mobility problems having access via the side door. This door is right up against our boundary and would not give much room for movability and access.

This proposed new dwelling takes away the openness of this area of the village and is therefore harmful to the green belt. As mentioned on page 3 para 4 in the Heritage, Design and Access Statement where it mentions the summing up of the officer re the pre-app. He did state the proposed new dwelling would be larger in mass and a greater impact than the garage at present on the land. The applicant therefore says that they would therefore build it with high quality materials. What materials are used does not change the size of the proposed new dwelling and does not change the greater impact of it.

It completely impacts on our home and windows as the side of the new proposed dwelling overlooks habitable rooms. In the pre-app. Overlooking the back was taken into consideration but not over looking at the side. This should certainly be taken into consideration as the

building they refer to as a garage to the south of the site is an annex with living space in it and is only 7-8metres from the boundary and the upstairs window on this side of the proposed new house would have direct line of vision into the windows.

So where they mention no dwelling within 23m of the new proposed house, this is completely untrue as our annex is only 7 -8 m away and their window would look into ours.

Other issues:-

This is a Green belt area and conservation area and the land in the application is part of the curtilage of 94 Flaunden. This is a grade 2 listed building and is part of 5 listed building that are on this road and at the crossroads. 94 Flaunden, Copse Cottage, Christmas Cottage, Inglebrook Cottage and Lavender Cottage.

Environmental Report.

It is interesting that the Environmental report submitted that was done for the applicant in 2011 does refer to it as 94 Flaunden for the land and the report was done on the basis of the land being part of 94 Flaunden and not a spare piece of land!

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We are sad that when the applicant asked us to cut down some conifers on our land to give light to the land ( 94 garden) for planting vegetables etc. we were good neighbours and understood that this would be good for the land and did allow the conifers to come down for her. Now it appears that this was not for growing plants at all.... but because she wanted to build a house in a village where she does not live and already has a 2 bedroomed house that she lets out as she has a home about 15 minutes away in another area of Hertfordshire.

There is no consideration for neighbours, villagers, the village or conservation area and greenbelt and takes away the parking , bin area and lovely green space garden to 94 Flaunden. It would not make any positive impact to the area, but only negative impact as mentioned in our initial objections submitted and these additional objections based on the revision to the application.

There are no grounds for the application to be considered a 'very special circumstance' but only detrimental to the area.

On these further grounds and our previously grounds, we strongly object to this application and we would request that the application is refused.

We would like to object to the planning application 20/01889/FUL on the following grounds:-

o This application says that it is just 'land at Birch Lane'. This land is not just vacant land at Birch Lane. It is the garden, garage building, greenhouse, parking area (2 spaces) and bin area for 94 Flaunden HP3 0PW. It is a green space garden for that property. It has always been part of 94 Flaunden. We have lived in the village for 35 years and it has always been the garden and parking etc for 94 Flaunden during all that time and also previously as records show. This application would be taking away the garden, 2 parking spaces, bin area etc. for this house

and would mean that 94 Flaunden would have no parking area and no bin area so cars would be parked on the road and bins left outside on the pavement or in the road. On the preapp it is mentioned that this application should not mean cars parking on the road. However the application is only showing parking of the house in the planning application and makes no allowance for the parking of 2 cars for 94 Flaunden and takes away these spaces from that property.

o On the application paperwork showing on the Dacorum planning website. On property details it says:- Land and Garage Honeysuckle Barn Birch Lane Flaunden Hertfordshire HP3 0PT. This is incorrect as it is the Garden, Parking area and Garage of 94 Flaunden HP3 0PW.

o To prevent destruction of the character of the village. We are in a conservation area and the local plan requires the planning office to protect the nature and character of the area. Filling spaces and removing the gaps between houses would fundamentally change the character of the village and take away green spaces and sky spaces/views. More parking on the road would also do the same in taking away the character of the village.

We have reference below as applicable to the Heritage, Design & Access statement that was submitted with this application.

o The NPPF(2019) Last para page 2 of the HD&A Statement. With regards to infilling this land is not close to other houses especially on the left hand side as you look at the land as the chapel is the next building. There is approximately 125 -150 metres between any existing buildings. This would be harmful to the openness of the green belt.

o Para 2 page 3 of the HD&A Statement. The heritage design and access statement mentions the garden space being under the size in the Dacorum local Plan guidelines for dwellings and therefore should not be allowed. We do not agree that other places in the village have gardens this narrow associated with them.

o Para 3 page 3 of the HD&A Statement. The preapp mentions to avoid street parking and the application says they are doing this by providing 2 spaces for the house proposed. However they are going to cause street parking by taking away the 2 spaces for number 94 Flaunden.

o Para 4 page 3 of the HD&A Statement. The proposed house is much larger than the single garage that they are intending to replace. It is not planned to be built on the footprint of the garage. It is a far greater size than the existing garage and also is 2 storeys high. The repositions and size of the proposed building would dominate the landscape and views from our land and also many of the neighbours. It would take light and privacy away from our land. It would also have an intrusive visual impact.

o Para 3 and Para 4 under planning context page 2 of the HD&S Statement. Some of the windows in the top floor look out over our home

and garden. Bedroom 1 has 2 windows, 1 to the front of the property and 1 to the side. The window to the side looks over our garden toward our home. We can see no reason for a bedroom to need two windows and should therefore only have in the plans 1 to the front of the property. I would also make this observation for Bedroom 2. The windows in the slopping roof would also look over our garden and others, especially the one over the stairs. This window should be moved up the roof in the plans over the stair well to still give light but so that people cannot look out through it on to other people's gardens and property. Other houses in the village do not have windows to the side and only have window looking out at the front and not at the side.

o Paragraph noted as 118 (d) on page 3 of the HD&A Statement. The land is not underutilised. It is, as previously mentioned, the garden, parking, bin area for 94 Flaunden. It would be out of character for the village, and this property to have this garden space taken away from this property and deprive it of this green space and facilities. The Owner Mrs Jacqui Sander does not live at 94 Flaunden she has a family home elsewhere and lets out this property. We think this application does not take into consideration any needs of the people who would live in the property (94 Flaunden) now or in the future or the needs of the village with regards to taking away the parking etc from this property and how it would affect the village by bringing about a parking problem and encouraging on street parking and problems with bins.

o 1st para page 4 of the HD&A Statement. In the Heritage, design and access statement and there additional notes on planning policy, they say that policy 58 is satisfied as the level of car parking exceed the minimum 1.5 car spaces required. However this is definitely not the case as it has taken away 2 car parking spaces away from number 94 and so offers no additional car parking spaces. Therefore it offers 0 spaces which is below the minimum of 1.5 car spaces required.

o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the village.

o Para ref 118 (d) page 3 of the HD&S Statement. We do not believe this property would help with affordable housing/starter homes as properties in Flaunden tend to command a high property price.

In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street

parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

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Mr and Mrs Copp. Copse Cottage, 96/97 Flaunden, Hertfordshire.

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o Any rebuilding of garages that have occurred in the conservation area on the village have been based on the original footprint of the existing garage and built in materials completely in character to the conservation area and the village.

o The planned building would be very impactful and there would be visual intrusion when viewed from all sides. At present it is a low level green area from the road and all around. The building would have great detrimental visual impact and take away some of the openness of the village.

o An additional home in this area would bring about additional noise to this area of the the village.

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In conclusion we feel that this application does not meet any of the requirements for building a property on this land in 94 Flaunden's garden. It would be detrimental to the character of the village and deprived 94 Flaunden of its lovely green garden. It would cause street parking as it would be taking away parking spaces by adding a new property on to an existing properties garden and not giving any additional parking spaces and makes no allowance for a continued bin area for 94 Flaunden's bins. It would be very dominant in its position and by it being 2 storey high. The land area is not big enough to support such a large property and it is not located on the footprint of the existing garage. Windows over look other homes and gardens and take away light and give visual intrusion.

We would therefore request that this planning application is turned down.

This letter supplements the objections of my clients, Mr and Mrs Copp of Copse Cottage, 96/97

Flaunden, Hertfordshire dated 12th April 2021. Mr and Mrs Copp are the immediate neighbours to

the application site, with their annex occupying the land between the two parts of the applicant's

property, and their dwelling being attached to the applicant's dwelling at

94 Flaunden.  
 We trust that these objections will be given due weight in the consideration of this application.  
 The first comment to make is that our clients note, with dismay, that none of the matters raised in their objection letter of 12th April has been addressed. Whilst the description of the site location and the red line / blue line have been altered, they continue to completely obfuscate the real position regarding land ownership and the purpose of the land today.

For clarity we wish to make clear the following:

1. The red line includes my clients' land and that of Flaunden Construction Ltd yet the applicant has not served notice on either party (the application forms include a signed certificate A which means they own all of the land within their red line).
2. I enclose the relevant land registry entries for my clients' property and the one to the north (please note there is no land registry plan for the title HD496810 (land owned by Flaunden Construction Limited), just a title register (attached). I also enclose a MapSearch plan showing all of the titles that are registered so you can see who owns what.
3. Therefore the applicant needs to either serve notice on both my clients and Flaunden Construction Ltd or they need to change their red line plan so it doesn't include my clients' and the construction company's land. If the applicant insists on their red line plan incorporating my clients' land, then they will not be able to deliver the development without the consent of my clients.
4. The application address continues to fail to properly describe the site as "Garden to 94 Flaunden, Birch Lane, Flaunden". In failing to acknowledge that this is the garden for No 94, and that it provides the two parking spaces allocated for No 94, Members and casual observers might conclude that this was simply a piece of open land and that there would be no harm arising from the development. That is plainly incorrect. The effect of developing this site will be as follows:  
 Existing offroad parking  
 Garden? Off-road Parking after Development  
 Garden after Development?  
 94 Flaunden  
 2 spaces Yes 0 spaces No  
 Proposed Dwelling  
 - - 2 spaces Yes

	<p>It can be seen from the above table that there is no net benefit to 94 Flaunden at all. This application will remove its garden and its off-road parking. Only the proposed dwelling will benefit from this application, at the expense of the living conditions of 94 Flaunden. The purpose of the planning system is not to make the existing situation worse. Indeed the opposite applies - the agent of change principle (paragraph 182 of the NPPF) explains (in relation to commercial operations, but the principle is nevertheless transferrable) that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Other recent planning decisions including appeal decisions on or near Birch Lane indicate that the LPA is unwilling to allow development such as that proposed in similar circumstances (eg applications 20/03916/OUT, 4/01853/19/FUL, 20/03345/FUL, 21/00358/FUL and 21/00614/FUL). It is somewhat concerning therefore that the planning authority now appears to support the principle of the current application when the majority of the evidence points towards this being unacceptable for the same reasons the above applications were refused / dismissed. When the other concerns highlighted in our original objection letter of 12th April (heritage / amenity / loss of parking / loss of garden etc) are added to the already significant concerns, it seems that there is no good reason to grant permission for this development. It is not only contrary to policy but even if the LPA were to conclude it accorded with policy, there are significant material reasons that would outweigh any such conclusion (see Section 38(6) of the Planning &amp; Compulsory Purchase Act 2004). Notwithstanding the above, in our professional opinion the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore we are clear that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above.</p> <p>Yours sincerely, Jeremy Flawn</p>
Lavender Cottage	I object to this proposal as inappropriate development within the Green

<p>101-102 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>Belt and within the Conservation Area of Flaunden.</p> <p>I do not believe that the proposed development would meet any of the exception criteria for new buildings in the Green Belt. Therefore, it would be inappropriate development in the Green Belt. It would conflict with paragraph 145 of the Framework and Policy CS5 of the Core Strategy.</p> <p>The building falls within the Conservation Area of Flaunden near to the crossroads at the Southern end of Birch Lane. This part of the village consists of a traditional settlement, with a range of cottages dating from the 16th Century onwards. I believe a new build within the Conservation Area is an inappropriate development.</p> <p>The area of the proposed development the garden, garage and off street parking of no. 94 Birch Lane (a factor which I cannot see has been mentioned in this application). As this is the only garden, garage and parking area for no. 94 Birch Lane, if this land were to be separated into a stand-alone residence it would remove the garaging and off-street parking (as well as the only garden) of no. 94.</p> <p>I am writing to give further comments following the submission of revised plans for this property.</p> <p>This application is still misleadingly titled 'Land at Birch Lane', whereas the land in question is within the curtilage of no. 94 Flaunden. No. 94 is a listed property well within the Flaunden Conservation area (not 'just inside' as the application suggests). The site plan should show clearly that this land forms the only garden; off-road parking and amenity space for no. 94 Flaunden, and is not, therefore vacant land. The 'garage' referred to in this application has not been used as such for many years but was converted into a music room by the previous owners.</p> <p>If permission were to be granted for this new build, it would remove any ability to park off-road for the owners of 94 Flaunden, together with removing the garden and amenity space for this property. There is no space to park on the road outside of no. 94, which is a narrow lane close to a crossroads with very limited visibility.</p> <p>The application states that there is a range of three listed buildings to the south of the crossroads, which is incorrect. No. 94 is at one end of a terrace of six properties, all of which are listed.</p> <p>There has been no 'infill' building within the Flaunden Conservation area in recent memory and any such build would do nothing to conserve or enhance the appearance and character of the area. I therefore believe this proposal is inappropriate and should be refused. The change of name of this application still does not accurately reflect the application site, which is the Garden of 94 Birch Lane. Surely an application must comply with the Title of the property as listed on Land Registry?</p> <p>How can it be acceptable to remove the only garden of 94 Birch Lane</p>
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	<p>and all of the associated off-street parking in order to create a new infill property in an extremely restricted space?</p> <p>This amendment does nothing to address the critical considerations of the proposal being unsuitable development both within the Green Belt and Flaunden Conservation Area. As outlined in previous objections by the Parish Council and many neighbours.</p> <p>Three recent applications for infill development on the same road have been turned down by Planning; 20/03916/OUT; 4/01853/19/FUL &amp; 20/03345/FUL. We believe all of the reasons for refusal of these can also be applied to this current application.</p>
<p>115 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PP</p>	<p>I object to this proposed development.</p> <p>The reference to "Land" could be misleading - it is in fact the garden to an existing property.</p> <p>The development will impact on the availability of parking spaces, which is already tight.</p> <p>This potentially may result in on road parking, in an unlit area. Further it is in close vicinity of the crossroads which has seen a number of accidents in recent years</p>
<p>Tambarram Hogpits Bottom Flaunden Hempstead Hertfordshire HP3 0QB</p> <p style="text-align: right;">Hemel</p>	<p>We object to this planning application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Inappropriate development in the green belt/conservation area with no special circumstances that could be considered to outweigh the principal of development restraint within this area.</li> <li>2. Significant and harmful change to the appearance of the village through loss of openness.</li> <li>3. Building in a back garden (it is not just a spare piece of land) results in loss of amenity (garden and parking space) for occupants of 94 Flaunden.</li> <li>4. Loss of off-street parking spaces. Instead of the dwelling at 94 Flaunden having off-street parking, this development will result in the occupants of 94 and of the proposed new dwelling having to find on-street parking, which is already difficult and frequently extremely dangerous due to the narrowness of the roads and the height of the hedges impacting on visibility.</li> </ol>
<p>11 Nine Acres, Ipswich, Ip2 0DL</p>	<p>I was the owner/occupier of 94 Flaunden from 1992 till 2005. The outside space of the property consisted of a very small courtyard area to the rear and a separate garden to the north comprising a stretch of lawn, a raised bed planted with shrubs and a eucalyptus tree, a single garage, greenhouse and off-street parking for two cars.</p> <p>The courtyard area was useful when I wanted to entertain a single</p>

	<p>visitor outside. Otherwise I would use the garden when the family came to visit and the weather was fine. I mowed the lawn regularly and trimmed the hedges and grass verge. It was bordered by hedging and fencing meaning that the younger members of my family could kick a ball about in safety. A washing line stretched across the garden providing another useful amenity.</p> <p>For me, the garage and parking were essential features of the property; I would certainly not have considered purchasing if these were not available.</p>
<p>Ty Cerrig, Llysworney, Cowbridge, Vale Of Glamorgan, CF71 7NQ</p>	<p>I lived at 94 Birch Lane with my late husband and our young daughter between 1987 and 1991.</p> <p>We bought the property in 1987. We enjoyed gardening and spending time outside. We knew we wanted a family and felt strongly that a garden was essential to use. Without a garden we would not have purchased the property.</p> <p>During our time living at 94 Birch Lane we-</p> <ul style="list-style-type: none"> <li>- created a vegetable plot and grew our own fruit and vegetables including tomatoes and cucumber in the greenhouse</li> <li>- extended the parking area outside the garage from one space to three spaces. This enabled us to accomodate our own two cars and that of a guest without having to resort to parking on the road</li> <li>-used the garage to store tools and materials and as a workshop space</li> <li>- used the garage to store exercise and leisure equipment i.e. family bikes and camping equipment</li> <li>- used the garden as a space to dry washing (environmentally friendly)</li> <li>- used the garden as a safe space to play with our young daughter as well as friends and their children</li> <li>- used the garden to hold family barbecues</li> <li>- used the garden to hold parties</li> </ul> <p>In the planning application, the location is described as land to the side of annexe of 96/97 flaunden. In reality, the land is the garden of 94, Birch Lane - even if it is detached. I currently live in a small village in South Wales - I have a garage/workshop and parking area that is across the road from my home - detached. I have close friends who have a garden that is split by a lane - again detached. In the consideration of this application it is essential that this plot is considered for what it is - the garden of 94 Birch Lane.</p> <p>In the supporting documents a good deal of effort is made to convince us that there is sufficient area to allow the proposed new dwelling to have a garden and parking space. Effort has been made to outline the amenities that the new dwelling would boast BUT that would be to the detriment and loss of amenities to 94 Birch Lane.</p> <p>A dwelling built on the garden of 94 Birch Lane would deny 94 of a garden and any usable outside space. The importance of outside space and its relation to health and wellbeing has never been clearer nor more important. Surely this needs to be considered when viewing</p>

	<p>this planning application.</p> <p>A dwelling built on the garden of 94 Birch Lane would also deny 94 of any off-road parking spaces. Is this desirable?</p> <p>In consideration of this planning application all aspects of the application need to be fully considered including the impact that it would have on 94 Birch Lane and its viability.</p> <p>Thank you for taking the time to read my viewpoint.</p>
<p>96/97 Copse Cottage</p>	<p>This letter outlines a series of objections our clients of Copse Cottage, 96/97 Flaunden, Hertfordshire, wish to make to the above application. They are the immediate neighbours to the application site, with their annex occupying the land between the two parts of the applicant's property, and their dwelling being attached to the applicant's dwelling at 94 Flaunden.</p> <p>We trust that these objections will be given due weight in the consideration of this application. Matters of Concern</p> <p>My clients wish to draw the Local Planning Authority's (LPA's) attention to a number of concerns they have with the planning application for a new dwelling at the above property.</p> <p>These concerns are as follows:</p> <ul style="list-style-type: none"> <li>o Status of land</li> <li>o Impact on amenity of 96/97 Flaunden</li> <li>o Impact on use of 94 Flaunden (loss of garden, refuse store and parking)</li> <li>o Inappropriate Green Belt development</li> <li>o Impact upon designated heritage assets (94 Flaunden, other listed buildings and the Flaunden Conservation Area)</li> </ul> <p>Status of Land</p> <p>Although the application is described as "garden with garage" on the application forms in relation to the current use of the land (Q6) it is given an address of Land at Birch Lane, with the documentation accompanying the application failing to make clear that the site is actually the garden to No. 94 Flaunden to the south of the site.</p> <p>Planning history as recent as 2019 (19/02666/TCA - for the removal of several trees from the plot) not only recorded the address of the site then as 94 Flaunden, but the description of the works on the application forms stated (relevant text underlined):</p> <p>"Betula utilis (T1) - Fell Grown too large for small garden area with overlong heavy branches overhanging parking area and road. Pruned in 2013 resulting in decay fungi entering deep into pruning wounds - see warning application 2013 attached Sorbus (T2) - Fell In poor health with leaves dying in early summer growing close to road with overhanging branches. Prunus (T3) - Fell Poor specimen of Prunus with one sided growth preventing planting in garden area." It seems to be more than an oversight to fail to refer to this land as a garden for 94 Flaunden now, when it was referred to as such only two years ago. The status of the land in question is clear when the Land Registry records are inspected.</p> <p>The two land parcels are contained within the same title (ref HD243693) and the Register makes clear that the title comprises "The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 94 Birch Lane, Flaunden, Hemel Hempstead</p>

(HP3 0PW)", in other words both are part of 94 Flaunden.

Of concern, the planning application site location plan does not show 94 Flaunden outlined in blue to denote the relationship between the two properties. This means the application submission does not currently comply with the DMPO 2015 requirements and a revised site location plan should be requested.

The use of the application site today is therefore as a place for cars associated with 94 Flaunden to park, to store refuse bins and to provide a garden for 94 Flaunden (including growing plants in a greenhouse) which is absolutely essential given it does not have an attached garden itself, only a tiny paved seating area.

**Relevant Planning History**

The application site has been subject to two other applications in recent years, according to the LPA's online database. These are both tree applications (due to the site's location within a Conservation Area), and both raised no objection from the LPA. They are as follows:

- o 4/02232/12/TCA - Fell line of cypress conifers (this related to trees on adjacent land, overhanging the site, but nevertheless is recorded against the garden to 94 Flaunden). No objection 15 January 2013
- o 19/02666/TCA - Works to trees. No objection 4 December 2019

As noted above, the latter application, submitted only 18 months ago, made clear that the works were for the improvement of the garden to 94 Flaunden.

**Planning Policy**

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise according to Section 38(6) of The Planning and Compulsory Purchase Act 2004 ('PCPA 2004') as amended.

The National Planning Policy Framework (NPPF), most recently published in 2019, defines the Development Plan as comprising the combination of strategic and non-strategic policies which are in force at a particular time. For the purposes of this application, the relevant policies are contained within the Dacorum Borough Council Core Strategy (adopted 2013), The Site Allocations DPD (adopted 2017) and the saved policies contained within the Local Plan 1991-2011. The following policies from the Core Strategy are relevant to this application:

- o CS1: Distribution of Development
- o CS5: Green Belt
- o CS9: Management of Roads
- o CS12: Quality of Site Design
- o CS27: Quality of Historic Environment

The Site Allocations DPD contains the following material policies:

- o SA1: Identified Proposals and Sites

The following saved policies from the Local Plan are also relevant:

- o Policy 58: Private Parking Provision

Other material considerations include local guidance (including design guidance), government planning policy and guidance contained within the NPPF and the updated Planning Practice Guidance (PPG). It is considered that the proposal does not accord with many of the above local policies, in combination with a number of national policies, as will be outlined below.

Impact on amenity of 96/97 Flaunden  
Policy SA1 of the Site Allocations DPD explains that "All identified proposals and sites, and other additional sites that come forward during the lifetime of the plan, must comply with relevant policies set out in the Core Strategy and with other relevant policies and guidance". This echoes the general principle in Section 38(6) of the PCPA 2004 outlined above.

The main impacts on 96/97 Flaunden can be summarised as the overlooking from bedroom no. 2 into the rear garden of 96/97 and direct overlooking into the windows of the annex to 96/97 (incorrectly referred to on p.5 of the applicant's statement as a modern garage).

The landing window will overlook the adjacent garden area of our clients' property at a distance of only 2.2m from the shared boundary. The elevation will mean that there will be direct views into the garden over the top of the hedge.

The proposed south window of bedroom 2 is also approximately 4.1m from the garden to 96/97 Flaunden; this means that the window will potentially directly overlook some of the most private areas of the garden and will look direct towards the patio area of the dwelling, at a very short distance and well below what is deemed acceptable.

The same bedroom 2 window centreline is only 2.7m from the boundary of the property to the south. It is a further 6.8m to the windows of the annex to 96/97 meaning that the separation distance between the two windows is 9.5m. This is significantly sub-standard according to generally accepted design guidance about privacy, which indicates that a minimum 21m separation should be provided. Whilst the 2020 draft Dacorum Strategic Design Guidance does not quote this figure, it does refer to the need to 'carefully consider privacy' in Section 6.2. Appendix 3 to the adopted Local Plan suggests that 23 metres should separate dwellings - this

relationship would clearly be well below this standard. It is noted that the applicant believes (p.3) that the 23m rule is not breached but as noted above the annex is well within that distance and contains habitable space.

The proposed development is therefore inevitably likely to lead to a degradation of the living conditions of the occupants of 96/97 Flaunden, and in particular the garden area and the annex immediately to the south. It is therefore contrary to policy CS12: Quality of Site Design which requires each development to "...avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties".

Furthermore the proposals are contrary to paragraph 127(c) of the NPPF which requires proposals to be "..sympathetic to local character and history, including the surrounding built environment" and 127(f) which requires development to have "..a high standard of amenity for existing and future users"

Impact on use of 94 Flaunden (loss of garden and parking)

Although the application documentation suggests that the application site is underused, this is more a function of the fact that some tenants are not allowed to use the site - however between tenancies the applicant uses the parking and garden area, as evidenced by the recent tree applications noted above.

The application proposals would lead to two main effects:

1. Removal of the parking / garage / refuse storage for 94 Flaunden
2. Removal of the main amenity space for 94 Flaunden

The Refuse Storage Guidance Note (2015) produced by Dacorum Borough Council makes clear that "...the distance for residents to carry waste to bins should be considered when designing the internal layouts of new housing. Ideally refuse storage will be situated close to kitchen doors."

This proposal will mean that 94 Flaunden will fail to comply with this requirement, indeed it will have no in-plot refuse storage space at all once the application site is developed.

Page 13 of the guidance goes on to state that dwellings should be provided with storage space for refuse of 114cm x 281cm = 3.2sq.m. Again there is no evidence to suggest this amount of space can be provided in an appropriate location within the curtilage of

94 Flaunden, which is a Grade II listed building.

The Dacorum Parking Standards SPD (2020) indicates (p.46) that for accessibility zone 3 locations such as this, each two bedroom dwelling should have 1.5 allocated parking spaces per dwelling. The application proposal provides 2 spaces. However the parking currently available on the application site presently serves 94 Flaunden and this will no longer be available to 94, removing any possibility of on-plot parking for that dwelling as a direct result of this application.

Residents of 94 will therefore be forced to park elsewhere on the road, contrary to Local Plan policy 58 and Core Strategy policy CS12. Furthermore the impact of displaced parking will be contrary to paragraphs 105 and 109 of the NPPF with the residual impacts on the local highway network likely to erode safety for other road users and therefore leading to a severe impact in paragraph 109 terms, exacerbating an already present problem, with at least one reported accident occurring in the last 10 years on this stretch of Birch Lane in the vicinity of the application site. In this latter respect the on-street parking generated by the proposal would also be contrary to the final part of policy CS9 which requires special regard to be had to the impact of development on the safety and environmental character of the country lanes.

The pre-app response is noted (in the applicant's supporting statement, p.3) as confirming that the officer was concerned to ensure on street parking was avoided. This will unfortunately be the inevitable effect of this application for the residents of 94 Flaunden.

Whilst it is noted that the applicants are arguing that the tenants of 94 Flaunden do not have access to the parking on the application site, that is a private civil matter associated with a shorthold tenancy agreement and is not relevant to planning; it is a temporary matter between the tenants and the applicant and cannot be used as evidence of a lack of demand for off-street parking for 94 Flaunden. Planning runs with the land and therefore when 94 Flaunden is next sold it will - if this scheme secures permission - be sold without any off-street parking where such parking is currently available for 94 Flaunden. This is a retrograde step that will increase the risk of harm to highway safety due to the need for additional on-street parking to accommodate such needs,

and it is therefore to be strongly resisted.

Turning to the loss of garden space, the draft Design Guide for Dacorum notes (section 6.2) that the design aim for new development should be "To enable residents of areas of higher and lower density alike to enjoy high quality private space and access to the outdoors at home, to promote personal space, contact with nature, and respite from busy lifestyles."

The Dacorum Urban Design Assessment (2006) goes further, explaining that for the assessed settlements "All residential development is required to provide private open space for use by residents. - Private gardens should have a minimum depth of 11.5 m and a range of garden sizes should be provided to cater for different family compositions. Generally all gardens should be of a width, size and shape to ensure the space is functional and compatible with the surrounding area." This is echoed in Appendix 3 to the adopted Local Plan.

The application design and access statement notes (p.3) that the pre-application officer felt that the amenity space for the proposed dwelling was below the standards in Appendix 3 to the Adopted Local Plan. There is no comment about the loss of virtually all of the amenity space for 94 Flaunden but it can be assumed that if both dwellings would be sub-standard then the proposals must, by definition, be unacceptable.

Not only would the loss of the garden land for 94 Flaunden be contrary to this guidance, but it would also be contrary to Core Strategy policies CS1 and CS12 and contrary to the spirit of the section 12 of the NPPF.

#### Inappropriate Development Within the Green Belt

The application site is located within the Green Belt, and as such, is protected by the local and national policies protecting and restricting certain development within the designated area. NPPF paragraph 143 makes clear that inappropriate development within the Green Belt should not be approved except in "very special circumstances", and paragraph 144 goes on to state that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt". It is also clear that any harm either through inappropriateness or any other form of harm, should be clearly outweighed by other considerations

for development to be considered acceptable.

Paragraph 145 then states that the construction of new buildings should be considered inappropriate, with a number of exceptions. The following being relevant to this application: "...e) limited infilling in villages".

Policy CS5 (Green Belt) within the Adopted Core Strategy states that small scale development within the Green Belt will be permitted, with the first example being "building for the uses defined as appropriate in national policy".

Limited infilling is therefore appropriate within Green Belt villages, as a matter of planning policy. However, the pre-application officer's comments (recorded at page 2 of the applicant's supporting statement) that the site is closely bordered by other residential properties is not the correct assessment for infilling. The site is bordered to the north by a large paddock associated with the nearby equestrian facility and a recent application on that site for infilling dwellings (2 no.) was refused. It is not therefore infilling a gap in an otherwise built up frontage, which is the generally accepted approach to infilling. Regardless of the presence of the garage building which is now retained as part of the revised proposals, the premise for infilling is to infill between dwellings and not simply ancillary structures.

The fact there is a garage on the northern part of the site, and that the garage will be retained, is irrelevant for the purposes of infill policy because the principle of infilling in this case relates to whether there are dwellings to north and south and that is plainly not the case in this instance. Were it not for the garage, the open paddock to the north combines with the application site to form a large area of open land that is undeveloped in the Green Belt.

A recent appeal decision (ref. APP/A1910/W/20/3246014 (LPA ref 4/01853/19/FUL), for an application at Sharlowes Farmhouse, Flaunden dated 22nd June 2020) within close proximity of the current application site sheds some light on what is considered appropriate development in terms of infilling, and as such, it shares the same local and national policies as the current application.

Similarly, to the current proposal, the main issues were considered to be:

- o "Whether the proposal would be inappropriate development in the

Green Belt for the purposes of the [NPPF] and development plan policy;  
o The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and  
o If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal."

The appeal inspector found that the proposal would constitute inappropriate development, and would lead to significant harm to the openness of the Green Belt.

This conclusion was reached due to a number of factors, the first being that the parcels of undeveloped land such as that proposed contributed to the rural characteristic of Flaunden, "and its relationship with several properties and the historic core of the village, along with its street facing position, reinforces its affinity with the village" - the same description is true of the current application site.

At paragraph 7 of the Inspector's Report however, the Inspector explains what is required for a proposal to be considered 'limited infilling' in this Green Belt village. They state that: "whilst the Council are satisfied that the number of units proposed would accord with the term 'limited infill', the number of units is just one factor to consider. To my mind, regard should also be had to the size of the gap as it exists now, along with its prevailing characteristics, as well as the extent to which the proposed development would affect the gap, taking into account scale, appearance and context".

In other words, it is important to consider not only the number of dwellings being proposed, but how the development will impact the site as it exists, both in terms of physical alteration, and the alteration made to its character and context

The Inspector also points out that the: "inclusion of the word 'limited' immediately before 'infilling' implies that the amount of infilling should be curtailed or restricted in some way". The Inspector went on at paragraph 9 to emphasise the importance of the rural character of the site.

The current application site has an open nature which contributes to its

and the village's rural character. Consequently the construction of a two storey dwelling, which fails to reflect the scale of the single storey garage on site, and which would be located to the south of the site rather than on the footprint of the garage at the northern end of the site, would only serve to harm that character.

The above appeal Inspector acknowledged in the decision letter that the appeal scheme buildings would reflect the architectural style and built line of the existing dwellings, but concludes that: "the dwellings taken together would occupy a large proportion of the plot's width and have an appreciable overall scale and mass, being visible from the immediate surrounding countryside and the street." It was found that the plots "width would be significantly diminished by the proposal" and that as the gap was not 'limited' in size, the proposal which occupied its area could not be considered 'limited' either - for this reason it was concluded that the proposal would not constitute 'limited infilling'.

In terms of the impact on the openness of the Green Belt, the Inspector found that: "both dwellings together would be visible from the surroundings and would markedly diminish the appeal site's openness. The size of the footprint of the development means that it would also result in the encroachment of built form into an area of open countryside". Once more, it is considered that the similarities with the existing proposal must inevitably lead to the same conclusion with the current application; the proposed dwelling would also impact significantly on the openness of the Green Belt as a result of what is clearly inappropriate development, with the built form clearly also diminishing the application site's openness.

The Supreme Court has confirmed in a judgment dated 5th February 2020, that Green Belt openness relates to a number of factors, not just visual impacts, and is a matter for planning judgement:  
"25. [Quoting Sales LJ in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; [2017] 2 P & CR 1, at paragraph 14]: "The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes

to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents."

"25. ....[Openness] is a matter not of legal principle, but of planning judgement for the planning authority or the inspector."

"39. There was no error of law on the face of the report. Paragraph 90 [of the previous version of the NPPF - now NPPF146] does not expressly refer to visual impact as a necessary part of the analysis, nor in my view is it made so by implication. As explained in my discussion of the authorities, the matters relevant to openness in any particular case are a matter of planning judgement, not law."

As a consequence the proposals cannot be concluded to amount to infilling in the terms envisaged in the NPPF, and the scheme therefore fails to accord with the requirements of Core Strategy policy CS5 and must be regarded as inappropriate development. The proposals would also harm the openness of the Green Belt for the reasons set out above. And finally, there are no benefits arising from the proposal which would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, as required by NPPF paragraph 144.

#### Impact upon Designated Heritage Assets

The site lies within the Flaunden Conservation Area, and as such, the impact of the proposal on the significance of this heritage asset is also a material consideration. NPPF Paragraph 192c makes clear that LPA's should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". This impact is assessed in the context of Core Strategy Policy CS27 (Quality of the Historic Environment) which urges that: "all development will favour the conservation of heritage assets" and that "the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas".

Paragraph 17.6 of the Core Strategy, which supports this policy, states that: "infilling and

replacement with new characterless buildings and public realm should be avoided". It is therefore clear that local policy urges against the permitting of infilling developments that are inappropriate for the area in which they are proposed.

The open nature of the application site, with the only built development (a single storey garage and greenhouse) tucked up at the northern end of the site, is an intrinsic part of the character of this part of the Flaunden Conservation Area.

At this end of the Conservation Area, to the north of the crossroads where development is less dense and bleeds out into open countryside, the openness is important to that character and it very much forms a part of the Conservation Area's significance. Indeed the many undeveloped fields within and on the edge of the village of Flaunden contribute to its distinct openness, rural aspect and character.

The applicant's heritage assessment (p.5) fails to accord sufficient weight to the role that the undeveloped application site contributes in terms of significance, to the Conservation Area. The statement makes several baseless claims: "...the proposed cottage would be comparatively modest and the building would be seen within the context of the surrounding built development such that no harm would be caused to the setting of the Conservation Area , as long as the careful use of materials proposed is followed through."

"The fact that the proposed development would be modest in scale means that it would preserve the character and appearance of the Conservation Area."

Neither of these statements refers to the impact of the development on the setting of nearby listed buildings (including 94 Flaunden). Furthermore, the heritage assessment does not assess what the significance of the Conservation Area comprises, and without that assessment it is not possible to determine whether the development will harm the significance or not. The assessment of significance has not only not been completed initially, but it has also not been completed for the revised layout.

Modest scale buildings do not preserve the character or appearance of a conservation area simply because they are modest.

The suggestion (heritage assessment p.5) that the cottage has been

"..designed to be built as per the surrounding (older) cottages and listed buildings and would enhance the appearance of the building and better reveal the significance of the Conservation Area" appears to be a circular argument. To satisfy NPPF para 200 it is necessary to identify the significance of the Conservation Area first; and then to assess how a development will enhance or better reveal that significance. Since neither exercises has been undertaken, the applicant cannot draw the conclusions they do at p.5 of the heritage assessment.

Far from giving rise to no harm, the application proposals will give rise to the following harm (which will be 'less than substantial' (NPPF para 196):

- o The development of a two storey dwelling on an otherwise predominantly open parcel of land will detrimentally alter the appearance and form of this part of the Conservation Area

thus harming its special interest and significance

- o The development of a two storey dwelling on an otherwise predominantly open parcel of

land will detrimentally affect the setting of nearby listed buildings by urbanising the setting

through the introduction of a modern addition to the streetscene

- o The development of a two storey dwelling on the garden to 94 Flaunden, and the resultant

loss of parking, garden and refuse storage for 94, will irreparably harm the setting and

curtilage of the dwelling at 94 due to the severing of part of its demise.

This will be further

harmed as a result of the severing of the historic association between the two plots of land.

In summary, the proposals are therefore considered to result in less than substantial harm to the

significance of the Conservation Area, nearby listed buildings and in particular 94 Flaunden.

There are no 'public benefits' identified that would outweigh that harm.

Consequently the proposals are therefore considered to conflict with Policy CS27 of the Core

Strategy and paragraphs 196 and 200 of the NPPF.

#### Conclusion

This application seeks to construct a detached dwelling on a parcel of garden land which is for the most part undeveloped and located towards the northern end of the village's conservation area.

The proposals would lead to harm to the amenity of the occupants of 96/97 Flaunden due to overlooking of their accommodation and garden.

	<p>Furthermore the proposals would deprive 94 Flaunden of parking, refuse storage and a garden, all contrary to the policies in the development plan and associated guidance as well as the policies in the NPPF.</p> <p>From the analysis detailed above it is clear that the proposal would harm the Green Belt and its openness, and there are no demonstrable benefits arising from the proposal which would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, as required by NPPF paragraph 144.</p> <p>The proposals are considered to result in less than substantial harm to the significance of the Conservation Area and nearby listed buildings including 94 Flaunden. There are no 'public benefits' that would outweigh that harm.</p> <p>As a consequence the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore it is our client's firm opinion that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above</p>
96/97 Copse Cottage	<p><b>ADDITIONAL OBJECTION LETTER</b></p> <p>This letter supplements the objections of my clients of 96/97 Flaunden, Hertfordshire dated 12th April 2021. My clients are the immediate neighbours to the application site, with their annex occupying the land between the two parts of the applicant's property, and their dwelling being attached to the applicant's dwelling at 94 Flaunden.</p> <p>We trust that these objections will be given due weight in the consideration of this application.</p> <p>The first comment to make is that our clients note, with dismay, that none of the matters raised in their objection letter of 12th April has been addressed. Whilst the description of the site location and the red line / blue line have been altered, they continue to completely obfuscate the real position regarding land ownership and the purpose of the land today.</p>

For clarity we wish to make clear the following:

1. The red line includes my clients' land and that of Flaunden Construction Ltd yet the applicant has not served notice on either party (the application forms include a signed certificate A which means they own all of the land within their red line).

2. I enclose the relevant land registry entries for my clients' property and the one to the north (please note there is no land registry plan for the title HD496810 (land owned by Flaunden Construction Limited), just a title register (attached). I also enclose a MapSearch plan showing all of the titles that are registered so you can see who owns what.

3. Therefore the applicant needs to either serve notice on both my clients and Flaunden Construction Ltd or they need to change their red line plan so it doesn't include my clients' and the construction company's land. If the applicant insists on their red line plan incorporating my clients' land, then they will not be able to deliver the development without the consent of my clients.

4. The application address continues to fail to properly describe the site as "Garden to 94 Flaunden, Birch Lane, Flaunden". In failing to acknowledge that this is the garden for No 94, and that it provides the two parking spaces allocated for No 94, Members and casual observers might conclude that this was simply a piece of open land and that there would be no harm arising from the development. That is plainly incorrect. The effect of developing this site will be as follows:

Existing off road parking	
Garden? Off-road Parking	
after Development	
Garden after	
Development?	
94 Flaunden 2 spaces	Yes 0 spaces No
Proposed	
Dwelling	
- - 2 spaces	Yes

It can be seen from the above table that there is no net benefit to 94 Flaunden at all. This application will remove it's garden and it's off-road parking. Only the proposed dwelling will benefit from this application, at the expense of the living conditions of 94 Flaunden. The purpose of the planning system is not to make the existing situation

	<p>worse. Indeed the opposite applies - the agent of change principle (paragraph 182 of the NPPF) explains (in relation to commercial operations, but the principle is nevertheless transferrable) that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.</p> <p>Other recent planning decisions including appeal decisions on or near Birch Lane indicate that the LPA is unwilling to allow development such as that proposed in similar circumstances (eg applications 20/03916/OUT, 4/01853/19/FUL, 20/03345/FUL, 21/00358/FUL and 21/00614/FUL). It is somewhat concerning therefore that the planning authority now appears to support the principle of the current application when the majority of the evidence points towards this being unacceptable for the same reasons the above applications were refused / dismissed.</p> <p>When the other concerns highlighted in our original objection letter of 12th April (heritage / amenity / loss of parking / loss of garden etc) are added to the already significant concerns, it seems that there is no good reason to grant permission for this development. It is not only contrary to policy but even if the LPA were to conclude it accorded with policy, there are significant material reasons that would outweigh any such conclusion (see Section 38(6) of the Planning &amp; Compulsory Purchase Act 2004).</p> <p>Notwithstanding the above, in our professional opinion the proposals conflict with Policies CS1, CS5, CS9, CS12 and CS27 of the Core Strategy, policy SA1 of the Site Allocations DPD and Policy 58 of the adopted Local Plan, as well as local supplementary guidance on design, refuse storage and parking and national policies contained in the NPPF. The planning balance does not weigh in favour of granting permission for the proposals, and therefore we are clear that the application should be refused. It is respectfully requested that the planning authority proceed to determine the application as indicated above</p>
96/97 Copse Cottage	<p><b>FURTHER OBJECTION LETTER</b></p> <p>As you may be aware, my client has been provided with a copy of the pre-application advice concerning this matter by Business Support Lead Officer in Development Management (see letter attached).</p>

I have been asked to write to you in light of the advice that the pre-application letter dated 26th February 2020 provides to the site developer, because it conflicts with the position the LPA is now adopting in a number of areas.

#### Status of Site

Firstly, the pre-app letter clearly indicates that the case officer at the time was not aware that this was the garden and garaging for 94 Flaunden. He describes the site only as 'undeveloped land'.

This is important and it goes to the heart of the matters we have raised in this regard before with you. The applicant has sought, at every stage, to suggest this is not really a garden for No 94 Flaunden, when it evidentially is.

As you are now fully aware that the application site is the garden, garage and parking to 94 Flaunden, will the LPA now confirm they are treating the application site as the garden, garage and parking to 94?

This has also been confirmed by the Land Registry, old residents of 94 Flaunden (I understand you have copies of letters from them to this effect) and by all those in the neighbourhood that in living memory it has always been 94 Flaunden. The environmental report submitted by the applicant also refers to the land as 94 Flaunden.

In relation to land ownership and the red line plan, the DMPO (updated July 2021) makes clear at Part 3 section 7(1) that "...an application for planning permission must— be accompanied, whether electronically or otherwise, by— (i) a plan which identifies the land to which the application relates". As advised previously, the red line plan currently includes my clients' land and is therefore incorrect. I have previously provided you with the Land Registry mapping that confirms this.

Part 3 section 13 states: "13.— (1) Except where paragraph (2) applies, an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates, or a tenant— (a) by serving the notice on every such person whose name and address is known to the applicant"

Part 3 section 14 goes on to state: "(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Secretary of State or in a form substantially to

the same effect, that the relevant requirements of article 13 have been satisfied.

(2) If an applicant has cause to rely on article 13(6), the certificate must state the relevant circumstances."

As the applicant has not notified my clients or signed the correct certificate B, the application is incorrect and the applicant has failed to comply with the DMPO Part 3 sections 7, 13 and 14.

Please could you confirm that the applicant will be advised of this and that the LPA will seek

appropriate amendments to the scheme / forms / certificates etc to rectify the situation?

It is at present giving the appearance that the application site is larger than it is because the red

line plan includes part of my clients' garden yet they have not agreed to the inclusion of their land

within the red line.

#### Requirement for Amenity Space

The pre-app letter addresses the needs for amenity space for dwellings (and the stated standards

apply to the application dwelling and also to the dwelling at 94 Flaunden which will be left without

its garden):

"...private gardens should normally be positioned to the rear of the dwelling and have an average

minimum depth of 11.5 metres. However, where infill dwellings are being provided, garden depths

below 11.5m but of equal depth to adjoining properties can be considered acceptable. Generally,

all gardens should be of a width, shape and size to ensure the space is functional."

Since she changed the plans she has taken off a lot of measurements and the dwelling is now in

the narrower end of the garden and will not fit in with area around it, because the only option is to

provide a side garden. Based on the current site plan it appears that it would be almost impossible

to walk around the house outside without removing or severely cutting back the hedges to the

west and east and therefore this is symptomatic of over-development which indicates the site

cannot accommodate a dwelling.

The above garden standards must be applied to 94 Flaunden as well as to the application site.

The two parcels of land remain in the same ownership, and even had they been legally severed,

the LPA ought logically to still treat them as part of the same demise and not allow the garden of

94 Flaunden to be completely built over. Please can you confirm if the

LPA will be applying the same standard to 94 Flaunden?

Good Design

Turning to the application proposal itself, what is proposed is a side garden and not a rear garden.

The pre-app letter acknowledges that the applicant had tried to purchase land to make a larger garden but was not able to (N.B. my clients confirm they were never asked. However they were asked in the past for trees to be removed to give her more light for growing plants and vegetables which they agreed to as good neighbours). It is not the role of LPAs to accept poor design simply because an applicant has tried to make a scheme better but failed. The new NPPF (20th July 2021) pushes good design and beautiful developments high up the agenda. Paragraph 126 of the new NPPF states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The applicant has not provided a coherent justification for the development and unfortunately it now also falls foul of the new national policy approach, which requires new buildings and places to be high quality and beautiful.

There are no very special circumstances for granting permission for a dwelling on this site, and any dwelling would have a greater impact on the openness of the Green Belt than the existing garage which it is effectively replacing, thus leading to harm to the openness of the Green Belt.

The fact that the application now proposes to keep the garage and build a dwelling further exaggerates this point. It is not infilling in the Green Belt for the reasons already set out in my letter of 12th April 2021. I would reiterate from that letter that the appeal inspector in appeal reference APP/A1910/W/20/3246014 (LPA ref 4/01853/19/FUL) at Sharlowes Farmhouse, Flaunden explains (para 7):

".....whilst the Council are satisfied that the number of units proposed would accord with the term 'limited infill', the number of units is just one factor to consider. To my mind, regard should also be

had to the size of the gap as it exists now, along with its prevailing characteristics, as well as the extent to which the proposed development would affect the gap, taking into account scale, appearance and context".

#### Heritage Impacts

The letter goes on to note that "The proposal would essentially result in a hitherto largely undeveloped area of land being built on. In the view of the Conversation and Design Officer, notwithstanding design, this is likely to have a negative impact on the character and appearance of the conservation area. It is, however, acknowledged that the existing garage does not provide a positive contribution to the area; therefore, some weight could be given to the visual benefits arising from its demolition."

It goes on to state: "There would be some benefits arising from the demolition of the existing garage, which does not make a positive contribution to the conservation area; yet, the impact of a dwelling would, arguably, be considerably greater. A convincing argument would need to be made that the dwelling would not result in harm to the conservation area."

This is an important gap site in the Conservation Area, and filling it up with built development as is now proposed, and retaining the garage, can only mean that the proposal will have a harmful impact on the character and appearance of the Conservation Area, adopting the principle in the quotation above. Please can you explain why the LPA now considers the retention of the existing, visually poor garage, and construction of a dwelling on the remainder of the site is now considered to be appropriate and not harmful, when the pre-application advice letter makes clear that it would be harmful to the character and appearance of the Conservation Area?

#### Trees and Hedgerows

The pre-app letter goes on to deal with trees and vegetation. It states "The site is surrounded by a number of trees and a hedgerow runs along most of its length, all of which results in an attractive streetscape character. The construction of a dwelling would potentially erode this important soft edge..... Removal of the hedgerow would, in my view, be harmful to the conservation area and therefore should be retained. It may be appropriate to remove a small

section in order to provide a pedestrian access; a modest timber gate perhaps filling the gap. Any additional removal is unlikely to be looked at positively."

The roadside hedge is now proposed to be reduced in height, according to the streetscene drawing submitted by the applicant, and the gap of hedgerow to be removed appears to be at least three metres wide. This is not a 'small section' and therefore in accordance with the previous advice, this should not be looked upon positively by the LPA.

The land is not wide enough for the proposed dwelling with the hedges remaining front and back of the proposed dwelling and to the side. As noted above, there is considerable risk that hedging will be severely cut back to the point that it dies, otherwise the dwelling will not have enough space around it and enough light to it. Furthermore, my client is concerned about the impact a development so close to their border would have on trees on their property.

Paragraph 131 of the revised NPPF brings protection trees to the fore, stating:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

The proposals do not accord with this updated national policy. An arboricultural impact assessment was stated to be an 'important part of the application' in the pre-application advice letter but one does not appear to have been provided - will the LPA be seeking such a report now, given the elevated status trees now have in national planning policy?

#### Overlooking and Amenity

The letter advises "the use of roof lights would not be encouraged" and it then expands on this issue, stating: "It is understood that the strip of land immediately to the east of the site is in the ownership of no. 95/96 Flaunden and serves as an extended amenity space. Consideration should

therefore be given to any adverse impacts arising from the construction of a dwelling. Overlooking in particular would be a concern..... A design which omits habitable windows on the rear elevation without detrimentally impacting the internal living environment of the dwelling may be a reasonable solution."

Despite this clear instruction, is it the case that the LPA is now happy with the rooflights proposed on the rear (east) elevation which overlook my clients' garden and give rise to adverse amenity impacts as a result of overlooking of their garden? If so, please can you explain the rationale for this about-face, given that the issues remain as critical as they were at the pre-app stage? This significant loss of privacy (especially when combined with the bedroom window which overlooks to the south my clients' Annex and garden) and the overbearing nature of the development will lead to overlooking and overshadowing of my clients' garden, reducing both privacy and daylight for growth of plants, vegetables etc. The applicant had asked for trees to be cut down previously to allow light into her own garden which my clients agreed to, but this application would have a direct negative impact on their own garden now.

At no stage have any amendments been made to the plans to take in neighbours comments and views about how the development will impact on them. Each amendment has only made things worse in my clients' opinion, and this is extremely upsetting to them.

#### Ecology Report

The pre-app letter recommends submission of a preliminary ecological appraisal (for newts). Unless it is missing from the Council's website it appears the application was validated without this essential information. Is the LPA requesting submission of an ecology report?

#### Parking

Finally, and perhaps most tellingly, the pre-app letter advises that "Given the unsuitability of the road for on-street parking, it is of the utmost importance that sufficient parking be provided within the confines of site." This is an absolutely clear statement and the same approach must also be applied to 94 Flaunden since the effect of the application would be to remove the parking, garden and bin storage area for that property.

	<p>There is very limited parking in Flaunden already, and by removing the parking for 94 Flaunden this will only get worse.</p> <p>There are therefore a large number of issues with the pre-application advice and the way in which the LPA is now dealing with the same issues. These are matters of concern and we will be raising them with members of the Planning Committee should the application be taken to committee. Please could you come back to me on the various questions above?</p>
<p>103 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I wish to object to this application on the grounds that it will reduced car parking and increased local traffic on the roads in the immediate vicinity.</p>
<p>110 Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I am writing with reference to application number 20/01889/FUL - a proposal for a new build in Flaunden.</p> <p>I would like to object on the same grounds as raised by Mr and Mrs....who are my neighbours opposite at 96/97 Flaunden.</p> <p>As a recent arrival in the village (by village standards! - we've been here 5 years) there has already been a good deal of building since we came here - and squeezing a property on to the small site proposed feels extremely out of touch with protecting the character of the village.</p> <p>I understand that off-street parking would be lost as a result - and on-street parking is already a substantial issue in Flaunden. What's more, the house will overlook private gardens - and privacy is one of the great benefits of living somewhere like here.</p> <p>One final aspect to which I object is a non-village resident making an application for a property in such a sensitive area - with an eye on maximisation of profit from a small parcel of land whilst paying scant attention to the impact on the village (beyond what is required by planning regulations).</p> <p>I hope that you will consider my objection.</p> <p>The updated application doesn't seem to address any of the concerns - and my wife and I both still strenuously object to it.</p> <p>Parking will be lost in a village which already has nowhere near enough parking. It's an inappropriate development for a greenbelt and conservation area and would set a dangerous precedent to allow new housing to be built in such a manner. There's another habitation very close - within 8 meters - of the proposed development, which would be overlooked.</p> <p>Seems that the application wording is at odds with the reality of what's being proposed.</p>

	<p>As with the previous application and my previous objection - parking will be lost, this sets a dangerous infilling precedent and increases the number of cars which will be parked on an already extremely congested village road - right by a crossroads.</p> <p>I object to this development - it would materially adversely affect a well protected greenbelt conservation area village.</p>
<p>Flaunden House Flaunden Flaunden Hemel Hempstead Hertfordshire HP3 0PW</p>	<p>I wish to object to the proposed new house. The 'land' is actually within the curtilage of 94 Flaunden, a listed building well within the conservation area of Flaunden. This land is the garden for 94 Flaunden; it is not vacant land, as implied in the application.</p> <p>If this house is allowed to be built, there will be no off-road parking for 94 Flaunden, nor anywhere for amenities, and very little garden for the existing house. There is no space to park on the road (Birch Lane) and it is near a crossroads with limited visibility already. This would only make it worse and more dangerous.</p> <p>A new house would be inappropriate for green belt and conservation area. Most of the houses in that area date back to the 16th century, and many are listed. A new building would be out of keeping, and would represent infill development.</p> <p>I urge you to decline permission for this application.</p>
<p>98 Flaunden Hemel Hempstead HP3 0PW</p>	<p>The plot is too small for the planned house. At present the site is a garage, parking and storage site of bins for 94 Flaunden and not vacant land. The proposed development will cause further parking issues in the locality, as there is currently insufficient parking. The site is on the main road of the village and hence parking and turning near a crossroads could be dangerous. The area is poorly lit and hence my wife, who suffers from severe osteoperosis and other elderly people living nearby will find it difficult to move between home and car if forced to park further away from their residence. The area is a quiet neighbourhood and the noise caused by the building work, increased vehicles and people will be a problem.</p>
<p>5 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>¿ Loss of two car parking spaces; forcing occupants of 94 and visitors to 94 and new property to park on Highway where parking is already stretched in the village. Currently cars are parked dangerously on the cross roads and the addition of an additional two cars in that area would make the cross roads more dangerous. There have been several accidents already on the junction in recent times</p> <p>¿ It's not vacant land. It is the garden and parking of 94 as shown on Land Registry . 94 will lose it's garden and parking. The planning title is incorrect and misleading</p> <p>¿ A new path to front door of proposed property is to be cut out of existing hedge and leads directly on to the highway. Dangerous for general access and the deliveries that we use now in 21st century</p>

	<p>¿ Two proposed developments on Birch Lane have been refused in the last few months. The reasons surely apply to this too.</p> <p>¿ Inappropriate development within the Green Belt. The application site is located within the Green Belt, and as such, is protected by the local and national policies protecting and restricting certain development within the designated area</p> <p>¿ Conservation Area... reducing open space. There are no special circumstances and this is in the centre of the conversation area</p> <p>¿ Parish Council has objected at every stage.</p> <p>¿ Impact on amenity of 96/97 Flaunden. The proposed development is therefore inevitably likely to lead to a degradation of the living conditions of the occupants of 96/97 Flaunden, and in particular the garden area and the annex immediately to the south</p> <p>¿ Impact on use of 94 Flaunden (loss of garden and parking)The application proposals would lead to two main effects:</p> <ol style="list-style-type: none"> <li>1. Removal of the parking / garage / refuse storage for 94 Flaunden</li> <li>2. Removal of the main amenity space for 94 Flaunden</li> </ol>
<p>Littlecroft 104 Flaunden Flaunden Hempstead Hertfordshire HP3 0PW</p>	<p>Hemel</p> <p>An equivalent application has already been correctly rejected and there is no reason to treat this application (which involves the development of an established garden) differently.</p>
<p>Inglenook Cottage 99 Flaunden Flaunden Hertfordshire HP3 0PW</p>	<p>On the planning application it lists the land as 'Land at Birch Lane' and goes on further in the application to call it 'vacant land'. This is totally misleading as the land is the parking area, garage, garden and bin area of 94 Flaunden. If this land was separated from 94 Flaunden then that property would lose it's off street parking, bin area and garden. This is quite clearly illustrated on the Land Registry document HD 2436. This would be against planning regulations with regards to parking provision etc and take away the garden of a house and bin storage area. Taking away the parking and bin storage area would have a detrimental impact on the village and 94 Flaunden, and taking away the garden for 94 Flaunden would have a detrimental impact on that property.</p> <p>It is an inappropriate development within the Green Belt and Conservation Area of Flaunden. I do not believe that the proposed development would meet any of the exception criteria for new buildings in the Green Belt and so therefore would be inappropriate development. It would conflict with paragraph 145 of the Framework and Policy CS5 of the core strategy.</p> <p>It would give a visual intrusion in the heart of a conservation are and reduce the openness of the village and would overlook and give loss of privacy to other properties and land.</p> <p>With regards to Paragraph 118 d. It is not underutilised land it is the</p>

garden, parking area and bin area of 94 Birch Lane an existing dwelling owned by the applicant.

The applicant seeks to use the shortage of small/starter homes to support this proposed development, however I would completely disagree with this argument due to the high cost of properties in Flaunden. The new proposed dwelling would not be within small/starter home budgets.

This application would only be detrimental to the character of the village and re Policy CS1, The proposal does not provide a development that supports the vitality and viability of the local community.

#### ADDITIONAL COMMENTS

Further to my objections posted on 3rd August 2020, I'm writing to register my OBJECTION to this application with the revised amendments posted 10th May 2021.

The minor changes do not change the basic facts.

The land is NOT vacant land in Birch Lane. It is the garden, garage, parking and bin area of 94 Flaunden as can be clearly seen on the land registry.

Furthermore, the address the land has been referred to as has changed three times:

Land and Garage Honeysuckle Barn Birch Lane

Land at Birch Lane

Land at Birch Lane to Side of Annex 96/97 Flaunden

This is misleading.

The application deprives no. 94 of two off road parking places which forces occupants to park their cars on the highway as there is very limited parking available in Flaunden.

The refuse bins of 94 are situated by the garage of 94

I echo the comments of other objectors that this proposal does not satisfy Conservation and Greenbelt criteria.

This would appear to be an application purely for commercial gain; the owner does not live in 94 but rents it out and wishes to build in the garden of 94 purely for financial gain. There is no regard for the village and community and no special circumstances for this development to be allowed.

This would leave no. 94 with a very small courtyard garden incompatible with a house of its size.

The applicant also claims that it is a starter home for first time buyers. However property prices in Flaunden would prevent this being considered as a starter home.

Dacorum have recently refused the following applications in Birch Lane and I fail to see why the reasons given do not apply to this application.

20/03916/OUT; 4/01853/19/FUL & 20/03345/FUL.

#### ADDITIONAL COMMENTS

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	<p>The land is NOT vacant land in Birch Lane. It is the garden, garage, parking and bin area of 94 Flaunden as can be clearly seen on the land registry.</p> <p>Furthermore, the address the land has been referred to as has changed three times:</p> <p>Land and Garage Honeysuckle Barn Birch Lane Land at Birch Lane Land at Birch Lane to Side of Annex 96/97 Flaunden</p> <p>This is misleading.</p> <p>The application deprives no. 94 of two off road parking places which forces occupants to park their cars on the highway as there is very limited parking available in Flaunden.</p> <p>The refuse bins of 94 are situated by the garage of 94.</p> <p>I echo the comments of other objectors that this proposal does not satisfy Conservation and Greenbelt criteria.</p> <p>This would appear to be an application purely for commercial gain; the owner does not live in 94 but rents it out and wishes to build in the garden of 94 for purely financial gain. There is no regard for the village and community and no special circumstances for this development to be allowed.</p> <p>This would leave 94 with a very small courtyard garden incompatible with a house of its size.</p> <p>The applicant also claims that it is a starter home for first time buyers. However property prices in Flaunden would prevent this being considered as a starter home.</p> <p>Dacorum have recently refused the following applications in Birch Lane and I fail to see why the reasons given do not apply to this application: 20/03916/OUT; 4/01853/19/FUL and 20/03345/FUL.</p>
<p>6 Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>I wish to object to the new dwelling application as the land is the garden for 94 Flaunden. Therefore, it is not vacant land. In addition, a new dwelling would mean that there would be no off-road parking for 94 Flaunden, and there is currently no space to park on Birch Lane.</p> <p>A new dwelling would be also inappropriate because it would be infill development on the green belt. Many of the houses near the crossroads date back to the sixteenth and seventeenth centuries, and a number are listed buildings.</p>
<p>100 Flaunden Flaunden Hemel Hempstead Hertfordshire</p>	<p>Dear Mr Gardner, I am writing to object to the above planning application.</p> <p>The applicant states in the planning application that it is land at Birch</p>

<p>HP3 0PW</p>	<p>Lane, the land is actually the garden for number 94 Birch Lane and is also the parking area for 94 Birch Lane. If the applicant is allowed to build a house on their garden, it will not only leave 94 Birch Lane without a garden, but also without parking! Parking in the area is extremely limited and is already a contentious issue with many of the houses nearby not having private parking.</p> <p>Flaunden is a conservation area and I have lived here for 23 years and believe that consent should not be granted, it would be wrong to allow 94 Birch Lane to build on their garden and parking area and cause our local parking issues to worsen.</p> <p>The applicant is seeking to build on the garden of 94 Birch Lane. This is out of character for a conservation area.</p> <p>The proposed development will take away parking spaces which are needed. Flaunden village has narrow unlit roads and there is simply no space to park anymore cars. With the lack of parking provision so close to an unlit crossroads it would be dangerous and Planning Permission should be refused.</p>
<p>Great Moonshine Bragmans Lane Flaunden Hempstead Hertfordshire HP3 0PL</p> <p style="text-align: right;">Hemel</p>	<p>Flaunden falls within the category of "small settlements and the wider countryside" within the Local Plan and is an area in which there should be the highest level of development constraint.</p> <p>The proposed development would compromise the open nature of the green belt and is inappropriate in a conservation area.</p> <p>The development is proposed in the garden and amenity space of 94 Birch Lane and the site does not provide sufficient space for the existing house and proposed dwelling to have adequate parking, garden and bin storage space. The residential garden of 94 Birch Lane is not suitable for development.</p> <p>Flaunden has poor public transport and no local shop and residents need a car to live here. This development will result in parking on the road because of inadequate space for parking in the proposal and this will be dangerous and a hazard to all who use Birch Lane, whether driving or walking.</p> <p>There is a good mix of housing of all types in Flaunden and particularly in the light of the many dwellings for which permission has recently been granted, this house is not needed to secure the economic vitality or viability of the village.</p> <p>This development will have a negative impact on the open and rural character of the village and should not be permitted.</p>
<p>Birch Lane House Birch Lane Flaunden Hempstead Hertfordshire HP3 0PT</p> <p style="text-align: right;">Hemel</p>	<p>I object to this planning application which is an inappropriate development within both a Conservation area and the Green Belt.</p> <p>It is unclear from the application that this piece of land is currently the sole garden and garage parking space of No 94, part of a range of characterful period cottages that form the heart of Flaunden village. Whilst the application states that this development would have parking for two cars and an amenity space that meets the minimum requirements for a new dwelling, it does not state that it would leave No94, a much more important period building within the conservation area, with no garden amenity space and no off street parking. It should also be noted that street parking in Flaunden around the central crossroads is already very limited and congested, resulting in cars</p>

	<p>being parked in potentially dangerous areas.</p> <p>Allowing this New Build infill development would be inappropriate due to its proximity to and detrimental effect on the immediate streetscape of the existing neighbouring period cottages as well as detracting from the open aspect of Birch Lane. If approved this will also set a precedent for future infill development applications, both on Birch Lane and other locations within Flaunden village which will significantly change the character of the village.</p> <p>Based on the above I believe this application should be refused. Based on the new proposal submitted I would like to add the following comments to those I have already submitted earlier, which remain valid to this amended proposal.</p> <p>This amended proposal specifically makes reference to the fact that in pre planning the officers commented on the need to avoid on-street parking. Whilst this new proposal appears to achieve this for the new building, by retaining the garage and existing driveway, it does not mention that these are both currently part of an existing listed property ie No 94. By solving the problem for this new build it however removes existing parking for two cars from No 94 thereby still creating an on street parking problem.</p> <p>Additionally, this proposal requires a significant amount of the existing hedgerow to be removed to create a new entrance to the front door. As well as going against the need to retain hedges in a conservation area and adversely affecting the character and streetscape in the village, it will also create a parking issue and hazard with delivery vans, an increasing part of today's life, stopping outside of the front door, and in doing so creating a visibility hazard for vehicles approaching the crossroads from Birch Lane.</p> <p>The new proposed property is also now less than 10 metres from an existing habitable accommodation. It also no longer encompasses the existing garage, being a complete new build, rather than a conversion. As well as being out of character with its listed neighbouring cottages, this will create a very detrimental precedent for the village.</p> <p>As such, I recommend that this proposal be rejected.</p>
<p>The Old Chapel Birch Lane Flaunden Hemel Hempstead Hertfordshire HP3 0PT</p>	<p>We are writing in reference to the proposed new dwelling on land at Birch Lane, Flaunden (20/01889/FUL). We are the owners of The Old Chapel, Birch Lane.</p> <p>We wish to object to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>- Flaunden's infrastructure (e.g. roads, parking) is not set up to allow for more residents and more cars especially the streets going towards London and the M25 already suffer from serious congestions in the mornings and late afternoons.</li> <li>- The residents of No 94 would have to park on Birch Lane, so parking spaces would be lost.</li> </ul>

	<ul style="list-style-type: none"> <li>- It would have a negative impact on one of the most beautiful historical spots in Hertfordshire, especially the part of the village where that new dwelling will be.</li> <li>- Harm caused to the Green Belt and Flaunden Conservation Area through inappropriate development.</li> <li>- Negative impact of an additional dwelling on the openness and character of Flaunden village which consists of dwellings interspersed with open space.</li> </ul>
<p>September Cottage Hogmpits Bottom Flaunden Herts HP3 0QB</p>	<p>We wish to lodge an objection to the above planning application, which would, if granted, be detrimental to the character and living standards in Flaunden.</p> <p>Here are our reasons: This is an application to develop an existing garden - it removes parking from No 94 Flunden and forces parked vehicles onto the narrow road in a conservation area - thus simultaneously destroying the landscape and creating congestion.</p> <p>The access to the property will be dangerous on a narrow fast road.</p> <p>There are no special reasons to overturn Dacorum's special requirements of planning in a conservation area and in the green belt.</p> <p>The development will be detrimental to the character and look of street scene, which is of variously placed properties of character.</p>

**ITEM NUMBER: 5h**

<b>20/03929/RET</b>	<b>Retention of agricultural building and glasshouse</b>	
<b>Site Address:</b>	<b>Land East Of Delmer End Lane Flamstead St Albans Hertfordshire AL3 8ER</b>	
<b>Applicant/Agent:</b>	<b>Ms Linda H Connor</b>	
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>Flamstead Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Objection received from parish council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 It is considered that the departures from the original approved plans would not result in harm above and beyond the original permission in terms of the impact on the surrounding area, neighbouring properties, or the safety and operation of the adjacent highway network. Conditions will ensure that the storage containers on site are removed, and that any other relevant details are submitted within six months of the permission, if the application is to be granted.

2.2 Overall the changes from the approved plans, which relate to the inclusion of an internal mezzanine area for storage, an increase in ridge height to one end of the barn, two shuttered fenestrations, and an increase in the size of the greenhouse are considered modest departures from the approved plans on the previous permission and would not result in harm beyond the development which was originally granted.

**3. SITE DESCRIPTION**

3.1 The application site is located to the east of Flamstead, within the Metropolitan Green Belt. The site is accessed from Delmerend Lane and is enclosed by established vegetation to east, south and west. A residential unit lies beyond the northern boundary of the site and a designated Public Right of Way runs immediately adjacent to the southern boundary.

**4. PROPOSAL**

4.1 The application seeks permission for the retention of agricultural building and glasshouse. These buildings were granted under planning permission 4/02115/17/FUL but have been built out slightly differently to the approved plans. The departures from the approved plans are as follows:

- The greenhouse is approximately 2m longer than approved
- The addition of two additional fenestrations consisting of fixed panes behind shutters on the south west elevation
- The inclusion of a mezzanine storage area on the roof of the kitchen, toilet and shower area.
- The height of the pitch of the barn along a S.E to N.W orientation is approximately 500mm higher on the South West elevation.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/02115/17/FUL - Construction of agricultural building and Greenhouse.  
 GRA - 28th February 2018

4/02810/16/FUL - Construction of agricultural building and glasshouse (amended scheme)  
REF - 25th November 2016

4/02484/16/FUL - Construction of agricultural building and glasshouse (amended scheme)  
WDN - 17th October 2016

4/00285/16/FUL - Construction of agricultural building and glasshouse  
WDN - 27th April 2016

Appeals (If Any):

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Flamstead CP

RAF Halton and Chenies Zone: Green (15.2m)

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:

Core Strategy (2013):

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

Local Plan (2004):

Policy 51 – Development and Transport Impacts

Policy 79 – Footpath Network

## 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;  
The impact on highway safety and car parking;  
Waste Management;  
The Rights of Way

### Principle of Development

9.2 The application site is located within the Green Belt where Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy. Paragraph 145 of the NPPF states that planning authorities should regard the construction of new buildings within the Green Belt as inappropriate. However, a number of exceptions to this are listed, one being buildings for agriculture and forestry.

9.3 Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- *'horticulture, fruit growing, seed growing, dairy farming;*
- *the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);*
- *the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and*
- *the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'*

9.4 The land is currently in use as a topiary business which is considered to be a horticultural use and therefore acceptable under Green Belt Policy. Furthermore, the principle of the development has been established under planning permission 4/02115/17/FUL. This application does not seek a change in use of the land, but seeks permissions for changes to the previously approved buildings, which have been constructed out differently to the approved plans.

9.5 A site visit was undertaken in June 2021 and horticultural planting was witnessed on the land with irrigation systems. Planting was also stored within the green house and the barn hosted a small workshop area on one side, combined with a small office/kitchen area on the other side. It is considered that while the business has not yet fully taken off the ground, an agriculture use has been implemented and there is no reason to believe another use is taking place on the land.

9.6 Due to the above, the principle of the development is considered acceptable.

### Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Core Strategy (2013) state that develop should respect the character and appearance of the surrounding area. The site and the existing buildings cannot be perceived from Chequers Hill and Delmer End Lane. However, a rights of way runs along the southern boundary of the site and the buildings can be perceived from this view.

9.4 It is important to note that the buildings as a whole have already been granted permission under 4/02115/17/FUL, where it was found they would not have a detrimental impact on the character and appearance of the surrounding area. The application seeks permission for the retention of the buildings as built due to a number of departures from the approved plans. These departures have been listed at the beginning of this report. An extract from the previous assessment is provided below:

9.5 *“The larger of the proposed buildings is relatively simple and utilitarian in appearance. It is considered that the proposed materials for this structure would be sympathetic to the surrounding rural area and it would be typical of agricultural buildings one would expect to find in such an area. Furthermore, there would be a clear need for secure storage of equipment (some of which may be large such as tractors or fork lift trucks) and materials associated with the agricultural use of the site. This building would afford suitable space for such storage (and also for basic services such as a bathroom)”.*

9.6 *“Taking all of the above into account, and given the relatively modest scale of the proposed glasshouse, it is considered that the proposed buildings would be commensurate with the scale of the agricultural enterprise and would not appear as dominant or incongruous features within the rural landscape. Additionally, if minded to grant permission, a condition could be imposed removing permitted development rights for the extension of agricultural buildings (Schedule 2, Part 6, Class B) to ensure the proposal remains acceptable in this regard”.*

9.7 Overall, it is considered the increase in size of the Green House by 2m in length and the increase in height of the barn along the south west elevation by approximately 500mm do not significantly impact on the above previously made assessment. The two shuttered windows are relatively modest in size and do not result in an elevation which is dominated by glazing. The internal mezzanine area is not perceivable from the surrounding area.

9.8 The applicant has stated that the increase in the Green House dimensions has come about from the procurement process. While the previous plans did depict a Green House of different dimensions, these were plans; the applicants did not construct the Green House but intended on purchasing one. The particular one that has now been purchased differed in size. The height of the barn on one end has increased due to the need to take into account land levels during the construction. The internal mezzanine area provides a small storage area.

9.9 Overall, it is considered that the proposed departures on the previously approved plans are modest in nature and do not represent such a significant change to where harm over and beyond the original assessment can be identified. The buildings would still not be perceived from the road and are set back from the public rights of way to the degree where the changes from the approved plans would be greatly perceivable or harmful to the surrounding area.

#### Impact on Residential Amenity

9.10 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.

9.11 The proposed development would be within close proximity of a residential property to the north of the site. Given the build, form, scale and positioning of the proposed buildings it is not considered that the proposal would result in significant and demonstrable harm to the living conditions of the occupants of neighbouring properties, in terms of overbearing impact, overlooking and loss of light. The previous permission included a condition stating that details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Should this

application be Granted, this will be included on this application but re-worded to state that within six months of the permission hereby granted, details of external lighting shall be submitted.

9.12 A condition stating that no operations shall be carried out at the site outside the hours of 09:00 and 17:00 Monday to Friday will also be included.

9.13 It is considered the proposal would not result in an adverse impact on the residential amenity of surrounding properties by way of loss of light, outlook or privacy.

#### Impact on Highway Safety and Parking

9.14 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.15 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.16 Hertfordshire Highways have not objected to the proposal, noting the previous assessment that has taken place on the site. The transport note submitted with the previous application has been resubmitted.

9.17 This Transport Note provided Automatic Traffic Count (ATC) data which confirms the 85th percentile speed of the road to be as follows

- 25mph Northbound; and
- 24.4mph Southbound.

9.18 On the previous application, the Highway Officer considered that whilst it is normal to seek 2.4 x 43m for the visibility splay, that this is based on a 30mph speed. Given the recorded speeds the visibility splay can be reduced to 2.4 x 33m. This has been demonstrated to be achievable on layout K-TT376/01/R0. This application does not propose any changes to the access which diverge from the previous permission, which was considered acceptable in highway terms.

9.19 A Swept path assessment is also included within the transport note and demonstrates that a large car and a transit van can manoeuvre safely into and out of the site. The applicant has confirmed that no HGVs are required to enter the site. Given the size of the site and the small scale nature of the business operation, it is considered that there is no strong reason to dispute this.

9.20 As a result, it is considered that the development would not have an adverse impact on the safety and operation of the adjacent highway.

9.21 On the previous application, the applicants confirmed that the only employees are to be the applicant and their husband within the initial 3 years of operation, with a further 2 seasonal employees anticipated to be required after this point. This has not changed and upon a site visit, it was clear that there were no other employees on site.

9.22 It is considered that given the size of the site and the scale of the operation, sufficient off-street parking is provided within the hardstanding areas.

#### Waste Management

9.23 An appropriately worded condition regarding the submission of details of the facilities for the storage of refuse that are required on site will be attached to the application. This will be to confirm the amount of storage space and potential features required for waste disposal relating to the commercial operation.

#### Rights of Way

9.24 A rights of way runs adjacent to the site, in close proximity to the access.

9.25 The countryside access officer did not respond to the previous application, however it was noted in the report that for other previously withdrawn applications, they did state, that the proposed access is shared with the footpath meaning the safety of the public will need to be considered, particularly in relation to vehicle movements.

9.26 Damage to the footpath surface caused by traffic, other than pedestrian, will leave the land owner liable for repairs commensurate with highway authority specifications.

9.27 The countryside officer has been contacted and made aware that the development has been implemented. It would be up to them to inspect the footpath and determine if any damage has occurred as a direct result of the use of the site.

9.28 A Footpath Protection Plan was conditioned as part of the previous proposal. However, the permission appears to have been implemented without this condition being discharged. As such, a condition seeking this plan will be attached to the application, stating that the plan shall be submitted within 6 months of this permission, if the application is granted.

#### Storage containers

9.29 There are two storage containers on site which do not have permission. The enforcement team is aware of this. These have been shown on the site plan and a condition will ensure that these are removed from the site within six months of the permission. The applicant has explained that they are currently for sale.

#### Permitted Development Rights

9.30 As on the previous application, permitted development rights for the below parts will be removed by condition:

Schedule 2, Part 2 , Class A (Gates, fences walls)

Schedule 2, Part 6, Class B (Agricultural development on units of less than 5 hectares)

### **10. CONCLUSION**

10.1 It is considered that the departures from the original approved plans would not result in harm above and beyond the original permission in terms of the impact on the surrounding area, neighbouring properties, or the safety and operation of the adjacent highway network. Conditions will ensure that the storage containers on site are removed, and that any other relevant information is submitted within six months of the permission, if the application is to be granted.

### **11. RECOMMENDATION**

11.1 That planning permission be GRANTED, subject to the following conditions:

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

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

**Greenhouse side elevation  
Greenhouse plan  
Greenhouse dimensions (north/south end)  
Barn: exterior drawings  
Interior layout: barn  
Interior side end elevation drawings  
Proposed site plan (Flamstead Plan 1:500)  
Proposed planting plan  
Proposed hard surface, pipes and cable plan  
K-TT376/01/R0**

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

2. **Within six months of the date of this permission, a Refuse Management Plan , shall be submitted to and approved writing by the Local Planning Authority. The Refuse Management Plan shall include the area in which refuse shall be stored and details of the refuse storage facilities. Thereafter, refuse storage facilities shall only be placed within the approved refuse storage area.**

Reason: To protect the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013).

3. **Within six months of the date of this permission, a Footpath Protection Plan shall be submitted to and approved by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the plans, and shall thereafter be maintained.**

Reason: To ensure that the public footpath network is adequately protected during and after construction in accordance with Saved Policy 79 of the Dacorum Borough Local Plan.

4. **No operations shall be carried out at the site outside the hours of 09:00 and 17:00 Monday to Friday.**

Reason: To ensure that the operation is consistent with the application details and planning assessment and in the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

5. **A visibility splay shall be provided in full accordance with the details indicated on the approved plan no K-TT376/01/R0. 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: In the interests of highway safety in accordance with Saved Policy 51 of the Dacorum Borough Local Plan and Policies CS8 and CS12 of the Core Strategy.

6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 2, Class A**

## Schedule 2, Part 6, Class B

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 and the objectives of the Green Belt in accordance with Policies CS12 and CS5 of the Core Strategy and the National Planning Policy Framework.

7. **Within six months of the date of this permission, the existing storage containers, shown outlined in red on the Proposed Site Plan (Flamstead Plan 1:500), together with any connecting / roofing materials, shall be removed permanently from the site.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

8. **Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation.**

Reason: To safeguard the visual character and residential amenity of the immediate area in accordance with Policy CS12 Core Strategy

### 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
Parish/Town Council	<p>The PC strongly objects to this application as it represents inappropriate overdevelopment. The changes to the barn including the extra height were clearly not done accidentally, so the PC asks that the building is altered so it meets the criteria set out in the original plans. Furthermore, despite the planting plan submitted with the application, there is no evidence of a topiary business being set up as apart from a few sad looking small plants here and there, a topiary business it is not. The PC would like to see the Planning Department take a lead in not allowing such blatant transgressions to be tolerated.</p> <p>27.04.2021</p> <p>Ref the land east of Delmerend Lane the councillors discussed the plans last night and are of the same view.</p> <p>The fact that they submitted a drawing of any old greenhouse and then installed one they subsequently found is not the way to follow planning</p>

	<p>rules.</p> <p>The extra height of the barn needs to be reduced - again the applicants should have sought your advice.</p> <p>The extra windows need to be removed as again that is not on the plans.</p> <p>They failed to send a photo of the 3 containers which are in the grounds of the property - 2 of which are joined together with a roof and appear to be a storage unit - no permission has been sought for this.</p> <p>The PC sees no reason to alter their original and continuing opposition to this overdevelopment"</p>
<p>Hertfordshire Highways (HCC)</p>	<p>The proposal is for the retention of an agricultural building and glasshouse on land East of Delmer End Lane, Flamstead. Delmer End Lane is a 30 mph unclassified local access road that is maintained at public expense. I am writing an interim response to this application as I feel key details regarding the access to the site has been omitted.</p> <p>The application states that the barn and the greenhouse are built in association with the Topiary business. However, it does not state anywhere I can find within this application as to what the exact use of the barn will be. This is important for the highways as this will allow us to assess the types of vehicles the site will have entering and exiting the site, for example either cars or large good vehicles.</p> <p>I would note that the access to the site is narrow and would only allow one vehicle to enter and exit at a time which may cause vehicles to have to wait on the highway which is not preferred. The current site is unsuitable for large vehicles owing to the access and therefore, HCC Highways would like clarification on the exact use of the site and detailed plans concerning the current vehicles access to be able to fully comment on the appropriateness of the buildings on site.</p> <p>19.01.2021:</p> <p>The current plans provided to me for comment lacked any real detail on the access. However, having said that, our previous response from my colleague has stated the use / the types of vehicles accessing and the access arrangements themselves. Therefore, I am happy with the assessment my college has done and would not wish to restrict a grant of permission in relation to previous comments made by HCC Highways. And therefore the requests by me in my previous response are now null and void.</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>
5	0	0	0	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>

**ITEM NUMBER: 5i**

<b>21/01882/FHA</b>	<b>Alteration to boundary wall including removal of a 3m section of 2.4m high garden wall at the rear of 17 Castle St. Replacement wall to be built on new boundary line.</b>	
<b>Site Address:</b>	<b>17 Castle Street Berkhamsted Hertfordshire HP4 2BQ</b>	
<b>Applicant/Agent:</b>	<b>Ms Katherine Hutton</b>	
<b>Case Officer:</b>	<b>Natasha Vernal</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted Castle</b>
<b>Referral to Committee:</b>	<b>Councillor Call-in</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED with 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 Berkhamsted Conservation Area as set out under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Paragraphs 197, 199, 201 and 202 of the NPPF (2021). The proposed development is considered to be acceptable in design terms, given that they would not be considered to detract from the character and appearance of the street scene or the Berkhamsted Conservation Area. Furthermore, 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. Sufficient private amenity space 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 197, 199, 201 and 202 of the National Planning Policy Framework (2021), 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 occupied by a mid-terrace dwelling located on Castle Street in Berkhamsted. The existing dwelling is a locally listed dwelling and the site is situated within the Berkhamsted Conservation Area and an area of archaeological significance. The surrounding properties consist of locally listed buildings and Grade II listed buildings and the area is predominately residential in character.

**4. PROPOSAL**

4.1 This application seeks full householder permission for the alteration to boundary wall including removal of a 3m section of 2.4m high garden wall at the rear of 17 Castle Street. It is proposed that a replacement wall would be built on a new boundary line.

4.2 This application has been called in by the Berkhamsted Ward Councillor, who gave the following representation (in italics):

*"I should like this case to be called in for consideration by the Development Management Committee on the grounds of:*

- (1) *loss of amenity to neighbours overlooked by the new back garden, which may well also create noise;*
- (2) *detrimental effect on the local Conservation Area, due to the partial demolition of a 19th Century wall.*

*I appreciate that officers have already considered these points, but - as I understand it - their conclusions were based on the matter of degree rather than the nature of the grounds themselves."*

## **5. PLANNING HISTORY**

Planning Applications:

21/01839/LDP - Alterations to boundary wall. Removal of 3m section of existing boundary wall (height 2.4m) and erection of new boundary wall using traditional materials of a similar style and nature. New boundary wall will be approximately 5ft high and topped with trellis. The garden will be enlarged and the new boundary wall will route around the enlarged plan. No change of use of land.

*Application Returned*

4/01711/99/FUL - Change of use from commercial to residential

*Granted - 10th November 1999*

## **6. CONSTRAINTS**

Area of Archaeological Significance: 21

CIL Zone: CIL1

Berkhamsted Conservation Area

Listed Building, Grade: II

Listed Building, Grade: Local

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: 1

EA Source Protection Zone: 2

EA Source Protection Zone: 3

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 (July 2021)

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

Supplementary Planning Guidance/Documents:

Car Parking Standards (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 17 Castle Street is a locally listed building. 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. Regard has been given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 72 and 66 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.3 Paragraph 197 of the NPPF (2021) 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 199 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 201 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 202 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.4 The site is also located within Berkhamsted 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 National Planning Policy Framework (NPPF) (2021).

9.5 The Conservation Officer were consulted and gave their representation (in italics):

*9.6 The existing house is located on Castle Street within the conservation area. It is locally listed and described as "No. 17 Castle Street is a tall late C19th 3 storey house in buff brickwork, with colourwashed red brick dressings and lozenge detailing to the centre of the brick panels with stone plat and eaves band at each storey level. Slate roof with rolled ridges and ogee guttering". The adjacent properties of 15 and 16 are smaller timber framed cottages which are listed and number 14 is locally listed.*

*9.7 The wall to the rear would appear to be slightly earlier and be part of the boundary wall of the garden of Manor Croft. The land appears to have been a garden with fish pond in the late 19th/ early 20th century. It was redeveloped as housing in the 20th century. The wall is therefore slightly larger and more solid construction than would normally be expected as a rear boundary wall to a 19th century dwelling in the conservation area. It has brick piers, an on edge coping detail and render between the piers and below the string course.*

*9.8 The existing wall has lost some of its historic context due to the construction of Manor Close in the mid 20th century. However it still has some interest and helps to understand the evolution of the site and changes that occurred to the conservation area. A section of the wall would remain allowing the boundary line and features to be understood. The proposed new wall matches the design of the wall at number 14 and provided that the brick, bond and mortar were in keeping this would not be harmful to the space. The character would change slightly in that the small courtyard garden of 17 would open up. In addition there would be a level of additional enclosure to number 1 manor close with the new wall. Overall this impact on the character of the conservation area and the setting of the locally listed buildings would be less than substantial and at a low level.*

*9.9 The proposals would cause harm to the designated heritage assets of the conservation area and to the locally listed building. In relation to the conservation area this harm would be less than substantial and at a low to nominal level. As such the balancing exercise outlined in the Framework should be undertaken. In relation to the locally listed building of number 17 it would have less than substantial harm at a low level with the officer noting that this is a non-designated heritage asset. This is due to the alteration of the original space and plot pattern of the development. It is also in relation to the loss of the section of the historic wall.*

*9.10 We do not believe that the proposal would harm the setting of the adjacent listed buildings as such the balancing exercise does not need to take this into account.*

*9.11 Recommendation: We would not object to the proposals given the low level of harm caused to the heritage assets. Bricks, brick bond and mortar to match the existing.*

9.12 In light of the comments provided by the Conservation and Design Officer, the proposed works are considered to be sympathetic to the conservation area and the original design and character of the locally listed building, protecting and conserving the integrity, setting and distinctiveness of the heritage assets.

9.13 Furthermore, it is worth noting that permitted development rights have not been removed from the property. Therefore, the application property could benefit from the construction of a 1.8m tall boundary wall without the need for planning permission, under Class A, Part 2, Schedule 2 of the General Permitted Development Order (2015) (as amended). This is a material consideration that should be afforded weight.

Quality of Design / Impact on Visual Amenity

9.14 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).

9.15 A section of the rear boundary wall (3 metres wide x 2.4 metres high) would be removed to facilitate additional amenity space. The proposed wall would measure a height of approximately 1.8 metres.

9.16 The proposal would feature reclaimed stock brickwork and timber lattice panels, however, a matching materials condition is required to ensure that the proposal respects the character and appearance of the Conservation Area and the locally listed building.

9.17 Although some elements of the proposed development would be visible from the public realm, the proposal would be set back from the public highway and therefore the proposal would be less prominent when viewed along Castle Street and Manor Close. Furthermore, the proposal allows visual reading of the original elevation of the existing dwelling and therefore it 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.

9.18 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 (2021).

#### Impact on Residential Amenity

9.19 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.

9.20 It is noted that the neighbouring properties at No.14 and 15 objected on the grounds of overlooking and a loss of privacy, noise and disturbance resulting from use, visual intrusion and adverse impact on the setting of 14,15,16,17 Castle Street and 1 Manor Close.

9.21 The proposed wall would not extend / project beyond the neighbouring properties at No.14 and 15's rear boundary wall and would be screened by timber panels reducing impacts on overlooking. The surrounding properties feature rear gardens. Whilst the proposed structures may expand the existing garden use, considering the residential nature of the area and the surrounding garden spaces, it is unlikely that there would be a significant increase in noise disturbance, or one that would warrant a refusal. Regarding the impacts on setting of the locally listed building, these matters have been addressed in the principle development assessment. Due to its positioning and scale, it is not identified that the proposed development would have a detrimental impact on loss of sunlight / day, overlooking or overshadowing towards the surrounding neighbouring properties.

9.22 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 (2021).

### Impact on Highway Safety and Parking

9.23 There would be no changes to the existing access, nor any changes that would affect the adjoining highway. 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.

9.24 The proposed development would not have a significant impact on parking provision as the existing dwelling does not benefit from off-street parking and as such the additional one room would not have a residual impact. In addition, the neighbouring property at No.1 (Manor Close) would have sufficient space retained to accommodate at least one vehicle.

9.25 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

#### *Berkhamsted Town Council*

9.26 Berkhamsted Town Council were consulted and raised no objections to the proposal, however, requested that the brick and mortar used be in a style to match the neighbouring property.

9.27 A matching materials condition is required to ensure no impacts on the character and appearance of the Conservation Area and the locally listed building.

#### *Archaeology*

9.28 The Archaeology Department at Herts County Council raised no objection to the proposals, stating: *“The development site is in a highly sensitive location, archaeologically, with remains of prehistoric, Roman and medieval date known in the near vicinity. In this instance however I consider that the development, given its small-scale nature, is unlikely to have a significant impact on heritage assets of archaeological interest. I have no comment to make upon the proposal.”*

### Response to Neighbour Comments

9.29 The neighbouring properties at No.14 and 15 objected on the grounds of overlooking and a loss of privacy, noise and disturbance resulting from use, visual intrusion and adverse impact on the setting of 14, 15, 16, 17 Castle Street and 1 Manor Close. These matters raised have been addressed in the neighbour impact assessment.

### Community Infrastructure Levy (CIL)

9.30 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.

## **10. CONCLUSION**

10.1 The proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene, the residential amenity of neighbouring occupants, the Berkhamsted Conservation Area or the Listed Buildings. 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) and Paragraphs 197, 199, 201 and 202 of the NPPF (2021).

## 11. RECOMMENDATION

11.1 That planning permission be **GRANTED** with 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:**

- 04
- Existing and Proposed Plans
- Design and Access Statement

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture. All new bricks, brick bond and mortar shall match the existing materials.**

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 (2021).

### 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**

<b>Consultee</b>	<b>Comments</b>
Parish/Town Council	<p>No objection.</p> <p>The Committee requested that the brick and mortar used be in a style to match the neighbouring property.</p>
Conservation & Design (DBC)	<p>The existing house is located on Castle Street within the conservation area. It is locally listed and described as "No. 17 Castle Street is a tall late C19th 3 storey house in buff brickwork, with colourwashed red brick dressings and lozenge detailing to the centre of the brick panels with stone plat and eaves band at each storey level. Slate roof with rolled ridges and ogee guttering". The adjacent properties of 15 and 16 are smaller timber framed cottages which are listed and number 14 is locally listed.</p> <p>The wall to the rear would appear to be slightly earlier and be part of the boundary wall of the garden of Manor Croft. The land appears to have been a garden with fish pond in the late 19th/ early 20th century. It was redeveloped as housing in the 20th century. The wall is therefore slightly larger and more solid construction than would normally be expected as a rear boundary wall to a 19th century dwelling in the conservation area. It has brick piers, an on edge coping detail and render between the piers and below the string course.</p> <p>The existing wall has lost some of its historic context due to the construction of Manor Close in the mid 20th century. However it still has some interest and helps to understand the evolution of the site and changes that occurred to the conservation area. A section of the wall would remain allowing the boundary line and features to be understood. The proposed new wall matches the design of the wall at number 14 and provided that the brick, bond and mortar were in keeping this would not be harmful to the space. The character would change slightly in that the small courtyard garden of 17 would open up. In addition there would be a level of additional enclosure to number 1 manor close with the new wall. Overall this impact on the character of the conservation area and the setting of the locally listed buildings would be less than substantial and at a low level.</p> <p>The proposals would cause harm to the designated heritage assets of the conservation area and to the locally listed building. In relation to the conservation area this harm would be less than substantial and at a low to nominal level. As such the balancing exercise outlined in the Framework should be undertaken. In relation to the locally listed building of number 17 it would have less than substantial harm at a low level with the officer noting that this is a non designated heritage asset.</p>

	<p>This is due to the alteration of the original space and plot pattern of the development. It is also in relation to the loss of the section of the historic wall.</p> <p>We do not believe that the proposal would harm the setting of the adjacent listed buildings as such the balancing exercise does not need to take this into account.</p> <p>Recommendation We would not object to the proposals given the low level of harm caused to the heritage assets. Bricks, brick bond and mortar to match the existing.</p>
Hertfordshire County Council - Archaeology	The development site is in a highly sensitive location, archaeologically, with remains of prehistoric, Roman and medieval date known in the near vicinity. In this instance however I consider that the development, given its small-scale nature, is unlikely to have a significant impact on heritage assets of archaeological interest. I have no comment to make upon the proposal.

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	6	1	2	2

### Neighbour Responses

Address	Comments
8 New Street Berkhamsted Hertfordshire HP4 2EP	Being the owner of 16 Castle Street, I have no objection to the proposal so long as the existing levels are maintained, or lowered, adequate drainage is provided as the construction of the walls may cause a dam effect, the ground laid to fall away from the west boundary (away from 15 and 16 Castle Street), no trees are planted, particularly along the west boundary. This is to ensure that no water ingresses 16 Castle Street or its foundations being affected by tree roots and water ingress.
1 Manor Close Berkhamsted Hertfordshire HP4 2BJ	I am very happy with the proposal. The plan of converting a mainly block paved area with a green garden space is pleasing to me. It can only enhance the area. The new wall using reclaimed bricks will be in keeping with an existing wall (not original) to which it will adjoin. The section of wall to be removed is barely visible from any road. It shares a boundary with my 1938 built property. I am pleased that the occupants of no. 17 will be able to enjoy more outdoor green space. There is no loss of amenity.
18 Castle Street Berkhamsted	In Support - the existing garden space for No. 17 is very small and not commensurate with a large family house

Hertfordshire HP4 2BQ	
14 Castle Street Berkhamsted Hertfordshire HP4 2BQ	<p>I live at 14 Castle Street and have done so for the last 14 years.</p> <p>I have studied the submitted plans and reviewed the Design &amp; Access Statement and would like to register my strong objection to this application.</p> <p>The submitted proposals are totally incompatible with the aims and objectives of the Conservation Area within which the application site sits. I believe that both my house and that of the applicants are locally listed and numbers 15 and 16 Castle Street are Grade II listed to further underline the sensitivities of this part of the Conservation Area.</p> <p>The applicants and their family live in a three storey town house with a regular shaped and normal size courtyard garden. This application seeks to upset the balance and rhythm of property boundaries to create a contrived and illogical L shaped garden by the removal of a 19th Century wall that would result in the adverse impacts listed below;</p> <ol style="list-style-type: none"> <li>1. Overlooking and a loss of privacy.</li> <li>2. Noise and disturbance resulting from use.</li> <li>3. Visual intrusion.</li> <li>4. Adverse impact on the setting of 14,15,16,17 Castle Street and 1 Manor Close.</li> </ol> <p><b>Overlooking and a loss of privacy</b> The use of the area as a new rear garden as opposed to a front drive for cars/bins will lead to a new set of outdoor activities taking place where overlooking into our courtyard garden is inevitable. This will clearly result in a loss of privacy for us in what is already a small outdoor courtyard garden area.</p> <p><b>Noise and disturbance resulting from use.</b> This new use of the area will result in a new noise source that will adjoin not only our garden but will also wrap around the rear of numbers 15 and 16 Castle Street. It will also establish a new noise source, uniquely in my view, by placing a rear garden in the front garden/drive of 1 Manor Close which is most odd. Clearly, the potential for disturbances from this new noise source is high.</p> <p><b>Visual intrusion</b> The visual intrusion that would result from the removal of the wall, the subsequent removal of the current bushes/trees and the erection of a new wall to tie in with my own wall are such that an adverse impact would then result on not only my house but also that of my neighbours at 15 and 16 Castle Street and especially 1 Manor Close.</p> <p><b>Adverse impact on setting</b> The cumulative effect of these issues is the setting of 14 - 17 Castle Street and 1 Manor Close will all be negatively impacted by this proposal to an unacceptable degree. As such this application should be refused as it is contrary to Core Strategy Policy CS27 which seeks to protect all designated and non designated heritage assets.</p>

	<p>In addition, I am extremely concerned that this will set an undesirable precedent for householders that it is acceptable to remove historic walls that form long established, logical boundaries to create new amenity space to the detriment of both their neighbours and the visual appearance of the Conservation Area.</p> <p>Once the applicants children are older they will sell up and move on but the legacy of this L shaped garden will be permanent. On a personal level I am very disappointed that no proper dialogue was attempted by the applicants or indeed the owner of 1 Manor Close prior to this application being submitted. I believe they were under the mistaken impression that these works could proceed without a planning application and have already dismantled a garden shed in readiness.</p> <p>Please can you take my comments into consideration and let me know if you need anything further from me on receipt.</p>
<p>Laurel Bank Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PN</p>	<p>I am the owner of 15 Castle Street. We strongly object to this application. The development is completely out keeping with the historic nature of the conservation area and adjoining properties of which some, including ours, are Grade 2 Listed. The proposal would also set a dangerous precedent fo other ill conceived plans in the conservation area. I would expect a conservation officer would have objections to this plan and in particular the demolition of a 19th century wall in the conservation area.</p> <p>The new garden area will provide a further source of noise pollution at the rear of our property and risk loss of privacy and visual intrusion to the rear of our property. Any planting of trees could also impact on light to the rear of our property and adversely affect the foundation structure of our historic grade 2 listed properties.</p> <p>We strongly object to this proposal and do not feel that it complies with the Core Strategy Policy nor wold it be acceptable after review by a local Conservation Officer. Please contact me if you require any further information.</p>
<p>Cllr Claughton</p>	<p>I should like this case to be called in for consideration by the Development Management Committee on the grounds of:</p> <ol style="list-style-type: none"> <li>(1) loss of amenity to neighbours overlooked by the new back garden, which may well also create noise;</li> <li>(2) detrimental effect on the local Conservation Area, due to the partial demolition of a 19th Century wall.</li> </ol> <p>I appreciate that officers have already considered these points, but - as I understand it - their conclusions were based on the matter of degree rather than the nature of the grounds themselves.</p>

# PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (August 2021)

## HEADLINES

1. Since the last update (April 2021) a total of 12 Notices have been served. A total of 11 cases have been removed from this list since the last update.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place. p/p granted for new dwelling with compliance of EN to follow.
2	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. *Hardstanding has been modified across terrace. Can be removed from list*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
3	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. No appeal submitted. *Prosecution not expedient provided finishing materials are agreed with Conservation Officer*.
4	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
5	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit needed to check material removed and to check compliance with conditions of permission.
	CASE REF.	LOCATION	BREACH	DATE	EFFECTIVE	COMPLIANCE	APPEAL	NEW	RESULT	NOTES / FURTHER

				ISSUED	DATE	DATE		COMPLIANCE DATE		ACTION
6	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes, appeal dismissed	19 Jan 19 (for all steps)	Partially complied	Rear sun room has been demolished. P/P refused for alterations to and retention of detached garage block (3177/18/FHA). Appeal also dismissed. *New app. (20/02400/FHA) granted – need to check compliance*
7	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Need to ensure implementation.
8	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with. Land has now been restored, but some elements of material storage have returned. Site visit required to confirm compliance and to continue investigation at other locations within site.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
9	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. *Installation due later in August 21 – windows currently in manufacturing stage*
10	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. Installation due w/c *9 <sup>th</sup> August 21 – delays due to COVID*
11	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA refused – *appeal outstanding / weddings have recommenced*.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
12	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes, appeal dismissed	28 Nov 18	Not complied	Appeal dismissed. Correspondence sent to owner 20.01.20 to request application/compliance. *Application received 21/02858/FUL – awaiting decision*
13	E/17/00407	Land at The Hoo, Ledgemore Lane, Great Gaddesden	Construction of new road, turning area and bund.	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal dismissed	29 Apr 19 (for all steps)	Partly complied	Application for twin tracks approved 20/03945/FUL – works already undertaken to remove a lot of material. Final compliance check required and then removed from this list.
14	E/17/00220	17 Langley Avenue, Hemel Hempstead	Construction of raised decking, timber steps and associated fencing and supports.	17 Jan 18	17 Feb 18	17 Apr 18	Yes - appeal allowed (ground g) notice upheld subject to variations	03 July 19	N/A	Appeal allowed in respect of ground (g) (time limits) & Notice upheld subject to the variations. Planning application 01117/19 Granted for re-configuration. Site visit delayed due to COVID 19 restrictions.
15	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. Cars have been removed from the site. Hardstanding not removed. In discussions with executor of estate.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
16	E/11/00153	Field adj. New Lodge, London Road, Berkhamsted	Untidy condition of land.	14 Sep 18	14 Oct 18	14 Dec 18	Yes	N/A	N/A	S.215 Notice served. Notice was challenged at Magistrates Court. Court outcome was that the 215 notice was quashed, but a court order was handed down to the defendant for them to comply with. Some items could remain on the site, but needed to be re-positioned. This has not been complied with. Further action to be considered.
17	E/16/00007	Land lying to the northwest of Hill Farm, Markyate, AL3 8AU (known as Swaddling Wood)	Parking of vehicles, siting of mobile home and erection of gate in woodland.	15 Feb 19	18 Mar 19	18 Jun 19	Yes	27 Aug 20	Complied	This notice was appealed – PINS issued their decision on 27.05.20 and upheld the EN (subject to variations). High Court appeal dismissed. Final compliance date 28 Feb 21 requested due to COVID 19 and other factors. *Compliance check completed and all works to comply with the notice have been carried out. This case can be removed from the list*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

								DATE		
18	E/18/00385	Site of Smallgrove Farm, Windmill Road, Pepperstock	Creation of a large bund using imported material.	11 Mar 19	11 Apr 19	11 Apr 20	Yes/ dismissed	01 Oct 21	N/A	New compliance deadline 01 October 2021
<u>19</u>	E/15/00238	6 Sarum Place, Hemel Hempstead	Untidy land	21 May 19	21 Jun 19	21 Dec 19	No	N/A	<u>Complied</u>	S215 untidy land notice served in relation to the garden, windows, gate & shed at this property. Property fallen into disrepair again. *Direct Action undertaken – site cleared and tidied. This case will be removed from the list*
20	E/18/00436	68 Tring Road, Wilstone	Erection of a fence in excess of 1m adjacent to a highway	11 Jun 19	09 Jul 19	09 Oct 19	Yes	23 Jun 20	N/A	Retrospective planning permission refused – EN served and notice appealed. Appeal dismissed. Further planning application refused. Second planning application refusal dismissed. *Homeowner engaging with enforcement regarding compliance – check required*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

21	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	N/A	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. Compliance check undertaken and application 20/03416/FHA not dealt with under s70(c). Next steps being considered.
22	E/19/00321	Land at Featherbed Lane, Hemel Hempstead	Change of use to residential, siting of mobile homes and operational development including laying hard standing and erection of fencing	11 Sep 19	09 Oct 19	09 Jan 19	Yes	N/A		Status quo injunction sought and granted 23 Aug 2019 (made final 20 Sep 2019). EN served following refusal of planning permission on 11 Sep 19. Refusal and EN appealed. Public Inquiry took place in May 2021. *Permanent planning permission refused – 5 year temporary permission granted, limited to one pitch (two caravans)*
23	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	LBEN: Demolition of wall within curtilage of listed building	13 Sep 19	12 Oct 19	12 Jan 20	Yes/ dismissed	N/A		Compliance required by 03 Feb 2021.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>

24	E/19/00302	Lock Cottage, Ravens Lane, Berkhamsted	EN: Demolition of a wall in a conservation area and creation of a raised parking area	13 Sep 19	12 Oct 19	12 Jan 20	No	N/A		LBEN decision issued – notice upheld and wall considered part of the Listing. *Next steps in relation to compliance being considered with quotes for direct action obtained. Homeowner showing signs of engagement, but no compliance achieved yet*
25	E/19/00492/ BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 4, 5 and 19 of planning permission 4/01889/14/MFA	05 Dec 19	05 Dec 19	02 Jan 20	N/A	N/A	Complied	Breach of condition notice issued in respect of breaches pertaining to vehicular access points and approved plans. Application 20/00339 refused – *further to the planning appeal, the plans have been approved to show a larger market area. The notice has been complied with in relation to the vehicle access points and the plans (by virtue of the appeal decision) therefore, this case can be removed from the list*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
26	E/18/00558	123 George Street,	Breach of condition	31 Jan 20	31 Jan 20	30 April 20	N/A	N/A		Breach of condition

		Berkhamsted	in relation to approved drawings 4/01759/16/FHA.							notice issued following unsuccessful negotiations. Additional roof lights causing negative impact.
<u>27</u>	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard surfaces and importation and processing of waste materials.	19 Feb 20	20 Mar 20		Yes / split decision	18 Dec 21		Start letter issued and statements exchanged. Virtual Hearing to take place 25 March 2021. *Appeal decision split, planning permission granted for a number of buildings and uses on the site, enforcement notice upheld in relation to some matters. New compliance date 18 Dec 21. Further notice to be issued in relation to other matters*
<u>28</u>	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of buildings and provision of hardstanding, operation of waste transfer/recycling and importation of waste.	19 Feb 20	19 Feb 20		Yes	N/A		Stop notice issued with enforcement notice in order to cease the continued building work and importation and processing of waste materials at this site. *notice still in effect further to appeal decision*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
29	E/20/00163/	The Walled	Breach of condition	27 May	27 May 20	27 Aug 20	N/A	N/A		Breach of condition

	NAP	Garden, Stocks Road, Aldbury	17 of permission 4/02488/16/FUL.	20						notice issued: approved plans. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations. Variation application 20/01656/ROC not yet determined.
30	E/19/00492/BOC	Bovingdon Market, Chesham Road, Bovingdon	Breach of conditions 1 & 2 of planning permission 4/01889/14/MFA	27 May 20	27 May 20	24 June 20	N/A	N/A	Complied	Breach of condition notice related to the breach of conditions 1 and 2 of the permission (market layout and parking). –*further to the planning appeal, the plans have been approved to show a larger market area. The notice has been complied with in relation to the approved plans (by virtue of the appeal decision) therefore, this case can be removed from the list*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
31	E/20/00088/NPP	Land east of Watling Garth, Old	Construction of a building, gabion	17 Jul 20	28 Aug 20		Yes			Appeal conjoined with 3 x planning

		Watling Street, Flamstead	walls, widening of an existing access, formation of two vehicular access points and roadways within the site.							appeals for refusals of numerous developments at this site. Statements submitted and awaiting PINS decision(s)
32	E/19/00398	Land at Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Pig breeding enterprise with associated development.	17 Jul 20	14 Aug 20		Yes			Appeal submitted – statements exchanged; awaiting PINS decision.
<b>33</b>	E/19/00359	Land adj. The Willows, Potten End Hill, Water End	Installation of 2 x solar panel arrays.	12 Aug 20	10 Sep 20	10 May 21	No			*Second extension to compliance period denied. Compliance required by 30 <sup>th</sup> September*
<b>34</b>	E/20/00311/ NAP	13 Chambersbury Lane, Hemel Hempstead	Construction of raised patio and garden store to rear of dwelling.	10 Sep 20	10 Sep 20	N/A	Yes			Enforcement notice issued following refusal of 20/03101/FHA. Both the refusal of the application and the EN have been appealed – *appeal site visit completed. Awaiting PINS decision*
<b>35</b>	E/20/00249/ LBG	57 St Johns Road, Hemel Hempstead	Installation of UPVC windows in listed building.	25 Sep 20	27 Oct 20	27 Oct 23	Yes / dismissed	26 May 24		Appeal submitted – *appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply*
<b>36</b>	E/20/00101/ NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	Yes / dismissed	10 Sep 21		Appeal submitted – *appeal dismissed – new compliance date 10 September 2021*
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
<b>37</b>	E/20/00421/ COL	Bovingdon Airfield, Chesham Road, Bovingdon	Material change of use of the land from agriculture, to	06 Nov 20	07 Dec 20	N/A	Yes / notice quashed			EN issued. *Appeal decision resulted in notice being

			use as a car park associated with the adjacent market site; with associated operational development forming the laying of hard core on the land							quashed, Inspector found that there had been no material change of use. Hard core removed*
38	E/19/00378	199 High Street, Berkhamsted	Installation of a traffic control barrier to the side of the building.	19 Nov 20	21 Dec 20	21 Jan 21	Yes/ withdrawn			This EN was appealed, but prior to the submission of statements, the appeal with withdrawn by the appellant. An application for a revised scheme 20/03873/FUL (retractable bollard) which was approved. Compliance check required prior to removal from this list.
39	E/19/00513/ NPP	Berkhamsted Golf Club, The Common, Berkhamsted	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes			This EN was appealed and statements have been submitted to PINs – awaiting decision.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
40	E/21/00045/ NPP	17 Polehanger Lane, Hemel Hempstead	Construction of a building/structure to the front of the	03 Mar 21	01 Apr 21	01 May 21	No			Further to the issuing of a Temporary Stop Notice, an EN was

			property.							issued in order to remedy the breach of planning control and to ensure removal of the part built structure to the front of the property. This notice has not been appealed and compliance is required by 01 May 21.
41	E/20/00148/ NPP	23 The Lawns, Hemel Hempstead	Installation of a fence/enclosure to front of property	20 Mar 21	28 Apr 21	28 Jun 21				Further to unsuccessful negotiations and refusal of application 20/02662/RET, an EN was issued in respect of the fencing and change of use of land in this case. The notice remains capable of being appealed until 28 Apr 21.
42	E/19/00444/ NAP	Plot 1, Cupid Green Lane, Hemel Hempstead	Construction of two timber buildings and installation of fencing and septic tank system	14 Apr 21	12 May 21	12 Sep 21				Further to the upheld appeal and quashed EN (material change of use), the Council has issued a further notice relating to the operational development at this site, including a new, large timber building.

**THE FOLLOWING CASES HAVE BEEN ENTERED ONTO THE LIST FOR THE FIRST TIME**

CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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43	E/21/00181/ BOC	Land r/o 76-78 Belswains Lane, Hemel Hempstead	Failure to discharge conditions 2, 3 and 5 of relevant permission	19 May 21	19 May 21		N/A			Temporary stop notice issued in connection with the works taking place at the site. Notice now expired, can be removed from the list.
44	E/19/00268	Silver Birches, Nettleden Road North, Little Gaddesden	Alterations and building works to an outbuilding in order to facilitate its material change of use to an independent dwellinghouse	09 Jun 21	07 Jul 21		Yes			Enforcement notice issued in respect of the development, following refusal of application 4/02148/19/RET. The enforcement notice has been appealed. Start letter issued.
45	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following refusal of listed building consents	23 Jun 21	21 Jul 21		No			Listed building enforcement notice issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
46	E/20/00388/ CONSRV	28 George Street, Berkhamsted	Installation of cladding to external facade of property	23 Jun 21	21 Jul 21		No			There was an attempt to appeal the notice but this was

										rejected as out of time. The homeowner has appealed the refusal of 21/01313/RET for the same development. They have until 21 Oct 21 to comply with the enforcement notice, but this could be superseded by a successful planning appeal.
47	E/20/00395/ NPP	21 Howards Drive, Hemel Hempstead	Materials and other items stored in the garden	30 Jun 21	30 Jul 21		N/A			S215 notice issued in connection with the condition of the front garden of this property.
48	E/20/00347/ NAP	2 North Road, Berkhamsted	Development not in accordance with 4/01142/17/FHA	30 Jun 21	30 Jul 21		No			Enforcement notice issued in relation to dormer windows built not in accordance with approval. EN requires removal of dormers by 30 <sup>th</sup> Jan 2022 – planning app 21/02727/ROC pending.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
49	E/21/00261/ NPP	10 Bunkers Lane, Hemel Hempstead	Importation of building and waste material to the site	06 Jul 21	06 Jul 21		N/A			Temporary stop notice issued in connection with importation of

										builders waste to the rear garden of this property. The activity has since ceased – this can be removed from the list.
50	E/21/00301/ NPP	Entrance to field, Cupid Green Lane, Hemel Hempstead	Installation of double gates adjacent to highway	26 Jul 21	23 Aug 21		No			Enforcement notice issued in relation to the installation of metal gates adjacent the highway at this plot of land. This notice was complied with prior to the notice taking effect and it was not appealed. This case can be removed from this list.
51	E/19/00395	26 Morefields, Tring, HP23 5EU	Construction of a raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337	28 Jul 21	30 Aug 21					Enforcement notice issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping.
	<b>CASE REF.</b>	<b>LOCATION</b>	<b>BREACH</b>	<b>DATE ISSUED</b>	<b>EFFECTIVE DATE</b>	<b>COMPLIANCE DATE</b>	<b>APPEAL</b>	<b>NEW COMPLIANCE DATE</b>	<b>RESULT</b>	<b>NOTES / FURTHER ACTION</b>
52	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Erection of fencing, contrary to Art 4 Direction	02 Aug 21	02 Aug 21		N/A			Temporary stop notice issued in connection with fencing being erected at this plot of

										land – contrary to Article 4 Direction. This notice has been superseded by the issuing on a stop notice on 12 Aug 21, this can be removed from the list.
53	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21					Enforcement notice issued in relation to fencing erected, new access and gate installed and erection of 3 x sheds on the land.
54	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21					Stop notice issued in connection with the un-finished fencing on this land (previously subject to a temporary stop notice).