



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 23 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 Oguchi
Councillor C Wyatt-Lowe	Councillor Uttley
Councillor Beauchamp (Vice-Chairman)	Councillor Woolner
Councillor Durrant	Councillor Douris
Councillor Hobson	Councillor Williams
Councillor Maddern	Councillor Hollinghurst
Councillor McDowell	

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

## **AGENDA**

### **1. MINUTES**

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

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

To receive any apologies for absence

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

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) 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 6 - 52)
- (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 53 - 103)
- (c) 20/03929/RET - Retention of agricultural building and glasshouse - Land East Of Delmer End Lane Flamstead St Albans Hertfordshire AL3 8ER (Pages 104 - 113)
- (d) 20/02464/FUL - Proposed change of use of existing agricultural stable block into residential dwelling - Six Acres Farm Hollybush Lane Flamstead Hertfordshire AL3 8DG (Pages 114 - 131)
- (e) 21/01682/FUL - Demolition of existing detached house, to be replaced with a new detached home (amended scheme).- Mabuhay Brownlow Road Berkhamsted Hertfordshire HP4 1HB (Pages 132 - 171)
- (f) 21/02156/FHA - Construction of pitched roof porch to front. Replacement windows. Demolition of existing double garage and replace with new garden building/studio. - 2 Chesham Road Wigginton Tring Hertfordshire HP23 6HH (Pages 172 - 179)
- (g) 21/02177/ADV - Four non-illuminated signs (retrospective - 2 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AD (Pages 180 - 189)
- (h) 21/03090/LBC - Change the height of the window sill of the west-facing window of the utility room from 700mm to 1050mm - Bingham's Park Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN (Pages 190 - 194)
- (i) 21/01625/FHA -Construction of a double garage (amended scheme - Calgary 87 Scatterdells Lane Chipperfield Kings Langley Hertfordshire WD4 9EU (Pages 195 - 203)

**6. ALDBURY ARTICLE 4 DIRECTIONS (Pages 204 - 220)**

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</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>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>	20/03929/RET	Retention of agricultural building and glasshouse Land East Of, Delmer End Lane, Flamstead, St Albans	
<b>5d.</b>	20/02464/FUL	Proposed change of use of existing agricultural stable block into residential dwelling Six Acres Farm, Hollybush Lane, Flamstead, Hertfordshire	
<b>5e.</b>	21/01682/FUL	Demolition of existing detached house, to be replaced with a new detached home (amended scheme). Mabuhay, Brownlow Road, Berkhamsted, Hertfordshire	
<b>5f.</b>	21/02156/FHA	Construction of pitched roof porch to front. Replacement windows. Demolition of existing double garage and replace with new garden building/studio. 2 Chesham Road, Wigginton, Tring, Hertfordshire	
<b>5g.</b>	21/02177/ADV	4 signs advertising the business. 2 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AD	
<b>5h.</b>	21/03090/LBC	Change the height of the windowsill of the west-facing window of the utility room from 700mm to 1050mm Binghams Park, Potten End Hill, Water End, Hemel Hempstead	
<b>5i.</b>	21/01625/FHA	Construction of a double garage (amended scheme) Calgary, 87 Scatterdells Lane, Chipperfield, Kings Langley	

# Agenda Item 5a

ITEM NUMBER: 5a

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 completion of a S106 agreement, withdrawal of LLFA objection, 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 An FRA and Drainage Strategy was received on 31<sup>st</sup> August. The report analyses the current flood risk to the site from a variety of sources – i.e. flooding from rivers and the sea, surface water flooding, ground water flooding, flooding from infrastructure failure, and flooding from artificial sources.

10.139 In terms of flooding from rivers and the sea, states that:

*The EA Flood Map for Planning (**Appendix I**) shows that the site is located within Flood Zone 1 (less than 1 in 1000 annual probability of flooding from rivers or the sea).*

*In accordance with the 2021 NPPF, buildings used for other services are classed as a 'Less Vulnerable' land use and, as such, the proposed development is appropriately located within in Flood Zone 1.*

10.140 In terms of surface water flooding, the report concludes that:

*The Surface Water Flood Map shows that the of the site is at 'Very Low' risk of surface water flooding (outside of the modelled 1 in 1000 rainfall event). The site is therefore considered to be at very low risk of flooding from surface water.*

10.141 Having analysed the underlying geology, borehole records and Dacorum's Strategic Flood Risk Assessment (which does not show any record of flooding at Bovingdon Airfield) the FRA advises that *"the site can be considered to be at very low risk of groundwater flooding."*

10.142 Turning to the matter of flooding from infrastructure failure, the report states:

*As the site is currently undeveloped, there is no drainage infrastructure on site at risk of failure. As such, the site is considered to be at low risk of flooding from infrastructure failure.*

*In terms of future flood risk from infrastructure failure, this will be dealt with, in part, through the design of the drainage strategy, but also in the drainage management and maintenance plan, which is discussed later in this report under Section 8.0.*

10.143 Flooding from artificial sources is considered and it is concluded that the site is at a very low risk of flooding from artificial sources.

10.144 The FRA is proportionate to the scale of development and confirms that the site is at low risk of flooding.

10.145 A Drainage Strategy is also included within the report. At this stage, the intention is that the site will not connect surface water to the public sewer and will connect to the existing airfield drainage. The report states that:

*The proposed drainage strategy has shown that it can manage surface water runoff from the site up to and including the design storm, plus an inclusion for climate change and, as such, the proposed drainage strategy should not cause impediment to the proposed development at Bovingdon Airfield.*

10.146 Both the FRA and the Drainage Strategy have been forwarded to the Lead Local Flood Authority (LLFA) for review. Members will be updated either by way of the addendum or on the evening.

10.147 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:

- a) 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.
- b) The drainage strategy does not propose to connect to the public sewer.

10.148 In the absence of LLFA comments, it is suggested that a condition requiring the submission and approval of a drainage strategy prior to the commencement of the 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.

10.149 In summary, it is considered that, subject to conditions, the development would accord with the aims and objectives of Policy CS31 of the Dacorum Core Strategy.

#### *Air Traffic Safety*

10.150 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*

10.151 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*

10.152 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*

10.153 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.

10.154 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.'

10.155 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*

10.156 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

10.157 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.

10.158 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 Bovington Market;
- Restoration of WWII control tower;
- Biodiversity and landscape enhancement; and
- Permitted development rights.

10.159 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.

10.160 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.

10.161 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.

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

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

10.164 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.

10.165 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 the drainage report provided in support of the application, there appears 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, withdrawal of LLFA objection, 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
110	Rev.	Proposed Car Parking Area

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. **The development hereby approved shall be carried out in accordance with the Construction Management Plan dated 23<sup>rd</sup> August 2021.**

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. **The parking areas shown on drawing no 110 shall be provided within a period of 6 months from the date that planning permission is granted and thereafter permanently retained. No parking in connection with the film uses hereby approved 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
Bovingdon Parish 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><u>09/09/21</u></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 (HCC) as Highway Authority does not wish to restrict the grant of permission.</p> <p>Comments</p> <p>The submitted CTMP is considered to be acceptable and sufficient to remove for a planning condition in this respect.</p> <p>The dimensions and layout of the parking area is considered to be acceptable and HCC as Highway Authority would not have an objection to this.</p> <p><u>24/06/21</u></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><u>13/05/21</u></p> <p>Notice is given under article 18 of the Town and Country Planning</p>

(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. 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>
<p>Conservation &amp; Design (DBC)</p>	
<p>Civil Aviation Authority</p>	<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>
<p>Environmental And Community Protection (DBC)</p>	<p>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>

<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>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> <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.</p> <p>A drainage assessment is required under the NPPF for all Major Planning Applications as amended from the 6 April 2015.</p> <p>An FRA and surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the</p>

	<p>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.</p> <p>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.</p> <p>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 reconsultation. Our objection will be maintained until an adequate FRA and surface water drainage assessment has been submitted.</p> <p><u>Informative to the applicant</u></p> <p>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:</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</a></p> <p>This link also includes HCC's policies on SuDS in Hertfordshire and HCCs Local Flood Risk Management Strategy</p> <p>The applicant should also refer to the Local Planning Authorities Strategic Flood Risk Assessments and any relevant surface water management plans.</p> <p>Please note if the LPA decide to grant planning permission, we wish 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>Waste Comments</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</p>

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.

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.

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.

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 reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments



	<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><u>02/07/21</u></p> <p>We have no further comments to add. Please see previous comments.</p> <p><u>20/01/21</u></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 not accepted the NMP and now in an appeal.</p> <p>We know the site has benefitted from a number of temporary</p>

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

	<p>expectations of local residents.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

## 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

**ITEM NUMBER: 5b**

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

**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**

<b>Consultee</b>	<b>Comments</b>
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 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> 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;
- 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/developmentmanagement/highways-development-management.aspx> or by telephoning 0300 1234047.

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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
<p>Whyteleafe 24 Chesham Road Bovingdon Hertfordshire HP3 0ED</p>	<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 Bovingdon. 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>

# Agenda Item 5c

ITEM NUMBER: 5c

<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>

# Agenda Item 5d

ITEM NUMBER: 5d

20/02464/FUL	Proposed change of use of existing agricultural stable block into residential dwelling	
Site Address:	Six Acres Farm Hollybush Lane Flamstead Hertfordshire AL3 8DG	
Applicant/Agent:	Burbury	Mr Tim Gebhard
Case Officer:	Heather Edey	
Parish/Ward:	Flamstead Parish Council	Watling
Referral to Committee:		

## 1. RECOMMENDATION

That planning permission be granted.

## 2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with the exceptions for appropriate development in the Green Belt as set out under Paragraph 150 of the NPPF (2021). The proposal is also considered to be acceptable in design terms, harmonising with the character and appearance of the surrounding area. Furthermore, given the scale and nature of the works and the positioning of the site in relation to neighbouring properties, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.

2.2 The proposal is not considered to give rise to highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS8, CS12, CS29 and CS35 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

## 3. SITE DESCRIPTION

3.1 The application site comprises a six acre patch of agricultural land, with a derelict 'L' shaped stable block and partially constructed barn, situated on the southwest side of Hollybush Lane, just outside the designated village of Flamstead. The site falls within the Metropolitan Green Belt and is adjacent to the Chilterns Area of Outstanding Natural Beauty. The site is subject to an Article 4 Direction, preventing the existing fields from being subdivided into smaller paddocks.

3.2 The existing 'L' shaped stable block comprises a single storey height, and is externally finished in low quality concrete roof tiles and painted render walls. Though previously used to house livestock and provide associated storage facilities, the building is currently derelict and in a poor state of repair, and is not in use.

3.3 Under previous planning application 4/01021/09/FUL, consent was granted for the construction of a single storey barn with a shallow pitch roof, to be positioned alongside the existing stable block. Though construction works for the barn were started in 2011, these works have not been completed. The agent has confirmed that the applicant intends to complete these works in the event that the works proposed under the application are approved. Once completed, the new barn will be used to store machinery, a tractor, straw, hay and animal feed.

3.4 Whilst the application site is predominantly flat, a landscape bund conceals the existing stable block and partially constructed barn from longer countryside views. These buildings are positioned

significantly set back from Hollybush Lane, behind high trees, shrubs and hedges and as such, are not visible from this public vantage point.

#### **4. PROPOSAL**

4.1 Planning permission is sought to change the use of the existing 'L' shaped stable block from agricultural to residential use, creating a new two bed dwelling with a bathroom, living room and kitchen/dining area. In order to facilitate this change of use, the application proposes a number of modest external alterations to the stable block, including cladding external walls in blackened timber, the installation of an extensive sedum green roof to outward facing roof slopes, and the installation of dark pressed metal with photovoltaic panels on the inward facing roof slope. A new hardwood timber door and hardwood timber windows would also be inserted.

4.2 The application also proposes the change of use of a small area of land behind the stable block from agricultural to residential use, providing a small area of private amenity space for the occupiers of the site.

#### **5. PLANNING HISTORY**

Planning Applications (If Any):

4/01021/09/FUL - New barn (amended scheme)  
*GRA - 1st September 2009*

4/00463/09/FUL - New barn (amended scheme)  
*REF - 18th May 2009*

4/00318/09/FUL - front boundary fence and gates (amended scheme)  
*GRA - 24th April 2009*

4/00041/09/FUL - New barn  
*REF - 27th February 2009*

4/02517/08/FUL - Front boundary fence and gates  
*REF - 16th February 2009*

4/00555/08/FUL - Construction of barn and conversion of stable block into dwelling. erection of post and rail and sheep wire fencing  
*REF - 7th May 2008*

4/00653/07/RET - Metal security fencing  
*REF - 10th May 2007*

Appeals (If Any):

#### **6. CONSTRAINTS**

Article 4 Directions: Flamsted Area No 2 1975 (Watlings View)

Article 4 Directions: Flamsted Area No 1 1973 (Watlings View)

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Flamstead CP

RAF Halton and Chenies Zone: Yellow (45.7m)

SPD Zone 3

EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 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  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design 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 falls within the Metropolitan Green Belt. Paragraph 137 of the NPPF (2021) attaches great importance to Green Belts, noting the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, Paragraph 138 of the NPPF (2021) states that the Green Belt serves five purposes; to check the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging into one another, assist in safeguarding the countryside from encroachment, preserve the setting and special character of historic towns and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.3 Whilst national policy restricts development in the Green Belt, the NPPF (2021) later goes on to list exceptions to this rule. Paragraph 150 of the NPPF (2021) states that some forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These exceptions include 'd) the re-use of buildings provided that the buildings are of permanent and substantial construction' and 'e) material changes in the use of land.'

9.4 Local policy aligns with national policy when defining appropriate development in the Green Belt. Policy CS5 of the 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. This policy also notes that small-scale development, (i.e. the appropriate reuse of permanent, substantial buildings) is permitted in the Green Belt, provided the works have no significant impact on the character and appearance of the countryside and support the rural economy and maintenance of the wider countryside.

9.5 The application seeks permission to change the use of the existing 'L' shaped stable block from agricultural to residential use, creating a new two bed dwelling with a bathroom, living room and kitchen/dining area.

9.6 Government legislation is predominantly in favour of the conversion of agricultural buildings into dwellinghouses, with legislation under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 enabling the change of use of a building, land within its curtilage and any associated building operations required to facilitate this conversion to be completed under a Prior Approval process, (i.e. without requiring formal planning consent). Whilst the proposed development would not fall under this legislation, the existing stable block is considered to be a building of permanent and substantial construction in accordance with the exception set out under criteria d), and as such, the re-use of this building is considered to be acceptable in principle in accordance with national and local planning policy.

9.7 The application also proposes the provision of a small area of private amenity space behind the existing stable block. Given that this area of land would be altered from agricultural to residential use, this element of the proposed works would reflect a material change in the use of the land.

9.8 As the proposed works would fall under the exceptions set out under Paragraph 150 of the NPPF, the key issue of consideration to the application is whether the works would preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.

9.9 In order to facilitate the change of use of the existing stable block, a number of external alterations would be made to the building, including changes to the existing material finishes, (i.e. cladding external walls in blackened timber, the installation of an extensive sedum green roof to outward facing roof slopes, and the installation of dark pressed metal with photovoltaic panels on the inward facing roof slope), and the insertion of new openings, (i.e. a new hardwood timber door and hardwood timber windows). Given the modest scale of the works, it is not considered that this element of the proposal would have an adverse impact on the openness of the Green Belt or would conflict with the purposes of including land within it.

9.10 The proposal would also involve the change of use of a small area of agricultural land in order to create a small area of private amenity space and associated creation of a formal parking area. Given the scale and nature of these works, it is not considered that these elements of the proposal would detract from the characteristic openness of the Green Belt or that these works would conflict with the purposes of the Green Belt, as set out under Paragraph 137 of the NPPF (2021).

9.11 Given the above assessment, the proposal is considered to be acceptable in principle, according with Policy CS5 of the Core Strategy (2013) and the relevant sections of the NPPF (2021).

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

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, Policy CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.13 The existing 'L' shaped stable block is currently derelict and in a poor state of repair, comprising a single storey height, painted render walls and low quality concrete roof tiles. The proposal would improve the external appearance of this building, cladding external walls in blackened timber, installing a sedum green roof to outward facing roof slopes and dark pressed metal with photovoltaic panels to the inward facing roof slope.

9.14 In the submitted Design and Access Statement, the agent notes that the proposed external finishes have been selected to be in keeping with timber barns in the area and wider countryside, whilst the green roof has been proposed to soften the external appearance of the building.

9.15 The Conservation and Design Officer was consulted in relation to the proposal and raised no objection to the works, considering the proposed development to be acceptable in principle and design terms. They did however question the proposed green roof finishes, suggesting the insertion of slate tiles would be more appropriate. Given that the existing stable block is situated within the Green Belt, it is considered that the proposed green roof would be acceptable, noting that it would soften the external appearance of the dwelling.

9.16 The Parish Council have raised objection to the scheme, raising concerns that the proposal would reflect overdevelopment of the site and as such, would be harmful to the Green Belt.

9.17 No additional built form has been proposed as part of the current application, noting that the proposed works would result in modest alterations to the external appearance of the existing stable block and the creation of a small area of private amenity space. The existing stable block is concealed behind a landscape bund and is positioned significantly set back from Hollybush Lane, behind high trees, shrubs and hedges and as such, is not visible from any public vantage points and is screened from longer countryside views. Furthermore, the application site is considered to be of sufficient scale to accommodate the facilities required for the building to function as a dwellinghouse, given that the site would accommodate sufficient off-street parking provision, refuse storage facilities and private amenity space, as required by occupants of a two-bed dwelling. Taking all of this into account, it is not considered that scheme would constitute overdevelopment or the site or be harmful to the openness of the Green Belt.

9.18 Taking everything above into account, the proposed development is considered to be acceptable in design terms, respecting the character and appearance of the surrounding built environment and landscape setting. The proposal is therefore accords with Policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

#### Impact on Chilterns Area of Outstanding Natural Beauty (AONB)

9.19 Whilst situated outside of the Chilterns AONB, the Chilterns AONB is situated to the south west of the site. Policy CS24 of the Core Strategy (2013) seeks to ensure that new development preserves the special qualities of the AONB, and that the scarp slope is protected from development that would have a negative impact on its skyline. Furthermore, the Chilterns Building Design Guide (2010) provides specific design guidance for the conversion of farm/agricultural buildings in the

AONB, stating that the appearance of the building should not be radically altered, the number of new openings should be limited and that development of this type should seek to retain as much of the original structure as possible.

9.20 The proposed development would involve the conversion of an existing stable block into a residential dwelling. Whilst new openings would be inserted in order to facilitate this change of use, it is considered that these openings have been limited in number and are of an acceptable proportion and scale.

9.21 The existing stable block structure would largely be retained as part of the proposed works, and the external appearance of the building would not be significantly altered, with the proposed material additions selected to ensure that the rural character of the building is retained. Taking this into account and noting that the resultant residential dwelling would remain modest in terms of its height and scale, it is considered that the proposal would retain the special qualities of the AONB, having no adverse impacts on its skyline. With this in mind, the proposal accords with Policy CS24 of the Core Strategy (2013) and the Chilterns Building Design Guide (2010).

#### Impact on Residential Amenity

9.22 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.

9.23 Given the scale and nature of the proposed works and the positioning of the existing stable block in relation to neighbouring properties, it is not considered that the proposed development would have an adverse impact on the residential amenity of neighbouring buildings by being visually overbearing or resulting in a significant loss of light or privacy.

9.24 The proposed new dwelling and associated facilities would be situated within close proximity of the approved barn. Whilst it is intended that the applicant would occupy the converted new dwelling, utilising the approved barn to support the agricultural use of surrounding land within their ownership, it is important to ensure that high standards of amenity would be secured for future occupiers of the dwelling, should there be any future changes to this arrangement.

9.25 Given the use, scale and design of the approved barn and noting its positioning on the site, it is not considered that this structure could be used to facilitate any harmful overlooking of the new dwelling or its associated amenity space, or that it would adversely affect the residential amenity of the new dwelling by being visually overbearing or resulting in a significant loss of light.

9.26 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on residential amenity. As such, the proposal accords with Saved Appendix 3 of the Local Plan (2004), Policy CS12 of the Core Strategy (2013) and the relevant sections of the NPPF (2021).

#### Impact on Highway Safety and Parking

9.27 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

#### *Highway Safety*

9.28 The Parish Council have raised objection to the proposal, noting that the access connecting the site to Hollybush Lane is on a bend with poor sight lines.

9.29 The proposal would not involve any alterations to the existing site access. The existing parking arrangements would also remain unchanged. In light of this, it is not considered that the proposed change of use of the site would generate significantly higher levels of traffic movements or that the proposal would give rise to highway or pedestrian safety concerns.

9.30 Hertfordshire County Council were also consulted in relation to the scheme as the Highways Authority and raised no objection in this regard.

### *Parking*

9.31 Given its use, the previously approved barn does not generate any requirements for parking provision to be provided. The site currently provides off-street parking provision for two cars. The Parking Standards Supplementary Planning Document (2020) sets out the Council's parking standards, stating that a two bed dwelling in this area would require 1.5 parking spaces. Given that the proposed works would not alter the existing parking arrangements, the proposal would exceed the Council's parking standards, retaining sufficient off-street car parking provision for current and future occupiers of the site.

9.32 The Parking Standards Supplementary Planning Document (2020) also notes that provision should be made on site for electric vehicles, with active provision, (i.e. a socket connected to the electrical supply system for vehicles to plug their vehicle into), made available for half of the spaces provided and passive provision, (i.e. a network of cables and power supply provided to enable the future installation of a socket), made available for all other spaces. Given that no details have been provided in support of the application to clarify the proposed arrangements for electric vehicles, it is recommended that a condition be attached to the formal planning consent ensuring that the required provision for electric vehicles is provided.

9.33 In light of everything considered above, the proposed development is considered to be acceptable in terms of its impact on highway and pedestrian safety, also retaining sufficient off-street car parking provision for current and future occupiers of the site. The proposal therefore accords with Policies CS8 and CS12 of the Core Strategy (2013), Saved Policy 58 of the Local Plan (2004), the Parking Standards Supplementary Planning Document (2020) and the relevant sections of the NPPF (2021).

### Other Material Planning Considerations

#### *Approved Barn*

9.34 Under previous planning application 4/01021/09/FUL, consent was granted for the construction of a single storey barn with a shallow pitch roof, to be positioned alongside the existing stable block.

9.35 The Parish Council have raised objection to the scheme on the grounds that there is no evidence that the barn approved under the above application has been constructed. They have also raised concerns that this barn would set a precedent for another stable block in the valley, thereby leading to further infilling and detracting from the rural character of the area.

9.36 The agent has confirmed that construction works on the barn were started in 2011, and has stated that these works will be completed in the event that the works proposed under the application are approved.

9.37 The barn referenced by the Parish Council was approved under application 4/01021/09/FUL. Given that this application does not propose any alterations to this barn, it is not considered that a refusal of the scheme in this regard could be sustained.

#### *Amenity Space*



9.38 Saved Appendix 3 of the Dacorum Borough Local Plan (2004) seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. This policy goes on to note that a reduced rear garden depth may be acceptable in some cases, in particular, for small homes and development backing onto or in close proximity, to open land, public open space or other amenity space and that these gardens should be of a width, shape and size to ensure the space is functional.

9.39 Though falling short of the average minimum depth set out under Saved Appendix 3 of the Local Plan (2004), the site backs onto open land. Furthermore, given its width, shape and size, the proposed private amenity space is considered to be functional and of suitable scale to provide high standards of amenity to future occupants of the site. As such, no concerns are raised in this regard.

#### *Impact on Trees and Landscaping*

9.40 The Conservation and Design Officer has noted that the domestication of the wider site should be avoided in order to preserve the rural character of the site and surrounding area. In light of these concerns, it is recommended that a condition be attached to the formal planning consent requiring additional details be submitted in relation to the proposed boundary treatment and landscaping arrangements.

#### *Waste Management*

9.41 Formal details in relation to waste storage and collection arrangements have not been provided. It is therefore recommended that a condition be attached to the formal planning consent requiring these be provided.

#### *Contamination*

9.42 The DBC Scientific Officer was consulted on the proposal to ensure that the proposal would not give rise to any concerns in relation to ground contamination. They have raised no objection to the works, subject to two conditions being attached to the formal planning consent.

#### *Ecology*

9.43 Given the rural character of the site and the nature of the proposed works, concerns were raised that the proposal could adversely affect bats. As such, the County Ecologist was consulted in this regard.

9.44 Following their consideration of the submitted Preliminary Roost Assessment (dated May 2021) and follow up Emergence and Activity Bat Survey (dated July 2021), the County Ecologist has confirmed that the proposal is unlikely to adversely affect bats, and that the Local Planning Authority have sufficient information to determine the application. Given that bats are known to be present within the immediate area, they have however advised that an informative be attached to the formal planning consent, clarifying the process that the applicant would be expected to follow should any bats be discovered whilst carrying out the proposed works.

#### Response to Neighbour Comments

9.45 No neighbour comments or objections have been received.

## Community Infrastructure Levy (CIL)

9.46 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 It is recommended that the application be approved.

10.2 The proposed development is considered to be acceptable in principle, in accordance with the exceptions for appropriate development in the Green Belt as set out under Paragraph 150 of the NPPF (2021). The proposal is also considered to be acceptable in design terms, harmonising with the character and appearance of the surrounding area. Furthermore, given the scale and nature of the works and the positioning of the site in relation to neighbouring properties, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. The proposal is not considered to give rise to highway or pedestrian safety concerns. Sufficient private amenity space and off-street parking provision would also be provided for future occupiers of the site in line with the relevant policies. Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS8, CS11, CS12, CS29 and CS35 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004).

### **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 and approved plans.**

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. Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works will be 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;
- waste storage/collection arrangements

**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 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).

4. **(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).

5. **Any contamination, other than that reported by virtue of Condition 4 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).

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).

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

**1094-210  
1094-211  
1094-212  
1094-012  
1094-112  
1094-011 Rev A  
1094-111  
1094-110  
1094-G01 Rev A  
1094-201  
Planning Statement (July 2020)**

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

#### **Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. **CONTAMINATED LAND INFORMATIVE**

The recommended contamination 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.

3. HIGHWAYS INFORMATIVE

AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. ECOLOGY INFORMATIVE

If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Parish/Town Council	<p>The PC objects to this application.</p> <p>There is no evidence of any construction of a barn having been begun. This would set a precedent to allow construction of any other stable block in this valley. It represents overdevelopment and would ruin the open aspect of the Green Belt in an area where there is only pastoral land. It could also lead to infill which would ruin the rural aspect of the area.</p> <p>The egress on to Hollybush Lane is also on a bend with poor sight lines.</p>
Conservation & Design (DBC)	<p>The existing stable block is rendered with a clay tile low pitch roof, the site lies within the Green Belt.</p> <p>If the principle of residential use is deemed acceptable in the Green Belt I would question the use of a green roof and recommend slate as an alternative (with PV panels to inner facing roof slopes). The domestication of the wider site should be avoided and boundary treatment / landscaping / external materials conditioned.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the application documents I am able to confirm that there is no objection to the proposed development. However, because the application is for the introduction of a residential land use on a site with a historical agricultural land use and a site that has been previously developed, I am recommending the following planning condition.</p> <p>Contaminated Land Conditions:</p>

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>
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>Advisory Note.</p> <p>Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980. Mud on highway</p> <p>AN1) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other</p>

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.

#### Planning Application

The planning application is for change of use of existing agricultural stable block into residential dwelling

#### Site and surrounding

The site is a derelict 6-acre patch of agricultural land with an existing stable block accompanied with a part constructed recently approved permission for a new barn planning reference 4/01021/09/FUL. The site is known as Six Acres farm off Hollybush Lane, Local Road Network.

The site is situated 0.5 miles from Farmstead's centre and 5 miles from Luton town. The existing access to the application site is from Hollybush Lane. Hollybush lane is an unclassified road serving a number of properties as well.

#### Planning History

Application No 4/01021/09/FUL ; New Barn . grant planning permission.

The barn was intended to fulfil the agricultural operations for the site. On-site residential accommodation to support the associated land operation. Construction of the barn has commenced but not completed.

#### Accessibility

In terms of accessibility the application site is a farmland and the proposal is for an on-site residential accommodation. The site is surrounded by residential neighbourhood.

#### Access and Parking

The applicant is not proposing to alter the existing access from Hollybush Lane. The existing parking is 2 spaces and the proposal is to retain the two spaces. Any additional vehicular trips associated with the proposed development is unlikely to have any noticeable impact on the local road network.



	<p>Conclusion</p> <p>The Highway Authority does not wish to restrict the grant of consent.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:</p> <ol style="list-style-type: none"> <li>1. There are no biological records in the Hertfordshire Environmental Records Centre for this site. The impact of the proposal will affect an existing redundant building which forms part of an existing agricultural holding. I have no reason to object to the principle of the proposals on the grounds of ecology.</li> <li>2. However, I note the application form stated that protected species were not considered to be present, but no evidence has been submitted to demonstrate this. I consider there is a reasonable likelihood of bats using the building, and if so, they would be affected by the proposals.</li> <li>3. The location is within open countryside surrounded by grassland fields and adjacent to a scrub belt and other scrub vegetation, so the local landscape is almost certainly used by foraging bats. The building in question is clearly accessible by bats and has features potentially usable by cavity dwelling bats (the internal disused stables) and crevice dwelling bats (barge boards and potentially tiles, although most appear from the available photos to be in reasonable condition). However, this potential has not been professionally assessed and therefore remains unknown.</li> <li>4. As bats are a European Protected Species (EPS), sufficient information is required to be submitted to the LPA prior to determination to enable it to consider the impact of the proposal on EPS and meet its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).</li> </ol> <p>Currently the LPA is unable to determine the application as there is insufficient information to enable the LPA to ensure European Protected Species are not adversely affected by the proposal.</p> <ol style="list-style-type: none"> <li>5. Consequently, I advise that a Preliminary Roost Assessment (PRA) is undertaken by an ecological consultant, to assess the potential of the building for bats and provide appropriate advice accordingly. Any such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016.</li> <li>6. If evidence is found or potential confirmed, further surveys (emergence / re-entry) will be necessary to determine presence /</li> </ol>

	<p>absence and inform a licence application if one is needed. If the presence / absence surveys cannot be undertaken prior to determination, then an Outline Mitigation Strategy will need to be included within the PRA to inform the LPA as to how bats will be adequately considered if the application is approved.</p> <p>7. Based on the above, until a PRA has been undertaken and further surveys or recommendations provided as necessary, the LPA is not in a position to determine this application due to insufficient information.</p>
Hertfordshire Ecology	<p>A Preliminary Roost Assessment by Cherryfield (report date May 2021) of the building found no bats or evidence of bats but did assess it as having a low roosting potential due to the presence of access points. Consequently, following Bat Conservation Trust best practice guidelines, one nocturnal emergence / re-entry survey is required to determine presence/absence, and to provide appropriate mitigation to safeguard bats if present and affected. This survey can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Since we are now within the survey season this follow up surveys should be completed, and a suitable mitigation strategy devised as appropriate to the results.</p> <p>As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - so it can consider the impact of the proposal on bats and discharge its legal obligations under the 'Conservation of Habitats and Species Regulations' (2017) as amended.</p> <p>Consequently, I cannot advise this application is determined until the recommended bat surveys are undertaken and the results, together with any appropriate mitigation are submitted to the LPA for written approval. If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored into any development timescale.</p>
Hertfordshire Ecology	<p>Thank you for making me aware of the follow up bat report - Emergence and Activity Bat Survey, 28 July 2021 prepared by Cherryfield Ecology. Following an initial daytime Preliminary Roost Assessment in May 2021, when the building was assessed to have low potential for roosting bats, one follow on dusk emergence survey was recommended to determine presence/absence and provide appropriate mitigation if required.</p> <p>The nocturnal survey was undertaken on 27 July. Low numbers of bats were recorded flying (foraging/commuting) near the site, but no bats</p>

	<p>were recorded emerging from the building. As roosting is not confirmed, no further surveys or mitigation licence is required for this proposal.</p> <p>I consider the LPA now has sufficient information on bats to satisfy the third test of the Habitats and Species Regulations 2017 (as amended) and for determination.</p> <p>As bats are known to be in the area, I advise a precautionary approach Informative is added to any permission granted:</p> <p>'In the event of bats or evidence of them being found during works, work must stop immediately, and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.'</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
0	0	0	0	0

**Neighbour Responses**

None.

# Agenda Item 5e

ITEM NUMBER: 5e

21/01682/FUL	Demolition of existing detached house, to be replaced with a new detached home (amended scheme).	
Site Address:	Mabuhay Brownlow Road Berkhamsted Hertfordshire HP4 1HB	
Applicant/Agent:	Mr Julian Hearn	Mr Adrian Gould
Case Officer:	James Gardner	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted Castle
Referral to Committee:	Contrary view of Berkhamsted Town Council	

## 1. RECOMMENDATION

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

## 2. SUMMARY

2.1 The principle of a replacement dwelling is acceptable in this area in accordance with Policy CS4 of the Dacorum Core Strategy.

2.2 In terms of heritage impacts, the proposed design is suitable and would not be harmful to significance of the nearby Scheduled Ancient Monument or the setting of the Berkhamsted Conservation Area, thereby complying with Policy CS27 of the Dacorum Core Strategy.

2.3 The design respects the rhythm of the street and would satisfactorily integrate with the streetscape character, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy.

## 3. SITE DESCRIPTION

3.1 The application site comprises of a two-storey, detached dwellinghouse and associated curtilage, which occupies a large plot on the westernmost side of Brownlow Road, Berkhamsted.

## 4. PROPOSAL

4.1 Planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling.

## 5. PLANNING HISTORY

Planning Applications

20/01429/FUL - Demolition of existing detached house, to be replaced with a new detached home.  
REF - 9th February 2021

## 6. CONSTRAINTS

Area of Archaeological Significance: 21

CIL Zone: CIL1

Berkhamsted Conservation Area

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

Railway (100m Buffer): Railway: 100m buffer

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

Residential Character Area: BCA13

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

### Dacorum Borough Council Core Strategy (2013)

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  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

### Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land  
Policy 12 - Infrastructure Provision and Phasing  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 15 - Retention of Housing  
Policy 18 - The Size of New Dwellings  
Policy 51 - Development and Transport Impacts  
Policy 100 - Tree and Woodland Planting  
Policy 118 - Important Archaeological Remains  
Policy 120 - Development in Conservation Areas

Saved Appendix 3 - Layout and Design of Residential Areas

### Supplementary Planning Guidance/Documents

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:

Principle of the Development;  
Impact on Significance of Heritage Assets  
Quality of Design / Impact on Visual Amenity  
Impact on Amenity of Neighbours  
Highway Safety and Parking Provision

### Principle of the Development

9.2 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

9.3 The principle of the development is therefore acceptable, subject to the satisfying of other material planning considerations.

### Impact on Significance of Heritage Assets

9.4 The application site is located immediately adjacent to the Berkhamsted Conservation Area. Accordingly, the local planning authority is required to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

9.5 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. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

9.6 Policy CS27 of the Dacorum Core Strategy is an overarching heritage policy which seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and, if appropriate, enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. This is supported by saved Policy 120 of the Dacorum Local Plan, which relates specifically to development affecting conservation areas.

9.7 Policy 120 of the Dacorum Local Plan requires new development in conservation areas to be carried out in a manner which preserves or enhances its established character or appearance. It further states that each scheme will be expected to respect established patterns of development, utilise materials and design details which are traditional to the area, and be sympathetic to the scale, form, height and overall character of the surrounding area.

### Impact on Setting of Berkhamsted Castle

9.8 The setting of the castle has changed considerably since its construction in the 11th century. The London and Birmingham Railway (now the West Coast Main Line) arrived in the late 1830s and resulted in the destruction of the castle's gatehouse. Residential dwellings began to be constructed to the west of the castle during the inter-war period, with the application dwelling dating to the second half of the 20th century.

9.9 The design of the replacement dwelling has been subject to amendment following the refusal of planning application 20/01429/FUL. These amendments are shown in conjunction with the original design on page 7 of the Design and Access Statement. In summary, the width of the dwelling has been reduced by 1 metre, flint at ground floor has been replaced with facing brick, and the zinc cladding at first floor replaced with timber cladding. These amendments are a response to the concerns previously raised with regard to the perceived bulk, mass and scale of the dwelling. It is considered that muted brick will draw less attention to the building, thereby reducing its prominence when viewed from the castle as compared with the existing dwelling (which is constructed from red brickwork).

9.10 Schedule 4, Paragraph (r) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the local planning authority to consult Historic England where an application would affect the site of a scheduled monument. Historic England have been consulted during the course of this application and their comments provided below (in full) for ease of reference:

*Thank you for your letter of 27th April 2021 regarding the above application for planning permission for the demolition of an existing detached house and replacement with a new detached dwelling.*

*We note that the current planning application is an amended scheme for a previous proposal (20/01429/FUL) which was refused planning permission in February 2021. The proposed development site is located on Brownlow Road and lies directly opposite the site of 'Berkhamsted motte and bailey castle' scheduled monument (List Entry Number 1010756) and part of the Berkhamsted Conservation Area.*

*A detailed Heritage Statement has been submitted with the current planning application. We note that the map on Page 2 of the Heritage Statement, which is reproduced from Berkhamsted Conservation Area Character Appraisal & Management Proposals (Map 14: Area 2: The Canal West) 2015 shows an inaccurate representation of the extent of the Berkhamsted Castle scheduled monument. However, the correct extent of scheduled monument is shown on page 12 of the Heritage Statement and is discussed in the text.*

*The amended scheme from that submitted under application 20/01429/FUL includes a slight shortening of the overall length of the proposed replacement dwelling and changes to its construction materials. We agree with the Heritage Statement that the change of the first-floor façade from zinc to timber cladding and the replacement of the first-floor flint façade with suitably toned brick are likely to make the structure more visually recessive than both the existing dwelling and that originally proposed.*

*However, as with the previous application, the proximity of the proposed development to the scheduled monument and conservation area does mean that the replacement dwelling would be visible from within the designated heritage assets.*

*With appropriate mitigation planting in place, Historic England considers that the level of harm, if any, to the significance of the Berkhamsted Castle scheduled monument and Berkhamsted Conservation Area would be at the bottom end of less than substantial harm in terms of the National Planning Policy Framework.*

## **Recommendation**

*Historic England has no objection to the application on heritage grounds. We recommend that you consult with your specialist archaeological and conservation advisors as appropriate.*

*If you have any questions, or we can be of any further assistance, please do not hesitate to contact us.*

9.11 Historic England equivocate in terms of whether the proposal would cause harm to the heritage asset, although suggest that, with mitigation planting, the harm would be at the bottom end of less than substantial, if there is indeed any harm at all.

9.12 Given the reduction in width of the proposed dwelling (compared with the previous submission) and the use of building materials more typical of the dwellings in the immediate vicinity, it is not considered that planting to the frontage is necessary to obviate harm to the heritage asset. On the contrary, it is submitted that there would be no harm. The architect- designed bespoke dwelling would be of high quality and utilise an appropriate palette of materials, making it more visually recessive than both the existing dwelling and that proposed under 20/01429/FUL. Whilst larger than the existing dwelling, it does not automatically follow that it would be harmful.

9.13 Since no harm has been identified, there is no need for the public benefits balancing exercise referred to in paragraph 202 of the NPPF to be carried out.

9.14 With respect to the planting, while not deemed necessary to avoid harm in heritage terms, it is acknowledged that additional tree planting will have a positive impact on the character and appearance of the area and is therefore welcomed.

### Impact on Setting of Conservation Area

9.15 The Council's Conservation and Design Officer has seen sight of the plans and provided comments, an extract of which has been reproduced below:

*The proposed new dwelling is of a high architectural standard. We continue to believe that it has carefully considered the context and has addressed our concerns with the rhythm and the mass. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clerestory which the concept has evolved through to the design proposal.*

*We would not object to the changes with regards to the materials and detailing. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.*

*The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being caused.*

*In relation to the setting of the castle we would defer to Historic England as it is a Scheduled Ancient Monument. However given that there is now buildings on the site and have been since the second half of the 20th century that we would not consider that there to be any additional harm.*



*Recommendation We would support the proposals and recommend approval as the proposed design would enhance the built environment. External materials subject to approval.*

9.16 The design includes a mixture of building materials which complement the character of the area, while enhancing the conservation area through the use of high quality materials and good architecture. The proposal would represent an improvement on the existing dwelling, thereby enhancing the Berkhamsted Conservation Area.

### Conclusion

9.17 Regard has been had to the statutory tests of preserving or enhancing the character and appearance of Conservation Area under S72 of The Planning (Listed Building and Conservation Areas) Act 1990, which, it is accepted, is a higher duty. It is concluded that no harm would be caused to character and appearance of the Conservation Area, which would be enhanced.

9.18 The design and appearance of the proposal is considered acceptable in heritage terms. No harm would be inflicted upon heritage assets and therefore the proposal is considered to accord with Policy CS27 of the Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

### Quality of Design / Impact on Visual Amenity

9.19 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

9.20 Policy CS12 further states that development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and amenity space.

### Internal Environment

9.21 The ground floor layout indicates that the living space would be predominantly open-plan within the main core of the dwelling, and served by full height glazing on southern, eastern and western elevations. The effect would be to allow good levels of daylight to enter the building. The entrance hall would be a spacious area and serve as a link to the single-storey wing that projects outward into the garden. At first floor level, the bedrooms would be dual aspect and accessed off a central corridor. The master bedroom would be located in a separate northern wing.

### Amenity Space

9.22 Saved Appendix 3 of the Dacorum Borough Local Plan states that all residential development is required to provide private open space for use by residents.

9.23 Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.

9.24 The primary amenity space is shown as being located to the rear and would have a depth ranging from approximately 15 – 17 metres (owing to the sight variation in the rear build line and the boundary of the site). By moving the new dwelling closer to the road, it has been possible to maximise the use of the rear garden amenity area. It is considered that the garden area is of sufficient depth and width to afford future occupiers a highly functional and pleasant outdoor space.

### Street Scene Impact

9.25 The proposed dwelling would respect the rhythm of the street by retaining the clear gaps between the respective first floors of the nearby dwellings. Whilst wider than nos. 1 – 4 Brownlow Road, the introduction of a 3.0 metre wide glazed element on the main elevation would reduce the visual impact of the dwelling. The massing is further broken down by the contrasting use of brick at ground floor level, timber cladding at first floor level, and zinc at roof level. A concrete band serves as a transition material between the ground and first floors.

9.26 The ridgeline is shown as being equalised with that of no. 1 Brownlow Road, the higher eaves representing an approximate mid-point between no. 1 and Fosse House. 9.4.8 It is submitted, therefore, that the proposed design is suitable and would fully accord with Policies CS11 and CS12 of the Dacorum Core Strategy.

### **Impact on Amenity of Neighbour**

9.27 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.

### **Effect on Fosse House**

9.28 Should planning permission be granted, the spacing between the new dwelling and Fosse House (to the south) would be reduced. It should, however, be noted that the amended application increases the gap between the new dwelling and Fosse House by 1 metre, resulting in a total separation of approximately 7 metres. Fosse House does not have any primary windows on its flank wall which could be adversely affected. The small high-level window is understood to be a secondary server for the master bedroom (as shown on plans submitted in support of application 4/02985/18/FHA). There may be a small loss of daylight to this window, but this is not considered to be so severe as to warrant withholding planning permission, especially when consideration is given to the fact that the primary light source is through the front (eastern facing) window. Two-storey built form would not extend past the rear elevation of Fosse House; therefore, there would be no visual intrusion or any potential for loss of sunlight and daylight to habitable windows.

### **Effect on 1 Brownlow Road**

9.29 The proposed design includes an elongated single-storey wing, which extends for some 12 metres into the rear garden and is proximate to the boundary with no. 1 Brownlow Road. There are, however, factors which militate against a refusal of planning permission on the basis that there would be an adverse impact on the neighbouring property.

9.30 Firstly, as demonstrated on drawing no. PL 301 (Rev. 00), the height above ground level would be limited to a mere 2 metres – the average height of a boundary fence. This is to be achieved by sinking the single-storey wing into the land.

9.31 Secondly, a distance in excess of 2 metres would be retained between the wall of the single-storey wing and the boundary.

9.32 The limited extent of two-storey development is such that there would be no significant impact on the windows on the rear elevation. In terms of the south facing windows on the flank wall of no. 1 Brownlow Road, these are understood to serve a single aspect bedroom. It is acknowledged that the proposed development would result in two-storey development moving closer to these windows (approximately 9 metres reduced to 6.2 metres), but it should be noted that this distance is broadly similar to that maintained between the first floor windows of nos. 1 and 2 Brownlow Road. Whilst this is not a reason in and of itself to grant planning permission, the context is nonetheless important in setting reasonable expectations in terms of the level of amenity that occupiers can expect to enjoy. It should also be noted that no objections have been received from the neighbouring property.

9.33 No windows are proposed at first floor level in the flank wall of the northern elevation of the proposed dwelling, thereby avoiding any loss of privacy.

9.34 On balance, the relationship between the proposed dwelling and no. 1 Brownlow Road is considered to be acceptable.

### **Highway Safety and Parking Provision**

9.35 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.36 Saved Policy 51 of the Dacorum Borough Local Plan 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.

9.37 The development site is on Brownlow Road, which is an unnumbered "C" classified local distributor road with a 30mph speed limit.

9.38 The site currently has a carriageway access, allowing vehicles to enter and leave the highway in forward gear, which appears to operate without any issues. No new or altered vehicular or pedestrian access to the highway is proposed and no works are required in the highway.

9.39 The Highway Authority have been consulted on the application and, following clarification that no changes are proposed to the accesses, have confirmed that the proposal would not have a severe residual impact on the safety and operation of the adjoining highway.

9.40 No concerns are therefore raised with regard to highway safety.

### **Parking Provision**

9.41 Policy CS12 of the Core Strategy states that on each site, development should provide sufficient parking.

9.42 The Dacorum Parking Standards Supplementary Planning Document (2020) was formally adopted by the Council in November 2020. The starting principle is that all parking demand for residential development should be accommodated on site, with departure from the standards only being accepted in exceptional circumstances.

9.43 The floor plans submitted in support of this application indicate that the proposed dwelling would have a total of five bedrooms – four at first floor level and one within the roof space.

9.44 In accordance with the Parking Standards SPD, dwellings containing in excess of four bedrooms are to be assessed on an individual basis.

9.45 Whilst the dwelling is located extremely close to Berkhamsted Station, there is no guarantee that future occupiers of the dwelling will be commuters and exclusively use the train for their day-to-day travel. Furthermore, although conceivable, it is unlikely that a dwelling of this size will be occupied by one or two occupants; rather, it is reasonable to assume that it will be occupied by either multi-generational family or a family with a number of children, all of whom will almost certainly become drivers at the appropriate age. As such, it is considered that parking provision for up to five cars would be appropriate in this particular case.

9.46 Having reviewed drawing no. PL 100 (Rev. 03), it is considered that the requisite number of cars could be accommodated on the spacious site frontage and within the integral garage (which

meets the standards set out in the SPD). As such, the development is considered to accord with Policy CS12 of the Dacorum Core Strategy and the Parking Standards SPD.

### EV Charging

9.47 The parking standards SPD requires one active charging point to be provided per house. Although the proposed site plan shows the location of the EV charger, it does not provide its specification. As such, it is recommended that a condition be included to require details of the specific EV charger (to ensure it meets the minimum specification set out in the Parking Standards SPD) by way of a planning condition.

### **Other Considerations**

#### Trees and Landscaping

9.48 Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges. Development should also respect adjoining properties in terms of landscaping.

9.49 The Council's Trees and Woodlands Officer has been consulted on the proposal. No objections have been raised subject to the provision of a tree protection plan in respect of the Ash in the garden of no. 1 Brownlow Road, and a landscaping plan showing the proposed trees. The latter has already been provided and shown on drawing nos. PL 100 Rev. 03 (Proposed Site Plan) and PL 304 (Existing and Proposed Trees), which shows the indicative heights and canopy spreads of the trees. Regard has been had to the size of the available planting area and the screening properties of the trees. Given the professional opinion of the consultant arboriculturist, there is no reason to believe that these trees would not be suitable.

9.50 A landscaping condition will be included with any grant of planning permission requiring the trees to be planted within one planting season of the completion of the development. A further condition will require the submission and approval of a tree protection plan prior to the commencement of development. Development will thereafter be required to be carried out in accordance with the approved particulars.

#### Archaeology

9.51 The site is located within an Area of Archaeological Significance and within close proximity to a Scheduled Ancient Monument (Berkhamsted Castle).

9.52 At the time of writing, the Historic Environment Unit at Hertfordshire County Council has provided no formal comments. However, they previously provided comments in respect of...; and, given the similarities between the applications, it is considered that these comments are equally applicable to this application. Accordingly, should planning permission be granted, it is recommended that planning conditions be included to secure the submission and approval of a Written Scheme of Investigation and its subsequent implementation.

#### Refuse Collection

9.53 Drawing no. PL 100 (Rev. 03) demonstrates that sufficient refuse and waste receptacles are to be provided to within the north-eastern segment of the site. This location will ensure that waste and recycling can be deposited without an unacceptable carry distance and easily collected by the Council's Refuse Collection Team.

#### Noise Sources

9.54 It is acknowledged that the site is located within the Railway (100m Buffer) constraint due to its proximity to the railway line to the south. The Council's Environmental Health Officer has, however, advised that while the site falls just within the railway transportation significance noise contours, traditional building construction will provide suitable protection for internal sound. On this basis, it is not considered that any conditions need be included in terms of noise mitigation.

### Sustainability

9.55 Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible.

9.56 It is considered that the development broadly comply with these objectives and given the scale and nature of the proposals, it is considered that this matter can be adequately and appropriately assessed through the Building Control process.

### Permitted Development Rights

9.57 The National Planning Practice Guidance (NPPG) provides the following guidance in terms of the removal of permitted development rights:

*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.*

9.58 It is not considered that the removal of permitted development rights can be justified in this instance.

### Land Contamination

9.59 Policy CS32 of the Core Strategy states that any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

9.60 The Council's Environmental and Community Protection Team have advised 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.

9.61 This is considered necessary because the application site is on land which was formally a watercress bed, and as such, the possibility of ground contamination cannot be ruled out at this stage. This, combined with the vulnerability of the proposed residential end use to the presence of any contamination, means that planning conditions should be included if permission is granted. As such, the conditions are recommended within the relevant section of this report.

### Source Protection Zone

9.62 The site is subject the Source Protection Zones 2/3 designation. However, given the location of the site and the scale of the proposals, the designation and associated considerations are not considered to represent a constraint on the proposed development.

## Ecology

9.63 Policy CS29 of the Core Strategy states that development should minimise impacts on biodiversity and incorporate positive measures to support wildlife. Furthermore, Paragraph 175 of the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.64 Hertfordshire Ecology were consulted and noted that:

*Viewed from Google Street View and photos within the DAS, the property looks to be in very good condition with well-sealed roof and ridge tiles, soffits, windows and doors. It appears to be sub-optimal for bats to use for roosting. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following **Informative** is added to any permission granted.*

9.65 As recommended by the County Ecologist, should planning permission be granted, it is recommended that the suggested informative be included.

9.66 A precautionary approach is also advocated in respect of Great Crested Newts in light of the application site being separated from a local wildlife site by a tarmac road, which newts would not favour crossing. As with bats, it is considered appropriate to include an informative with respect to Great Crested Newts with any grant of planning permission.

## Community Infrastructure Levy (CIL)

9.67 The site is situated within Charging Area 1 as defined by the Community Infrastructure Levy Charging Schedule, wherein a charge of £328.74 per square metre applies.

## **10. CONCLUSION**

10.1 The principle of residential development in this area is acceptable subject to compliance with the relevant local and national planning policies. The design has been well thought out and would respect the streetscape character. It is acknowledged that the site is sensitive given its location opposite a Scheduled Ancient Monument (Berkhamsted Castle) and adjacent to the Berkhamsted Conservation Area. The design responds to these constraints by utilising appropriate materials in a form that would not be discordant with its surroundings. It is submitted that there would be no harm to the significance of Berkhamsted Castle and an enhancement to the character and appearance of the Berkhamsted Conservation Area. The additional tree planting would further enhance the aesthetics of the area.

10.2 Residential amenity of neighbouring properties has been considered, and while there would be some impacts on no. 1 Brownlow Road, this is would not be so harmful as to weigh in favour of withholding planning permission.

10.3 Parking is adequately provided for by way of the large forecourt on the frontage and the integral double garage. The specification of the EV charging will be secured by condition.

10.4 The County Ecologist does not consider it likely that the current dwelling is inhabited by bats. No further surveys are therefore required. Informative will be included with any grant of planning permission, which outlines the procedure that must be followed should bats and / or Great Crested Newts be discovered.

## 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 carried out in accordance with the following approved plans/documents:**

**PL 100 (Rev. 03) Proposed Site Plan**

**PL 200 (Rev. 00) Proposed GF Plan**

**PL 201 (Rev. 00) Proposed FF Plan**

**PL 202 (Rev. 00) Proposed Loft Plan**

**PL 300 (Rev. 00) Proposed Elevations**

**PL 301 (Rev. 00) Proposed Elevations**

**PL 302 (Rev. 00) Proposed Streetscene**

**PL 304 (Rev. 00) Existing and Proposed Trees**

**Tree Planting Appraisal (prepared by GHA Trees Arboricultural Consultancy) dated 7th June 2021**

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

3. **Notwithstanding the details shown on drawing no. PL 100 (Rev. 03), no construction above slab level shall take place until full details of hard landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;

**The approved hard landscape works shall be fully implemented prior to first occupation of the dwelling hereby approved.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character and historic integrity of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

4. **(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.

5. **Any contamination, other than that reported by virtue of Condition 4 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 174 (e) & (f) and 178 and 194 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.



6. **No below-ground development / excavation shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
1. **The programme and methodology of site investigation and recording;**
  2. **The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;**
  3. **The programme for post investigation assessment;**
  4. **Provision to be made for analysis of the site investigation and recording;**
  5. **Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  6. **Provision to be made for archive deposition of the analysis and records of the site investigation;**
  7. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

7. **All demolition / development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Condition 6.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

8. **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis and publication where appropriate.**

Reason: To ensure that the site's archaeological interests are adequately accounted for in accordance with Policy CS27 of the Dacorum Borough Council Core Strategy (2013).

9. **Prior to the first use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number PL100 (Rev. 03) only.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance Saved Policy 51 of the Dacorum Borough Council local Plan (2004).

10. **No development (except demolition and site clearance) 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.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character and historic integrity of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Policy 120 of the Dacorum Local Plan (2004).

11. **No development above slab level shall take place until the specification of the Electric Vehicle Charging Point shown on drawing no. PL 100 (Rev. 03) has been submitted to and approved in writing by the local planning authority.**

**The development shall not be occupied until the Electric Vehicle Charging Point has been provided in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

12. **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 the Ash tree within the garden of no. 1 Brownlow Road will 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 during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Dacorum Borough Core Strategy (2013).

13. **The tree planting shown on drawing nos. PL 100 (Rev. 03), PL 304 (Rev. 00) and specified in the Tree Planting Appraisal by GHA Trees Arboricultural Consultancy (dated 7th June 2021) and received on 11th June 2021 shall be carried out within one planting season of completing the development.**

**Any tree which forms part of the tree planting 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 Policies CS12 and CS27 of the Dacorum Borough Council Core Strategy (2013).

#### **Informatives:**

1. Environmental Health

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.

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.

#### 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.

#### Highway Safety

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

Further information is available via the website

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

2. 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

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.

#### Ecology

If bats, or evidence for them, are discovered during the course of demolition, 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.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the event that a Great crested newt is encountered during works, works must stop

immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p><u>24.06.21</u></p> <p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, however, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and that if issues are identified that the need for remediation will be assessed.</p> <p>This is considered necessary because the application site was historically a watercress bed and subsequently marshy land that may mean that the ground has been impacted by ground contamination for example as a result of natural processes or land raising activities to facilitate the original development. Combined with the vulnerability of the proposed residential end use to the presence of any contamination this means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions: Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that</p>

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 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. 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>
Berkhamsted Town Council	<p><u>18/05/21</u></p> <p>Objection</p> <p>The Committee's view on the application had not changed from its objection in January 2021. The scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area. It also continued to agree with Dacorum's reasons for refusing the application in February 2021, in particular that "the proximity of the proposed replacement dwelling to the Scheduled Ancient Monument (Berkhamsted Castle) would, as a result of its bulk, mass and scale, cause less than substantial harm to the setting of the heritage asset which is of the highest level of significance.' Further, there is no public benefit to the proposal and the use of Zinc is not suitable and is environmentally less sustainable. If the case officer is minded to approve, the Committee request that appropriate native species high level screening be a condition.</p> <p>NPPF (paragraph 193), CS27, CS11, P120</p> <p><u>23/06/21</u></p> <p>Objection</p> <p>The Committee noted the small amendment made in the form of a few new trees. It drew attention to the letter of objection from the Castle Trust, which sets out substantive reasons why the proposals fail to address the principal reasons for objections</p>

	<p>Given the importance of the location and its setting in context of the Historic Monument the Committee objected to the application for the same reasons as previous, which are that the scale, mass and bulk of the proposed developed is over dominant and inappropriate for this heritage setting. It is out of keeping with the streetscape and would be viewable from the Castle, which is in the Conservation Area. It also continued to agree with Dacorum's reasons for refusing the application in February 2021, in particular that 'the proximity of the proposed replacement dwelling to the Scheduled Ancient Monument (Berkhamsted Castle) would, as a result of its bulk, mass and scale, cause less than substantial harm to the setting of the heritage asset which is of the highest level of significance.' Further, there is no public benefit to the proposal and the use of Zinc is not suitable and is environmentally less sustainable. If the case officer is minded to approve, the Committee request that appropriate native species high level screening be a condition.</p> <p>NPPF (paragraph 193), CS27, CS11, P120</p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>21/06/21</u></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>
Conservation & Design (DBC)	<p>To confirm we have no further comments to add in relation to the latest consultation but it should be noted that we do welcome the additional planting.</p>
Network Rail	<p>Network Rail has no comments.</p>
Trees & Woodlands	<p>Loss of the existing tree (Box Elder) is acceptable however the root protection area of a mature ash growing in the next door front garden is at risk from damage during the demolition / construction phase. New planting of native stock will in time compliment the building and street scene, the boundary treatment is unclear.</p> <p>Suggested Conditions: An arboricultural report to plot the position, grade and protection for the tree growing in next door front garden, in accordance with BS 5837. A landscape drawing showing the trees already planned and detail of the front boundary treatment.</p> <p>Recommendation: No objection subject to conditions.</p>
Hertfordshire Highways (HCC)	<p><u>07/05/21</u></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 the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number (PL100 02) only.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p>



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

The proposal is for amendments regarding the demolition of existing detached house, to be replaced with a new detached home at Mabuhay, Brownlow Road, Berkhamsted. Brownlow Road is a 30 mph classified C, Local distributor route. The current dwelling is served by 2 accesses's with a carriage drive linking itself and the adjacent dwellings.

HCC Highways previously commented requesting more information as it seemed that the southern

most access was to moved northwards and the carriage drive be closed, creating doubt about access for the neighbouring property. Since then, the applicant has provided an amended drawing (PL 100 02) of the site plan illustrating that the carriage drive and the existing accesses will be utilised for the new dwelling. Therefore, no highway works is required for the new dwelling and vehicles can enter and exit the highway network in forward gear.

#### Drainage

The proposed new driveway 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 existing and the new driveway would need be collected and disposed of on site.

#### Refuse / Waste Collection

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

#### Emergency Vehicle Access.

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.

#### Conclusion

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.

30/04/21

The proposal is an amended scheme regarding the demolition of the existing detached house, to be replaced with a new detached home at Mabuhay, Brownlow Road, Berkhamsted. Brownlow Road is a30 mph classified C, Local distributor route. This is an interim response owing to some concern I have regarding previous notions that there will be no new access onto the highway network. While observing both drawing 011 (existing site plan) and drawing number 100 (proposed site plan) it is apparent that the southern existing access that serves both the dwelling in question and the adjacent dwelling will be moved slightly north. This would thus divide the existing carriageway drive into two

separate drives from Mabuhay and the adjacent property. This seems to have not been picked up in previous amendments. Therefore, more information is needed regarding this new access and what will happen to the existing shared access to the south of the property. The application form states that no new vehicle access will be created, therefore HCC Highways would like clarification as to how the southern access in drawing number 100 will access the highway network. No mention has been made in either the planning statement nor the design and access statement of the moved southern access as appearing in drawing 100. HCC Highway would not allow an extension to the existing dropped kerb owing to its already large size in regards to stipulations within HCC Dropped kerbs: Terms and Conditions. The closure of the existing shared carriageway access is noted within the drawings (stated above) and the relocation of the southern access northwards as illustrated in drawing 100. In conclusion, more clarity is need regarding the change to the southern access and how vehicles will enter from the highway as well as what is the plan for the existing shared southern access. Illustrations of the existing dropped kerb in relation to the accesses in drawing 100 would help this matter. Once this has been provided to HCC Highways and we satisfied, then we can make a formal decision.

16/06/21

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 vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number (PL100 02) only.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

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

AN 1) Storage of materials: The applicant is advised that the storage of

materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-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

This proposal includes new amendments which introduce tree to the front boundary of the site. The tree are not considered to greatly impact visibility owing to the height of them. As such please find HCC Highways previous response below.

The proposal is for amendments regarding the demolition of existing detached house, to be replaced with a new detached home at Mabuhay, Brownlow Road, Berkhamsted. Brownlow Road is a 30 mph classified C, Local distributor route. The current dwelling is served by 2 accesses with a carriage drive linking itself and the adjacent dwellings.

	<p>HCC Highways previously commented requesting more information as it seemed that the southern most access was to moved northwards and the carriage drive be closed, creating doubt about access for the neighbouring property. Since then, the applicant has provided an amended drawing (PL 100 02) of the site plan illustrating that the carriage drive and the existing accesses will be utilised for the new dwelling. Therefore, no highway works is required for the new dwelling and vehicles can enter and exit the highway network in forward gear.</p> <p>Drainage</p> <p>The proposed new driveway 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 existing and the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management</p> <p>Emergency Vehicle Access.</p> <p>The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.</p>
Hertfordshire Ecology	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>The application site is opposite to Berkhamsted Castle, Local Wildlife Site (LWS) designated for its amphibian interest. Hertfordshire Environmental Records Centre has records of bats and Great crested newts in the vicinity. I do not consider the Local Wildlife Site will be</p>

adversely affected by these proposals.

#### Bats

Viewed from Google Street View and photos within the DAS, the property looks to be in very good condition with well-sealed roof and ridge tiles, soffits, windows and doors. It appears to be sub-optimal for bats to use for roosting. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

"If bats, or evidence for them, are discovered during the course of demolition 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."

#### Great crested newts

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 100m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

Great crested newts would not favour crossing the tarmac road between the LWS and the application site and in this instance, I do not consider a survey is necessary. However, to avoid an offence being committed if newts are present, I advise a precautionary approach Informative is added to any permission granted:

"Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the event that a Great crested newt is encountered during works, works must stop immediately, and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England

I do not consider there to be any other ecological issues with this proposal.

I trust these comments are of assistance.

<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 just within the railway transportation significance noise contours, however traditional building construction will provide suitable protection for internal sound. The site is 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.</p> <p>I therefore do not have any objections to the application or make any further comment.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>The existing house dates from the second part of the 20th century. It is of no architectural merit although does not particularly stand out. It is of brick with a concrete tiled roof. Therefore we would not object to its demolition. Opposite and of heritage and architectural interest is the Castle. Adjacent are a group of interesting mid 20th century Dutch style houses.</p> <p>The proposed new dwelling is of a high architectural standard. We continue to believe that it has carefully considered the context and has addressed our concerns with the rhythm and the mass. The building is now in scale with regards to both the height and building line in relation to the neighbouring properties. As recommended in the national design guidance there is a clear story which the concept has evolved through to the design proposal.</p> <p>We would not object to the changes with regards to the materials and detailing. Overall we believe that the composition has been carefully considered and would influence the context positively while responding to the vernacular of the area. This is most welcome and would enhance the appearance of the street. Therefore we support the proposals.</p> <p>The proposal would in our view enhance the setting of adjacent the conservation area by improving the quality of the built environment adjacent to the designated asset. As such we would recommend that the balancing exercise with regards to the framework is not necessary as there is an enhancement to the setting rather than harm being caused.</p> <p>In relation to the setting of the castle we would defer to Historic England as it is a Scheduled Ancient Monument. However given that there is now buildings on the site and have been since the second half of the 20th century that we would not consider that there to be any additional harm.</p> <p>Recommendation We would support the proposals and recommend approval as the proposed design would enhance the built environment.</p>

	External materials subject to approval.
Network Rail	Network Rail has no comments.
Archaeology Unit (HCC)	<p>Thank you for consulting me on the above application.</p> <p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>The site is in an Area of Archaeological Significance identified in the Local Plan. As per our previous comments concerning a similar proposal, 20/01429/FUL, the Historic Environment Record (HER) notes that the site lies adjacent to the Scheduled Monument of Berkhamsted Castle [Scheduled Monument 1010756, HER 39]. This dates from the eleventh century and is a rare example of a double-moated castle. Evidence of Bronze Age [HER 4251] and Roman activity [HER1336] activity has also been found.</p> <p>OS mapping from the nineteenth century appears to show earthworks running into the site, although the HER notes that this has become an area of watercress beds by the time of the 1899 OS map [HER12194]. The aforementioned earthworks also appear to have suffered disturbance by the construction of the current houses.</p> <p>Furthermore, as noted in the Heritage Statement that accompanies the application (Built Heritage Consultancy, Replacement Dwelling at Mabuhay Brownlow Road Berkhamsted Heritage Statement April 2021), 'in the mid 19th century, as evidenced by the 1841 tithe map, the Application Site still lay within the Castle's outer defences'. Further information about the site has also been provided by the Berkhamsted Castle Trust in their comments on the planning application.</p> <p>I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> <li>1. The archaeological field evaluation of the proposed development site, following demolition of the existing house to slab level, but prior to any development or site preparation commencing.</li> <li>2. Such appropriate mitigation measures indicated as necessary by that evaluation.</li> </ol> <p>These may include:</p> <ol style="list-style-type: none"> <li>a. the preservation of any remains in situ, if warranted,</li> <li>b. the archaeological monitoring of demolition of the existing</li> </ol>



structure(s) from slab level and any "grubbing out" of foundations,  
c. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,  
d. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of  
e. such other provisions as may be necessary to protect the archaeological interests of the site;

3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

4. such other provisions as may be necessary to protect the archaeological and historic interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2021), relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

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

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

	<p>Condition B</p> <p>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</p> <p>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Historic England	<p>We note that the current planning application is an amended scheme for a previous proposal (20/01429/FUL) which was refused planning permission in February 2021.</p> <p>The proposed development site is located on Brownlow Road and lies directly opposite the site of 'Berkhamsted motte and bailey castle' scheduled monument (List Entry Number 1010756) and part of the Berkhamsted Conservation Area.</p> <p>A detailed Heritage Statement has been submitted with the current planning application. We note that the map on Page 2 of the Heritage Statement, which is reproduced from Berkhamsted Conservation Area Character Appraisal &amp; Management Proposals (Map 14: Area 2: The Canal West) 2015 shows an inaccurate representation of the extent of the Berkhamsted Castle scheduled monument. However, the correct extent of scheduled monument is shown on page 12 of the Heritage Statement and is discussed in the text.</p> <p>The amended scheme from that submitted under application 20/01429/FUL includes a slight shortening of the overall length of the proposed replacement dwelling and changes to its construction materials. We agree with the Heritage Statement that the change of the first-floor façade from zinc to timber cladding and the replacement of the first-floor flint façade with suitably toned brick are likely to make the structure more visually recessive than both the existing dwelling and that originally proposed.</p> <p>However, as with the previous application, the proximity of the proposed development to the scheduled monument and conservation area does mean that the replacement dwelling would be visible from within the designated heritage assets.</p> <p>Any appreciable harm to the significance of the designated heritage assets could be mitigated by appropriate planting in front of the</p>

	<p>replacement dwelling.</p> <p>With appropriate mitigation planting in place, Historic England considers that the level of harm, if any, to the significance of the Berkhamsted Castle scheduled monument and Berkhamsted Conservation Area would be at the bottom end of less than substantial harm in terms of the National Planning Policy Framework.</p> <p>Recommendation</p> <p>Historic England has no objection to the application on heritage grounds.</p> <p>We recommend that you consult with your specialist archaeological and conservation advisors as appropriate.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is on land which was formally a watercress bed and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that</p>

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.
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	3	0	3	0

**Neighbour Responses**

Address	Comments
Berkhamsted Castle Trust	<p><u>14/05/21</u></p> <p>We write in our capacity as managers of Berkhamsted Castle, which lies directly opposite the proposed development, to OPPOSE the proposed above development due to the adverse impact it will have on the scheduled ancient monument site (List entry number 1010756).</p> <p>Historic significance of the proposed development site</p> <p>We note that the applicants have retained the services of The Built Heritage Consultancy Limited in order to prepare their Heritage Statement in support of their application. This is the same heritage consultancy used by ourselves and English Heritage recently to prepare our Conservation Management Plan (CMP) for the Castle.</p> <p>Whilst we agree with their overview of the historical significance of the site (much of the information for which we and English Heritage provided to them during the preparation of the CMP), we would note that the Heritage Statement they have provided for this application erroneously under-represents (at page 2 of the report) the area of the scheduled site, suggesting it only covers the area of the Castle's motte and bailey. As you will see from the Historic England listing map enclosed, the scheduled site actually encompasses the entire area within the roads bounding the Castle, namely Brownlow Road, Whitehill and New Road. This being the case, the site of the proposed development is directly opposite the scheduled site, and is separated from it only by the width of Brownlow Road.</p> <p>Further, the Berkhamsted Conservation Area boundary also runs around the Castle site, with the Castle being within the Conservation Area and the proposed development site immediately outside and abutting it. As a consequence, any development of the site directly impacts the Conservation Area and is clearly visible from within it.</p> <p>As noted in the Heritage Statement, and reflected through the map</p>

regression provided, the proposed development site itself was a former part of the Castle complex, being the old Castle pond and Watercress beds, and an integral part of the moat hydrological system. It can be seen clearly in the 1940s aerial photograph of the Castle in Annex 1. Its relationship to the moat is shown in the cross-sectional plan prepared by the Office of Works in August 1930, also included in that Annex.

When the Manor of Berkhamsted was sold to the Trustees of the Second Earl Brownlow (at that time a minor) by the Duchy of Cornwall, in 1862, the proposed development site was included in that sale (with the Castle ruins themselves being retained by the Duchy). The site was, however, re-purchased from the fifth Lord Brownlow by the Commissioners of Works and Public Buildings on 9th November 1937, on the basis that it was an integral part of the Castle's moat system and would enable the Office of Works "to maintain a satisfactory level of water in the Castle moat". Unfortunately, the area was not very well maintained by the Office of Works in the ensuing years, and became overgrown and stagnant, resulting in complaints from local residents. To resolve this, the area was sold off in the 1950s (even though clearly part of the Castle hydrological structure), infilled and became the site of the present Mabuhay and Fosse House. Had this not been the case, it is highly likely that the site would have been included in the listing for scheduled monument status when the Castle complex was scheduled.

As far as we are aware, no archaeological investigation was done when those houses were originally constructed. Impact on the scheduled monument

The proximity of the proposed development site to Berkhamsted Castle - a nationally significant scheduled monument site - means that the replacement dwelling would be clearly visible from within the scheduled monument, particularly from the path along the outer earthwork on its western side. The scale, mass and bulk of the proposed developed in this revised application remains over dominant and inappropriate for this nationally significant heritage setting. It is out of keeping with the streetscape and would be clearly viewable from the Castle, which as well as being a scheduled monument of national significance is in the Berkhamsted Conservation Area.

The proposed replacement dwelling has a footprint and bulk / massing which is excessive and inappropriate for its location immediately opposite a scheduled monument. The choice of building materials remains questionable, with the continued use of zinc for the roof being particularly likely to be obtrusive and detrimental to the historic setting. The proposed use of brick, with a move away from the more sympathetic use of flint work proposed in the previous application, is to be regretted. A better choice of construction materials, more in harmony with the surroundings, would go a long way to ameliorating the visual intrusion that the proposed development would have for the Castle.

As you may well be aware, the houses along Brownlow Road have traditionally been screened from the Castle site itself by the

maintenance of high hedges. As can be seen from Annex 2, this was the case at the proposed development site until relatively recently (c. 2015), when the owners of the property at that time drastically reduced the hedge height (presumably to afford themselves a "view" of the Castle ruins). This significantly changed the streetscape and meant that the existing property became much more visible from the Castle site. The proposed development would exacerbate this visual intrusion issue, with the increased size of the property, and inappropriate choice of building materials for this sensitive location, being particularly visible in a way that would increase the harm to the scheduled monument setting. This would be less problematic were the property to be screened from the Castle once again in the way we would expect (i.e. with high hedges).

Even with mitigation measures (such as a binding condition requiring proper and permanent screening through appropriate native species planting), the level of harm to the significance of the Berkhamsted Castle scheduled monument site would still be towards the lower end of less than substantial harm in terms of the National Planning Policy Framework. Without such measures, the detriment would be even greater. Accordingly, we OPPOSE the development.

#### Planning conditions

Should the Council nevertheless still be minded to grant permission notwithstanding our, and other parties', objections:

1. We would invite you to impose a planning condition as regards choice of building materials for the proposed development, to ensure that the construction is significantly more sympathetic to the surroundings. Use of zinc for the roof, which would be visible from the

Castle site, should not be permitted.

2. We would invite you to impose a formal and binding planning condition (as opposed to a recommendation) requiring proper and permanent screening of the development through appropriate native species planting. Under no circumstances can a situation arise where the development is allowed to proceed without such mitigation measures being adopted and permanently maintained, i.e. where such measures are installed briefly to comply with planning requirements but subsequently removed. (If there is such a risk, the application must be refused as being detrimental to the historic environment.)

3. Given the historical significance of the proposed development site, we would invite you to impose a planning condition requiring a detailed, on site archaeological investigation of the property before any construction works proceed. We would propose:

No demolition / development shall take place / commence until an Archaeological Written Scheme of Investigation (the content of which shall be agreed with Berkhamsted Castle Trust, English Heritage and Historic England) has been submitted to and approved by the

	<p>local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and</p> <p>A:</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> <li>2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation</li> <li>3. The programme for post investigation assessment, which should include consultation with Berkhamsted Castle Trust, English Heritage and Historic England</li> <li>4. Provision to be made for analysis of the site investigation and recording</li> <li>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>6. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</li> </ol> <p>B:</p> <p>The demolition / development shall take place / commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)</p> <p>C:</p> <p>The development shall not be occupied / used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.</p> <p>Other matters: ecology</p> <p>The castle is a nationally significant site for Great Crested Newt, with sizeable populations (in excess of the Site of Special Scientific Interest threshold) being counted every year that the moat has contained water for the past 30 years. The most recent survey undertaken by the London, Essex &amp; Hertfordshire Amphibian and Reptile Trust, on 20th April 2021 (in less than ideal temperature conditions, given the cold April), nevertheless counted 115 individual examples just in the margins of the inner moat at the Southern edge of the Castle. A conservative estimate is that this year's Great Crested Newt population at the Castle is in the region of 1,500 to 2,000 examples. In view of the</p>
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proposed development site's proximity to the Castle, and given its historic connection to the hydrology of the moat, a detailed survey of the proposed development site for Great Crested Newt presence (including possible over-winter hibernation locations) should be conducted before any building works take place.

We would, however, reiterate that we continue to OPPOSE strongly this application and believe that it would be detrimental to the historic status of the Castle.

19/06/21

Dear Sirs,

Objection to Planning Application 21/01682/FUL

Mabuhay, Brownlow Road, Berkhamsted, Hertfordshire HP4 1HB

Demolition of existing detached house, to be replaced with a new detached home (amended scheme)

We write in response to the additional material submitted by the applicant on 11th June 2021, namely:

Proposed Site Plan  
Plan of existing and proposed trees  
Tree planting appraisal  
Response to our letter of Objection of 14th May

We note the various points made, but would suggest that nothing submitted by the applicant substantively alters the proposed development and, accordingly, we continue to OPPOSE the development due to the adverse impact it will have on the scheduled ancient monument site.

We would point out that both we and Historic England are of the view that the proximity of the proposed development to the scheduled monument and conservation area means that the replacement dwelling would be visible from within the designated heritage assets. Likewise, that development would cause appreciable harm to the significance of the designated heritage assets, although this could be mitigated by appropriate planting in front of the replacement dwelling. As Historic England notes in its comments: "With appropriate mitigation planting in place, Historic England considers that the level of harm, if any, to the significance of the Berkhamsted Castle scheduled monument and Berkhamsted Conservation Area would be at the bottom end of less than substantial harm in terms of the National Planning Policy Framework." (emphasis added)

HOWEVER, the proposed trees recommended in the Tree Planting Appraisal and shown on the plan of existing and proposed trees do not, in our view, constitute appropriate mitigation planting. The applicant proposes to plant:

3 x Whitebeam (*Sorbus aria*)  
1 x Hornbeam (*Carpinus betulus*)

	<p>We would point out that both these species are deciduous and, accordingly, the required screening of the development from the scheduled monument site would be lost for a significant proportion of the year, particularly during the autumn and winter months. Whilst Hornbeam generally retains browned leaves during the winter (although this is not guaranteed), this is only one of the four proposed trees. The Whitebeam sheds its leaves completely. Accordingly, the proposed planting scheme does not mitigate the harm proposed by the development, and we must therefore continue to OPPOSE the application.</p> <p>We would invite the applicant, in conjunction with the Council's Trees &amp; Woodlands officers, to propose a planting scheme that delivers effective, year-round screening of the development from the Scheduled monument in a comprehensive manner. Any such planting scheme should, as we identified at point 2 under the "Planning Conditions" heading of our letter of 14th May, be a condition of any planning approval. In addition, we would also invite the Council to impose a Tree Preservation Order in respect of the agreed planting scheme to ensure that the public amenity of this necessary screening is maintained to an appropriate standard going forwards.</p> <p>We would also reiterate that the points raised under the "Planning Conditions" and "Other matters: ecology" headings of our letter of 14th May remain pertinent to any approval of this application. We would, however, reiterate that we continue to OPPOSE this application as currently formulated and believe that it would be detrimental to the historic status of the Castle.</p>
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p><u>04/05/21</u></p> <p>I write on behalf of the Berkhamsted Citizens Association Townscape Group, of which I am Chairman. Thank you for the opportunity to comment on the amended scheme for this replacement house in the conservation area. We wish to make the following comments in objection.</p> <p>1 Design/materials: The bulk/footprint is still extensive. It is a shame the design has moved away from flint; brickwork is new and lacks distinction. The continued use of zinc for the roof is a disappointment. The amendments to the southern access to the highway are seen as a problem by Herts Highways.</p> <p>2 Impact on the Scheduled monument: The house would not be screened from the castle in a way we would expect. Full archaeological investigation is needed, given this is the site of the outer moat/ditch and link to the castle pond (now under Fosse House). The Heritage Statement (page 2) only identifies the motte &amp; bailey as Scheduled. In reality, everything within the road boundary (Brownlow Road/New Road/Whitehill) is Scheduled.</p>

The whole area where the houses have been built would have been Scheduled if it had not already been built on in the 1950s, before Scheduling was put in place.

**3 Impact on wildlife:**

The castle is a significant Great Crested Newt site, with a survey done just last week revealing significant numbers. GCNs is a protected species. In view of Mabuhay's proximity and connection to the moat there might well be GCNs there. A survey should be conducted before any building works take place.

18/06/21

I write once more on behalf of the BCA Townscape Group, and in response to the Additional plans of 11th June 2021.

The Additional documents do not change the Group's opinion which is to continue to OBJECT to the proposal.

# Agenda Item 5f

ITEM NUMBER: 5f

21/02156/FHA	Construction of pitched roof porch to front. Replacement windows. Demolition of existing double garage and replace with new garden building/studio.	
Site Address:	2 Chesham Road Wigginton Tring Hertfordshire HP23 6HH	
Applicant/Agent:	Mrs Darya Robinson	
Case Officer:	Melissa Martin	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary views of Parish Council	

## 1. RECOMMENDATION

That planning permission be GRANTED subject to conditions.

## 2. SUMMARY

2.1 The proposals comprise a proportionate extension to an existing building and a replacement outbuilding in the Green Belt and are thus acceptable in principle in accordance with Section 13 of the National Planning Policy Framework 2021 (NPPF) and Policies CS5 and CS6 of the Core Strategy (2013). Given their size, scale, siting and design there would be no harm to the site, the existing dwelling, the street scene, the Green Belt or the Chilterns Area of Outstanding Natural Beauty (AONB). Given the limited height of both elements of the proposals, the development would not result in harm to the residential amenities of adjacent or surrounding properties regarding light, privacy or visual intrusion or the safety and operation of adjacent highways. The proposals are therefore considered to comply with the NPPF and Policies CS5, CS6, CS11, CS12, and CS24.

## 3. SITE DESCRIPTION

3.1 The application site is located on Chesham Road in Wigginton, Tring. The site comprises of a two storey semi-detached dwelling with a long rear garden that includes detached outbuildings half way down and to the very rear. The rear of the site has vehicular access via an archway to the side of the dwelling, with first floor accommodation above. The site is situated in a Green Belt and the Chilterns AONB.

## 4. PROPOSAL

4.1 The application seeks householder permission for the construction of a pitched roof porch to the front elevation of the dwelling, replacement windows, the demolition of the existing double garage/outbuilding and its replacement with new garden building/studio in a slightly different position. The outbuilding would comprise a flat roof 3m high and be used for storage/garaging/workshop for sole use by the occupants of the dwelling.

## 5. PLANNING HISTORY

None.

## 6. CONSTRAINTS

Area of Outstanding Natural Beauty  
CIL Zone 1  
Green Belt  
Parish: Wigginton  
RAF Halton and Chenies Zone: Red (10.7m)

RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
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)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS6 - Selected Small Villages in the Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
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 The dwelling is situated within the small village of Wigginton in the Green Belt. Paragraph 149 of the NPPF 2021 sets out that new buildings within the Green Belt are inappropriate and will not be acceptable, other than for a limited number of exceptions. Para 149 of the NPPF lists exceptions and these include; c) the extension or alteration of an existing building providing it does not result in a disproportionate addition; and d) the replacement of an existing building for the same use, provided it is not materially larger than the one it replaces.

9.3 Policy CS5 echoes the NPPF. Policy CS6 allows for more flexibility in selected small villages in the Green Belt, stating that in Wigginton, the replacement of existing buildings and house extensions will be permitted.

9.4 The proposals are considered acceptable in principle in accordance with Section 13 of the NPPF and Policies CS5 and CS6 of the Core Strategy 2013.

9.5 The proposed porch to the front elevation would result in a very modest addition to the front elevation and is considered proportionate and small-scale.

9.6 The proposed garden building/studio would follow the demolition of the existing double garage, so is considered as a replacement building for the same use (incidental to the dwelling), albeit in a slightly different location within the rear garden. Whilst the proposed outbuilding would have a larger footprint and be materially larger than the existing garage, additional flexibility can be applied within defined villages and built up locations, as recognised in Policy CS6. The replacement building would be sympathetic to its surroundings, occurring within a large plot with generous rear garden and be sited wholly in the context of existing development, including the adjacent properties Huntley and Lingwood. The siting would be well contained within the existing 'developed' environments. The proposed outbuilding would not have a significant impact on the character, appearance or openness of the surrounding countryside. The principle of development is therefore considered acceptable.

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

9.7 The dwelling is situated in the Chilterns AONB. Policy CS24 states the special qualities of the AONB will be conserved. The Chiltern's Conservation Boards Management Plan 2019-2024 states the special qualities, which include panoramic views, tranquillity, ancient route ways, ancient hedgerows and national trails.

9.8 Policy CS11 and CS12 state development should respect the typical density intended in an area, preserve attractive streetscapes and respect adjoining properties in terms of scale, layout and materials.

9.9 The proposed front porch and replacement windows would be visible from the street scene but would not alter the overall character, appearance or visual impact of the dwelling and would preserve the special qualities of the area, complying with Policies CS11, CS12 and CS24.

9.10 The proposed porch would be a modest addition to the front elevation of the dwelling, measuring approximately 1.8 metres in depth, 1.8 metres in width and 2.1 metres in height. The porch would not result in an unduly prominent structure and would be viewed against the backdrop of the existing dwelling. The scale and layout are considered acceptable. The porch would also provide a welcome focal point to the front elevation and modernise its general appearance. The street scene presents a variety of window designs, therefore it is not felt replacing the windows would have a detrimental impact on the character or appearance of the surrounding area.

9.11 Given its siting and height the proposed outbuilding would not be readily visible from public vantage points. As such, it would have a minimal visual impact on the street scene and this part of the AONB. Glimpses would be possible through the existing vehicular archway in the existing dwelling but these would be limited and would not affect the overall character of the area.

9.12 The outbuilding as proposed would be positioned to the rear of the existing double garage and would measure approximately 11 metres in length, 6.5 metres wide and 3 metres in height. Both the adjacent properties have outbuildings/buildings within the rear garden areas which are not evident from the main street scene. The proposed structure would be approximately 0.5 metres higher than what could be constructed under permitted development rights, which is a material consideration. The 0.5m increase in height above permitted development rights (i.e. a proposal that would not require formal planning permission) is not considered to have a significant detrimental visual impact when compared to a 2.5m outbuilding of identical footprint/size, which would not require permission. The outbuilding would be situated within a large plot, would be set away from the adjacent dwellings and would not be visible from public vantage points. The siting, scale and height are thus considered acceptable. In addition it is important to note that there are much taller and more visually intrusive buildings that currently exist within the plots of both immediate neighbours.

9.13 The application form states the porch would be constructed in part glazed, part oak and part white pebble dashed render and roof tiles to match the existing house. The windows in the dwelling would be replaced with white UPVC windows. The outbuilding would be constructed in green timber cladding and a rubber roof with green sedum matting. The proposed materials are considered acceptable as they would respect the character of the existing dwelling, not have a significant impact on the character or appearance of the street scene, or this part of the AONB.

#### Impact on Residential Amenity

9.14 Policy CS12 of the Core Strategy 2013 states development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to neighbouring properties.

9.15 There would be sufficient distance between the proposed porch and neighbouring properties windows such that it would not have a significant impact on their residential amenities with regard to a loss of light. The proposed elevation plans show there would be no windows on the side elevations of the proposed porch, therefore, the development would not have a detrimental impact on the neighbour's privacy. Given its modest height and position it would not appear visually intrusive.

9.16 The replacement windows would not have an impact on residential amenity as it would not increase any existing impacts on privacy or prevent sunlight or daylight from projecting into habitable rooms.

9.17 Due to the distance between the proposed outbuilding and neighbouring properties, the outbuilding would not have a detrimental impact on light levels to habitable rooms or the immediate garden areas of surrounding properties. Given its siting, separation distance, limited height, and the fact it is flat roof the proposed outbuilding would not appear visually intrusive or overbearing to the adjacent properties, even when taking into account the land level difference, no major concerns are raised concerning its impact on neighbouring properties. It will be visible but not to such a degree as to appear oppressive or harm residential amenity. It would also be viewed within the context of much taller existing outbuildings/dwellings in the immediate neighbouring sites.

9.18 The proposed outbuilding would be sited largely beyond the rear garden of Huntley, such that any impact would be minimal. It would align partially with the existing taller pitched roof garage of Lingwood and then be sited between the garage and the main dwelling building of Lingwood further to the rear. As set out above, a 0.5m lower structure would not require planning consent and this is a material consideration. The proposed elevation plans for the outbuilding show there would be no windows on the side elevation of the development facing neighbouring properties, therefore the development would have a limited impact on privacy. Whilst it will be visible the outbuilding would not harm residential amenity to a level that would warrant a refusal.

9.19 Sufficient garden space would be retained for 2 Chesham Road.

### Impact on Highway Safety and Parking

9.20 The Parking Standards Supplementary Planning Document (2020) states all parking demand for residential development should be accommodated on site.

9.21 The proposed works would not change the number of bedrooms within the dwelling. While the development would result in the loss of the double garage, there is sufficient space to the front and rear of the dwelling to accommodate the off-street parking requirements of the property without displacement outside of the site. Therefore, it is not felt the proposed development would have a significant impact on parking provision.

9.22 No change of access or alteration to the public highway would occur, such that there would be no adverse impact on the safety or operation of the adjacent highway.

### Other Material Planning Considerations

9.23 No other material planning considerations identified.

### Response to Neighbour Comments

9.24 Two neighbour comments were received raising concerns regarding the height of the outbuilding and noise disturbance. It is not felt that the proposed outbuilding would cause significant visual intrusion as there would be sufficient distance between neighbouring properties front and rear elevations. It is not felt that the outbuilding would result in significant overshadowing as it would stretch a small portion at the rear boundary of one of the objecting neighbour's private amenity spaces. Sufficient uninterrupted (with no adjacent structure) amenity space would remain for Huntley and Lingwood. Despite the difference in the adjacent land levels, the outbuilding is not excessive in its height and not significantly higher than what could be constructed under permitted development rights, as previously mentioned. Whilst visible, the additional 0.5m height proposed (over and above permitted development) would not be harmful to the point it would appear dominant or oppressive or adversely affect residential amenity.

9.25 The applicant has confirmed the outbuilding would be used solely by the occupants of the existing dwelling and insulated to reduce noise disturbance to neighbouring properties. A wall cross section plan to show this will be the case. There is no evidence to suggest the proposed development would result in significant noise disturbance to surrounding properties such that a refusal could be sustained. Even if this were the case and noise and disturbance became an issue once constructed this could be controlled under separate legislation.

### Community Infrastructure Levy (CIL)

9.26 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

## **10. CONCLUSION**

10.1 To conclude, it is not felt that the proposed development would have a detrimental impact on the character or appearance of the surrounding countryside or the openness of the Green Belt. The development would not have a significant impact on the character or appearance of the existing dwelling or would significantly impact the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties or highway safety/car parking.



Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework (2021) and Policies CS5, CS6 CS11, CS12 and CS24 of the Core Strategy (2013).

## 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 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:**

**Existing and Proposed Elevations uploaded 16th June 2021**  
**Existing and Proposed Floor Plans uploaded 16th June 2021**  
**Proposed Outbuilding Plans uploaded 16th June 2021**  
**Proposed Block Plan uploaded 25th May 2021**  
**Location Plan**

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

4. **The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Chesham Road and shall not be independently occupied.**

Reason: To ensure that the use of the outbuilding remains incidental and does not intensify the use of the site, since this would be out of character and contrary to the provision of Policies CS11 and CS12 of the Core Strategy (2013).

### Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

Parish/Town Council	<p>Wigginton Parish Council objects this planning application based on:</p> <ol style="list-style-type: none"> <li>1. The building being proposed is of 3m height flat roofed a significant size area and higher than the building it replaces. It will overshadow the garden of my property and be in sight lines from the ground floor living rooms</li> <li>2. There is a ground differential properties of 0.3m which is not shown in the plans and this accentuates the height impact.</li> <li>3. Absence of Insulation (thermal/sound) in proposal to enable the use of workshop bench power tools.</li> </ol>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	2	1	1	0

### Neighbour Responses

Address	Comments
<p>Lingwood Chesham Road Wigginton Tring Hertfordshire HP23 6HH</p>	<p>I support the planning application for the new pitched roof porch and replacement windows. This will be a definite improvement to the current house.</p> <p>I am satisfied with the location of the proposed garden building and the intention to grow a sedum roof upon it to support the environment. However I am concerned about the following criteria regarding the height and potential noise disturbance of the garden building:</p> <p>The proposed structure will be a very large building (11m x 6.5m) and due to its height of 3 metres I am concerned about visual intrusion due to the towering nature of the design, which will be accentuated by the change in ground level between the two gardens. A three metre tall structure with straight sides will be very dominant in the proposed environment with the neighbouring properties in close proximity. I believe that this can be addressed through changes to the design, for example lowering the eaves on the boundary side and employing a single pitched roof.</p> <p>I understand the that the building will primarily be a workshop for the purpose of joinery work and I am therefore concerned about the level of noise that will result from using electrical power tools and the proximity of this noise to our garden and home, as the proposed garden building is right next to our boundary. After a verbal discussion with my neighbours, I believe it is their intention to add a high level of insulation to the building in order to reduce noise levels, although I cannot see</p>

	any acknowledgement of this on the planning application.
<p>Huntley Chesham Road Wigginton Tring Hertfordshire HP23 6HH</p>	<p>Whilst the purpose of the new room is not clear, described variously as Studio, Workshop, and Garden Room, the replacement of the existing time expired garage is to be welcomed.</p> <p>There are three issues with the proposal</p> <ol style="list-style-type: none"> <li>1 The building being proposed is of 3m height flat roofed a significant size area. , and higher than the building it replaces. It will overshadow the garden of my property and be in sight lines from the ground floor living rooms</li> <li>2. There is a ground differential properties of 0.3m which is not shown in the plans and this accentuates the height impact.</li> <li>3. Absence of Insulation (thermal/sound) in proposal to enable the use of workshop bench power tools.</li> </ol>

# Agenda Item 5g

ITEM NUMBER: 5g

21/02177/ADV	Four non-illuminated signs (retrospective)	
Site Address:	2 Hempstead Road, Kings Langley, Hertfordshire, WD4 8AD	
Applicant/Agent:	Di Hewetson / Chris Fidler	
Case Officer:	James Gardner	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary to views of Kings Langley Parish Council	

## 1. RECOMMENDATION

That advertisement consent be **GRANTED**.

## 2. SUMMARY

2.1 The siting, design and number of advertisements would not adversely affect the visual amenity of the area; nor would they detrimentally affect highway safety. The proposal is therefore considered to comply with Policies CS11 and CS12 of the Dacorum Core Strategy (2013) and Policy 112 of the Dacorum Local Plan (2004).

## 3. SITE DESCRIPTION

3.1 The application site is located on the eastern side of Hempstead Road at the junction of the High Street and The Nap. The dwelling / clinic comprises of an early 20<sup>th</sup> century cottage with a steeply pitched clay tiled roof within which are two pitched roof dormers. Two of the four signs are located within the Kings Langley Conservation Area.

## 4. PROPOSAL

4.1 Retrospective Advertisement consent is sought for the erection and display of four non-illuminated signs:

Proposed Sign A - 845 x 770mm

Description: White UPVC sign with the following text: *Kings Langley Physiotherapy Clinic, 01923 261974.*

Location: Front boundary wall - western elevation.

Proposed Sign B – 2000 x 400mm

Description: White UPVC board with the following text: *Kings Langley Physiotherapy Clinic, 01923-261974.*

Location: Southern elevation - on posts within the garden.

Proposed Sign D – 915 x 310mm

Description: White UPVC Sign with the following text: *Kings Langley Physiotherapy Clinic*

Location: Western elevation.

Proposed Sign E – 360 x 560mm

Description: White UPVC sign with the following text: *Kings Langley Physiotherapy Clinic, 01923 261974.*

Location: Southern elevation.

## 5. PLANNING HISTORY

Planning Applications (If Any):

21/01862/FUL - Change of use from C3 Dwelling house to Dwelling / Clinic (Sui Generis) and construction of front porch (retrospective)

GRA - 4th August 2021

## **6. CONSTRAINTS**

Kings Langley Conservation Area

Large Village: Kings Langley

Residential Area (Town/Village): Residential Area in Town Village (King Langley)

## **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

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

### Dacorum Local Plan

Policy 112 - Advertisements

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;

The impact on visual amenity / conservation area

The impact on highway safety

### Principle of Development

9.2 Paragraph 136 of the National Planning Policy Framework (NPPF) advises that ‘Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

### **Impact on Visual Amenity / Conservation Area**

9.3 Policy 112 of the Dacorum Local Plan (2004) states that express consent to display an advertisement other than within a conservation area will be given provided the advertisement:

- a) *is sympathetic in size, appearance, design and position to the building or site on which it is displayed;*
- b) *is not unduly prominent;*
- c) *does not detract from the amenity and character of the surrounding area; and*
- d) *does not adversely affect highway and public safety.*

9.4 The policy goes on to provide further guidance in respect of advertisements within conservation areas:

*In conservation areas express consent to display an advertisement will be given provided criteria (a), (b), (c) and (d) above are met and:*

- h) the advertisement makes use of natural or other materials which are in keeping with and enhance the character of the conservation area and, if positioned on a building, the character of that building.*

9.5 Policies CS11 and CS12 seek to ensure that, amongst other things, development preserves attractive streetscapes and integrates with the streetscape character.

### **Assessment**

9.6 Advertisement consent is sought for the display of four advertisements, the specification of which have been outlined in the “Proposal” section above. It is considered that their dimensions are proportionate to the size of the site

9.7 Bullet point (b) tacitly acknowledges that advertisements will be prominent; indeed, this is their raison d'être. The policy therefore seeks to strike an appropriate balance between achieving an appropriate level of visibility, thereby enabling the business undertaken at the premises to be identified and located, while also ensuring a high quality public realm. Negotiation has taken place during the course of the application process, which has led to Sign B being located in the originally proposed location of Sign C. Sign C is to be removed from consideration. Sign B ('Kings Langley Physio Clinic, 01923-261974') would be visible to motorists and pedestrians driving / walking in a northerly direction along the High Street / Hempstead Road. The smaller wall-mounted sign (Sign A) would provide subtle identification on the front (western facing) elevation. Following removal of Sign C, it is considered that the signage would not be unduly prominent.

9.8 It follows that, in determining whether the signage would detract from the amenity of the area, regard needs to be had to the context. The High Street and southern end of Hempstead Road are predominantly commercial in character and therefore a range of signage is already present within the street scene. Whereas the local signage typically comprises of a mixture of wooden and plastic fascia boards above the respective commercial units, the application site proposes the use of signs at the boundary of the curtilage. The style and location of the proposed signage has been influenced by the fact that the building was originally constructed as a residential dwelling. It thus has a greater set back from the pavement due to the interposition of a garden, precluding the effective use of a fascia board. In summary, whilst board-style signage is not a common feature, it is submitted that this is an appropriate approach to a building not originally intended to be used commercially; and,

following removal of Sign C, which would have resulted in a visually unappealing agglomeration of signage, there would be no significant adverse impact on the character and appearance of the area.

9.9 The application form indicates that the signs are made from UPVC. Although timber would be preferable, there are mitigating circumstances:

- a) Seen from a distance, the signage has the appearance of timber; and
- b) There are a number of UPVC signs within the High Street and Hempstead Road.

9.10 On this basis, it is not considered that a refusal of advertisement consent could be justified on this reason alone. The Conservation and Design Officer has raised no significant concerns, and in line with his recommendation, should consent be granted, it is proposed to include a condition requiring the supporting timber posts to be painted black / dark brown.

### **Impact on Highway Safety**

9.11 Illuminated advertisements generally give rise to the greatest concerns in terms of highway safety. This application, however, does not propose any illuminated signs. The Highway Authority have nonetheless been consulted twice and on both occasions raised no objections. The signs are set back from the give way lines at the junction of the Nap and High Street / Hempstead Road, and their design is not so conspicuous as to inordinately divert the attention of drivers. There is therefore no reason to conclude that the signage would have any adverse impact on highway safety. The proposal therefore accords with bullet point (d) of Policy 112 of the Dacorum Local Plan.

## **10. CONCLUSION**

10.1 The proposed advertisements are considered to be sympathetic to the character and appearance of the area in terms of their siting and design. Given the lack of illumination and restrained design, it is submitted that there are unlikely to be any adverse impacts on highway safety. The signage therefore complies with Policies CS11 and CS12 of the Dacorum Core Strategy and Policy 112 of the Dacorum Local Plan.

## **11. RECOMMENDATION**

11.1 That planning advertisement consent be **GRANTED**.

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

1. **This consent is granted for a period of five years commencing on the date of this notice.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. **(a) Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**  
**(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

**(c) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

**(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

**(e) No advertisement shall be sited or displayed so as to: (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; coupled with the requirements of Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 132 of the National Planning Policy Framework (2019).

**3. Within one month of the date of approval the timber posts supporting Sign B shall be painted black / dark brown.**

Reason: To ensure a satisfactory appearance in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013) and Policy 112 of the Dacorum Local Plan (2004).

**4. Within one month of the date of approval, the sign referred to as Sign C shall cease to be displayed.**

Reason: In the interests of the visual amenity of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013) and Policy 112 of the Dacorum Local Plan (2004).

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informative's</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</p>



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) Projecting signs. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection into or over the public highway. The applicant is advised to contact the County Council Highways via either the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.

Comments

	<p>The application is for the advertisement Consent: 5 signs advertising the business at 2 Hempstead Road, Kings Langley. Hempstead Road is a 30 mph principle A main distributor road that is maintained at public expense.</p> <p>The current property on site is a Physio clinic with signs already in place. The signs do not greatly block sight lines nor do they pose a threat to public safety on the highway.</p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.</p>
Kings Langley Parish Council	<p><u>16/06/21</u></p> <p>The Council objects to this application as it feels that the signs are unattractive, not in-keeping with the character of street and the adjacent High Street and that there are too many.</p>
Kings Langley Parish Council	<p><u>18/08/21</u></p> <p>The Council objects to this application as it feels that the sign to be moved the The Nap is too large and unattractive and not in-keeping with the character of the adjacent High Street and the Conservation Area.</p>
Conservation & Design (DBC)	<p><u>02/07/21</u></p> <p>This is a pleasant early 20th century cottage with a steeply pitched tiled roof. It sits on the main high street and makes a positive contribution to the conservation area.</p> <p>As per our previous comments we would recommend that to reduce visual clutter in the conservation area that the sign for the clinic attached to the front wall be removed to maintain the character of the area. The posts holding up the two signs in the corner of the garden should be painted black/ dark brown. If this work to rationalise and reduce signage and to make it more in keeping we would recommend refusal as it is currently detrimental to the character of the conservation area. It adds visual clutter and detracts from the street scene. As such it causes harm to the designated heritage asset.</p> <p>Recommendation No objection provided the signage is reviewed in light of the above as currently it is somewhat detrimental to the character of the area. If it is not reviewed we would object and recommend refusal as it causes harm to the character of the area.</p>

<p>Conservation &amp; Design (DBC)</p> <p><i>(Amended Proposal)</i></p>	<p><u>17/08/21</u></p> <p>This is a pleasant early 20th century cottage with a steeply pitched tiled roof. It sits on the main high street and makes a positive contribution to the conservation area.</p> <p>We welcome the removal of one of the signs on posts to the Hempstead road street frontage. The posts holding up the two signs in the corner of the garden have been painted black/ dark brown as previously suggested. This has reduced the clutter to the street frontage. Whilst not ideal we now believe that the proposals now do not harm the conservation area.</p>
<p>Hertfordshire Highways (HCC)</p> <p><i>(Amended Proposal)</i></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> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the County Council website at: <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 highway: 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 County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pave">https://www.hertfordshire.gov.uk/services/highways-roads-and-pave</a></p>

	<p>ments/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p>AN 4) Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx</a> or telephoning 0300 1234047.</p> <p>Comments</p> <p>This application is an amendment regarding the advertisement Consent: 4 (previously 5) signs advertising the business at 2 Hempstead Road, Kings Langley. Hempstead Road is a 30 mph principle A main distributor road that is maintained at public expense.</p> <p>The current property on site is a Physio clinic with signs already in place. The signs do not greatly block sight lines nor do they pose a threat to public safety on the highway. The amended plans include the omission of a previous sign near the junction which is deemed to improve the visibility.</p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
0	0	0	0	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>

# Agenda Item 5h

ITEM NUMBER: 5h

21/03090/LBC	Change the height of the window sill of the west-facing window of the utility room from 700mm to 1050mm	
Site Address:	Binghams Park Potten End Hill Water End Hemel Hempstead Hertfordshire HP1 3BN	
Applicant/Agent:	Timothy Symington	
Case Officer:	Jane Miller	
Parish/Ward:	Great Gaddesden Parish Council	Watling
Referral to Committee:	Applicant married to Councillor Symington	

## 1. RECOMMENDATION

That Listed Building consent be **GRANTED**

## 2. SUMMARY

- 2.1 The application seeks listed building consent to change the height of the window sill of the west-facing window of the utility room from 700mm to 1050mm, this is a non-material amendment to 20/02901/LBC (Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof).
- 2.2 The proposal will not detract from the character, appearance or design of the Listed Building. The proposal meets the requirements of CS27 of the Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and the NPPF (2021).

## 3 SITE DESCRIPTION

- 3.1 The application site is located to the north of Potten End Hill. Binghams Park is a two storey, residential, detached Grade II Listed Building set in substantial grounds, accessed via a long winding driveway.
- 3.2 The house is set to the rear of the site thus giving wide separation between the house and the main road, much of which is used for grazing purposes/paddock, delineated by a post and rail fence and served by a twin stable block. There is hedging along the front boundary and a track to the rear. The site lies within the Green Belt and the Chilterns AONB.

## 4 PROPOSAL

- 4.1 This application seeks permission to raise the height of the windowsill of the west-facing window of the utility room from 700mm to 1050mm which will allow a sink to be fitted inside the room under the window. This is a non material amendment to the previously granted 20/02901/LBC (Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof)

## 5. PLANNING HISTORY

### Planning Applications

20/02900/FHA - Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof  
*GRA - 18th December 2020*

20/02901/LBC - Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof  
*GRA - 18th December 2020*

21/02999/NMA - Change the height of the windowsill of the west-facing window of the utility room from 700mm to 1050mm  
*GRA - 27th August 2021*

4/01373/83 - Historic File Check DMS for Documents and Further Details  
*DET - 28th November 1983*

4/01778/18/DRC - Details as required by condition 5 (archaeology) attached to planning permission 4/04082/15/fha two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access area  
*GRA - 23rd July 2018*

4/04083/15/LBC - Two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access arrangements and relocation of oil storage tank, internal and external alterations and Repairs.  
*GRA - 31st March 2016*

4/04082/15/FHA - Two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access arrangements and relocation of oil storage tank, internal and external alterations and Repairs.  
*GRA - 31st March 2016*

4/02027/08/FUL - Stable block  
*GRA - 16th December 2008*

4/00963/06/FHA - Outbuilding for garaging and storage (amended scheme)  
*GRA - 27th June 2006*

4/02399/05/FHA - Outbuilding for garaging and storage  
*REF - 9th January 2006*

4/00633/99/LBC - Internal alterations, single storey rear extension, dormer window, insertion of other openings and mono pitched roof to replace flat roof  
*GRA - 27th May 1999*

4/00632/99/FHA - Single storey rear extension, dormer window, insertion of other openings and mono pitched roof to replace flat roof  
*GRA - 27th May 1999*

## **6. CONSTRAINTS**

Area of Outstanding Natural Beauty: CAONB outside Dacorum  
Article 4 Directions: Land at the South Side of Nettleden Road, Potten End  
CIL Zone: CIL1  
CIL Zone: CIL2  
Green Belt: Policy: CS5  
Listed Building, Grade: II,  
Parish: Nettleden with Potten End CP  
Parish: Great Gaddesden CP  
RAF Halton and Chenies Zone: Red (10.7m)  
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:

Planning (Listed Building and Conservation Areas) Act 1990 – Section 16(2) and 66(1)  
National Planning Policy Framework (July 2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

## **9 CONSIDERATIONS**

- 9.1 There would be no adverse effects. The Conservation and Design officer has confirmed that the proposed amendment is considered acceptable.
- 9.2 The main issue of relevance to the consideration of this application relates to the impact of the proposed alterations upon the character and appearance of the Grade II Listed Building.
- 9.3 Saved Policy 119 of the Dacorum Local Plan (2004) states that consent to alter a Listed Building will only be granted where it can be satisfactorily demonstrated that the proposed works would be carried out in a manner appropriate to the scale, proportion and external and internal appearance of the building. The National Planning Policy Framework (NPPF) (2021) seeks to ensure that heritage assets are preserved and enhanced.



- 9.4 This current application is solely in respect of raising the height of the window sill of the west-facing window of the utility room from 700mm to 1050mm.
- 9.5 The overall size, scale, form, and quantum of development (replacement single storey boot room extension) remain as previously approved. The amendment now sought is to facilitate the internal arrangements. The windows remains in the same location as that previously approved, albeit with a different sill level. The planning officer is in agreement with the Conservation Officer that there is no objection to raising the window sill as shown on drawing 20/1054/7 A.
- 9.6 It is considered that the proposed development preserves the character and appearance of the Listed Building.
- 9.7 Overall, the proposal will not detract from the character, appearance or design of the Listed Building. The proposal meets the requirements of CS27 of the Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and the NPPF (2021).

## 10 CONCLUSION

- 10.1 The proposed amendment will not detract from the character, appearance or design of the Listed Building. The proposal meets the requirements of CS27 of the Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and the NPPF (2021).

## 11 RECOMMENDATION

- 11.1 That Listed Building Consent be **GRANTED** subject to the following conditions:

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

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

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

**20-1054/7 A proposed east and west elevations**

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

### Informatives:

Listed Building Consent 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>
Conservation & Design (DBC)	No objection to raising the height of the windowsill as shown.
Parish/Town Council	No objection

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
0	0	0	0	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>
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**ITEM NUMBER: 5i**

<b>21/01625/FHA</b>	<b>Construction of a double garage (amended scheme)</b>	
<b>Site Address:</b>	<b>Calgary 87 Scatterdells Lane Chipperfield Kings Langley Hertfordshire WD4 9EU</b>	
<b>Applicant/Agent:</b>	<b>Mr Barry Woodham</b>	
<b>Case Officer:</b>	<b>Elspeth Palmer</b>	
<b>Parish/Ward:</b>	<b>Chipperfield Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>Due to contrary view of the Parish Council.</b>	

**1. RECOMMENDATION**

That planning permission be granted.

**2. SUMMARY**

- 2.1 The application is recommended for approval.
- 2.2 The proposed development constitutes inappropriate development in the Green Belt which by definition is harmful and is contrary to the NPPF and Policy CS5 of the Core Strategy 2013. However in this case it is concluded that 'Very Special Circumstances' exist to outweigh the harm. Works on a previously approved larger detached garage in the same location have commenced such that that permission remains extant and the approved garage could be constructed at any time. The current proposal is smaller and thus considered preferable and less harmful. Thus the proposal is acceptable in principle accordance with Paragraph 147/148 of the National Planning Policy Framework (NPPF) (2021) and Policy CS5 of the Dacorum Borough Core Strategy (2013).
- 2.3 The proposed new garage is also considered to be acceptable in design terms by virtue of its scale, design, detailing, bulk, mass, height, positioning and material finish. The proposed garage will not be visually obtrusive in the street scene due to it being set back from the frontage, its low roof and the existing vegetation along the front and side boundaries.
- 2.4 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.
- 2.5 Given all of the above, the proposal complies with the NPPF (2021), Policies CS5, CS11, CS12, and CS29 of the Core Strategy (2013), Saved Policy 99 and Saved Appendices 3 and 7 of the Local Plan (2004).

**3. SITE DESCRIPTION**

- 3.1 No. 87 "Calgary" is a modest sized bungalow property located on the north western side of Scatterdells Lane, Chipperfield, approximately 700 m east of its junction with Tower Hill. The site, which is within an area of ribbon development, is situated on the northern edge of the settlement of Chipperfield and falls within the Metropolitan Green Belt and beyond the "small village" envelope of Chipperfield. The surrounding area is characterised by a variety of detached properties.

**4. PROPOSAL**

- 4.1 Planning permission is sought for the construction of a double garage (amended scheme).

- 4.2 The proposed double garage would be a contemporary design with a mono pitched roof with a footprint of 5.4 metres by 5.5 metres. The roof would have an eaves height of 2.1 metres and ridge height of 2.5 metres. Materials are also contemporary in nature being aluminium wrap around, powder coated in grey with solid larch infills and a roller shutter door.
- 4.3 There has been some confusion over the description due to the manufacturers describing the structure as a car port. The materials and design are similar to that of a car port but the definition of a car port is that one side remains open and therefore the proposal is for a garage not a car port.

### **Background**

- 4.4 4/01815/16/FHA granted planning approval for a detached garage on 9<sup>th</sup> January, 2017. This proposal also included the removal of an existing access with poor sight lines and the reinstatement of boundary screening to its former mature appearance.
- 4.5 This planning permission has commenced so the garage as approved can be constructed at any time. This is a material planning consideration in the assessment of the current scheme.
- 4.6 The approved pitched roof double garage had the same footprint as that currently proposed at 5.5 metres in length, 5.4 metres deep, but was higher at 2.35 metre high to eaves and 4.1 metres high to the ridge. The materials would be stained oak with facing brick to match the house around the two garage doors.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

21/00412/FHA - Construction of a single bay car port.  
*REF - 31st March 2021*

4/01815/16/FHA - Proposed detached garage  
*GRA - 10th January 2017*

4/01653/01/FHA - Flat roofs to pitched roof with accommodation to first floor  
*GRA - 14th November 2001*

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Control  
CIL Zone: CIL2  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Chipperfield 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 (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  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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;  
Impact on the Green Belt;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### Principle of Development

- 9.2 The application site is located within the Green Belt and as such, is subject to consideration against Section 13 of the NPPF and Policy CS5 of the Core Strategy 2013.
- 9.3 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. A number of exceptions are provided although the construction of residential outbuildings is not included within this list. As such, the proposals constitute 'inappropriate development'.
- 9.4 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that when considering any planning application, Local

Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' (VSC) 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.

- 9.5 Policy CS5 echoes the NPPF and states that within the Green Belt, small-scale development will be permitted if it meets with one of the following exceptions:
- (a) building for the uses defined as appropriate in national policy;
  - (b) the replacement of existing buildings for the same use;
  - (c) limited extensions to existing buildings;
  - (d) the appropriate reuse of permanent, substantial buildings; and
  - (e) the redevelopment of previously developed sites, including major developed sites which will be defined on the Proposals Map.
- 9.6 The proposal amounts to inappropriate development, however it is considered that very special circumstances exist in this case to outweigh the harm.
- 9.7 A previous planning permission grants consent for a larger detached garage - 4/01815/16/FHA – and works have commenced on site such that the garage could be constructed. As the previously approved garage can be constructed at any time it is considered that this provides a fallback position and thus 'Very Special Circumstances';

Table 1: Floor Area of garage approved and that now proposed

	<b>Ground-Floor Area (m2)</b>
Total approved	29.7
Total proposed	29.7

The floor area of the proposed garage remains the same at that approved

Table 2: Volume

	<b>Volume (m3)</b>
Total approved	95.8
Total Proposed	62.4

The height of the previously approved garage exceeds that of the current proposal and the volume of the garage now proposed is approximately 34.9% less.

- 9.14 The location, siting and footprint of the garage within the site is the same as previously approved.
- 9.15 Given the volume reduction, the current proposal will have less of an impact on the openness of the Green Belt due to its scale and volume and this is welcomed.
- 9.16 It is therefore considered that very special circumstances exist and the proposed scheme complies with CS5 and those sections of the NPPF listed above.

Quality of Design / Impact on Visual Amenity

- 9.17 Despite the contemporary design, the proposed garage would be in character with the existing dwelling as it has similar contemporary components to the front elevation. The proposal in terms of design and materials is in character with the main dwelling.
- 9.18 There is a variety in residential character along Scatterdells Lane with dwellings of various sizes, designs and materials. The immediate neighbour to the west “Conway” 83 Scatterdells Lane has planning approval to demolish the existing building and construct a contemporary designed 4 bed dwelling. This building is nearing completion and as such there are already examples of modern, contemporary buildings in the area such that the garage proposed would not appear out of keeping or incongruous but would integrate well.
- 9.19 The site boundaries comprise mature hedging over 2 metres in height on the eastern side and similar hedging to the front of the site. The boundary treatment along the western side is two metre high close boarded fence with some adjacent vegetation. The existing vegetation would mean the proposed garage would not be readily visible from public vantage points.
- 9.20 The proposed double garage to the frontage of the site by nature of its design, scale, massing, siting and limited visibility would not appear as a prominent feature in the street scene.
- 9.21 The proposal complies with CS 12 with regard to design and visual amenity.

#### Impact on Residential Amenity

- 9.22 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.
- 9.23 Due to the scale and location of the proposed garage and its relationship with neighbouring properties, it would not be considered harmful to the residential amenity of these properties by way of loss of light, privacy or visual intrusion. The site is already well screened by vegetation to the east and along the western boundary is fencing which runs along the access to No. 85 Scatterdells Lane to the rear of the site. Even if the hedging were removed, the siting of the garage and its separation distance to the adjacent properties would ensure it would not appear dominant or intrusive for these neighbours.

#### Impact on Highway Safety and Parking

- 9.24 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.
- 9.25 The application is for the construction of a double garage to the front corner of the site. It would not alter the access to the site, or reduce the parking available such that there would be no harm to the safety or operation of the adjacent lane.

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

- 9.26 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.
- 9.27 The Trees and Woodlands Officer has no objection to the proposed scheme based on the new garage design being founded upon post/pile foundations which will have a minor impact on the root protection zone of the boundary vegetation. The planting to the front of the site has already been enhanced and ensures a satisfactory appearance to the development.
- 9.28 As part of the previous approval (which included the removal of a vehicular access) the existing planting was retained and supplemented by Laurel, Juniper and Yew planting and a Magnolia tree. The previous consent included a condition in relation to the landscaping. It is considered necessary and reasonable to impose a similar condition on this permission (see below).

#### Conditions

- 9.30 The previous approval removed PD rights for Class E outbuildings in order to help preserve the openness of the Green Belt. It is considered necessary and reasonable that this condition should also be applied if this application is granted.
- 9.31 As enhancement landscaping works were implemented when the second access was closed off and these do soften the appearance of the development and ensure the semi-rural feel of the area is maintained it is considered necessary and reasonable to impose an amended landscaping condition.

#### Response to Neighbour Comments

- 9.32 These points have been addressed above.

#### Comments from the Parish Council

- 9.33 The Parish Council object to the proposed design of the garage only, not the principle of a garage in this location. They consider the garage design should be consistent with the Village Design Statement.
- 9.34 It is considered due to the site being outside the village envelope and given the fact that Scatterdells Lane is very varied in its character that the proposed design would integrate into the streetscape and is acceptable. The garage as proposed is considered to relate well to the design detailing of the application dwelling and it is also important to note that the nearest dwelling to the west is a contemporary 4 bed dwelling (a recent approval) and this was deemed acceptable.

#### Community Infrastructure Levy (CIL)

- 9.35 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 was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

### **10. CONCLUSION**

- 10.1 The application is recommended for approval.



- 10.2 The proposal amounts to inappropriate development, however very special circumstances exist to outweigh the harm such that the development is acceptable in accordance with the NPPF and CS5. By virtue of its scale, bulk, positioning and design, it is not considered that the proposal would adversely affect the appearance of the dwelling or the character of the street scene. The development would not have a detrimental impact on 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 impact on any significant trees or vegetation or generate any highway or pedestrian safety concerns.
- 10.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS11, CS12, and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 99 and Saved Appendices 3 and 7 of the Local Plan (2004).

## 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 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. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

#### **Schedule 2 Part 1 Class E.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy September 2013.

4. **The development hereby permitted shall be in accordance with the approved site plan and landscaping details submitted with the application.**

**Any tree or shrub shown on the approved site plan which within a period of five years from the date of this approval 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 to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

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

**Site location plan  
Proposed block plan  
Proposed site plan  
Proposed elevations**

**Kappion Ultimate Carport Europort Overview - a schematic page showing general appearance including materials**

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

#### **APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Parish/Town Council	CPC: Objection: This revised scheme has not addressed our concerns expressed to previous scheme 21/00412. Object due to design. No objection in principle to a car port however a Carport to front of dwelling needs to be sensitively designed consistent with Village Design Statement; for example -pitched roof with clay or slate tiles; walls in traditional weatherboard.
Parish/Town Council	CPC took due regard of granted application 4/01815 in 2017 for a similar size building in the same location which is designed in accordance with the VDS. It was the unanimous view of the members that its previous decision should stand unchanged.

#### **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	1	1	0	0

##### **Neighbour Responses**

<b>Address</b>	<b>Comments</b>
<b>89 Scatterdells Lane,</b>	I wish to make a couple of comments about this application:

<b>Chipperfield</b>	<p>I seek clarification of exactly what is intended. The application describes a single bay car port but the sketched site plan which accompanies this application shows a completely different building which will be considerably larger and importantly, significantly taller. Also, Mr Woodham's letter to Ms Palmer dated 20.4.21 is, I believe, factually inaccurate. Whilst I am unable to confirm whether work started on his previous approved application (reference 4/01815/16/FHA) for which planning permission was granted on 10 Jan 2017, certainly no visible work was commenced until last summer (2020 not 2019). This includes the second entrance to his drive which was open and unaltered in any visible way until summer 2020.</p> <p>However, if as written, the application is for a single car port, no higher than the current trees / hedging then I have no objection to its construction. The front boundary work undertaken last year is attractive and appears to have improved safe access to the property which is itself an attractive construction and design. Whilst the carport illustrated is not pretty (if that's the design proposed) it will be comparatively hidden in the new site, against my boundary.</p>
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# Agenda Item 6

## **ALDBURY ARTICLE 4 DIRECTIONS REVIEW MAKING OF AN ARTICLE 4 DIRECTION TO CANCEL EXISTING ARTICLE 4 DIRECTIONS**

(Case Officer: Philip Stanley)

### **1.0 Summary**

1.1 There are currently two Article 4 Directions in the Aldbury area, removing agricultural permitted development rights. However, both of the Article 4 Directions are nearly 50 years old and, therefore, it has become urgently necessary to review them and to make sure that they are still relevant.

1.2 Unfortunately, there are no retained records that detail the decision-making process and therefore the Council cannot be sure of the exact reason(s) why these Article 4 Directions were made. Nevertheless, the Council must consider whether there remains any justification to retain these Article 4 Directions.

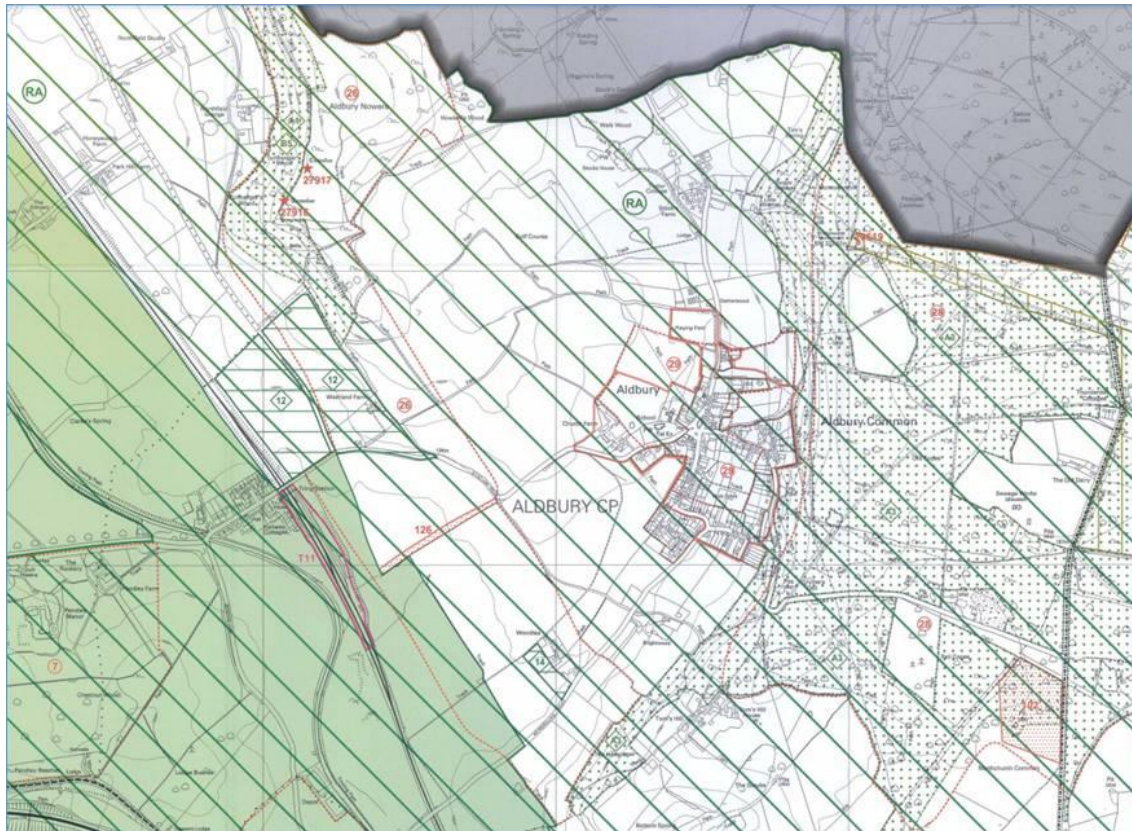
1.3 Conversely, the Council may consider that the justification(s) for retaining these Directions equally applies to adjoining land, not covered by the present Directions.

1.4 The review of the Article 4 Directions has now been completed and it is recommended that the Council make two Article 4 Directions cancelling both existing Article 4 Directions.

### **2.0 Extent of Existing Article 4 Directions**

2.1 At present, as the snippet from the Local Plan (1991 -2011) Proposals Map shows, there are two Article 4 Directions (marked by horizontal green lines and circled in red):

- 1) No.12: This is the area of land to the north of Station Road and to the east of Northfield Road (see Appendix 1: 1973 Aldbury). This Direction removes permitted development rights for new agricultural buildings and engineering operations for agricultural purposes.
- 2) No.14: This is the area of land to the north-west of Newground Road (see Appendix 2: 1974 Aldbury). This Direction removes permitted development rights for new agricultural buildings and engineering operations for agricultural purposes.



2.2 The documentation connected with these two Article 4 Directions is limited. However, there are clear Plans indicated the red outline for the 1973 Direction (dated July 1973), as well as a confirmation date of 30 August 1973.

2.3 Similarly, there are clear Plans indicated the red outline for the 1974 Direction (dated March 1974), as well as a confirmation date of 14 June 1974.

2.4 I am unable to find any record of any previous reviews of these Article 4 Directions.

### 3.0 Planning History of the land since Article 4 Direction

3.1 Westlands Farm has the following planning history:

- **4/01335/92/FUL**: Change of use of part of barn to form staff dwelling – **Withdrawn** 19th January 1993.
- **4/00203/93/LDC**: Lawful development certificate-use of agricultural building for stables as an isolation unit for horses - **Granted** 14th October 1993.
- **4/01486/93/FUL**: Change of use of part of barn to form staff dwelling - **Granted** 20th January 1994.
- **4/00317/94/FUL**: Change of use of part of barn to form staff dwelling (revised scheme) - **Granted** 6th June 1994.

- **4/01112/02/FUL:** Single storey extension to staff dwelling – **Granted** 5th September 2002.
- **20/00116/AGD:** Construction of Steel Framed Agricultural Barn – **Withdrawn** 14th February 2020.
- **19/02874/FHA:** Removal and repositioning of access drive - **Withdrawn** 6th March 2020.
- **4/02868/18/NMA:** Non-material amendment to planning permission 4/01439/15/FUL (demolition of all existing buildings and construction of new dwelling with basement (amended scheme)) – **Granted** 20th May 2020.
- **20/01244/AGD:** Construction of Steel Framed Agricultural Barn - **Withdrawn** 15th June 2020.
- **20/03305/AGD:** Construction of Agricultural Building - **Refused** 3rd December 2020.
- **4/01034/18/DRC:** Details of materials, landscape works, driveway/fire hydrant/public right of way, management plan, written scheme of investigation, contamination, drainage, demolition scheme and additional protected species surveys as required by conditions 2, 3, 5, 6, 8 – **Not yet determined.**
- **20/03993/FUL:** General Purpose Agricultural Storage Building & Hay Store, Means of Enclosure (deer proof fence) and Agricultural Track to barn – **Granted** 5<sup>th</sup> May 2021.

3.2 A search has been undertaken for agricultural development on Northfield Road, Station Road (Aldbury), and Newground Road. From this search, it would appear that there have been no applications for agricultural development within the Article 4 parcels of land, other than that stated above.

3.3 There is no record of any agricultural related development in the planning register for Northfield Road.

3.4 In respect of Station Road (Aldbury), in addition to Westlands Farm, only Church Farm has been subject to the agricultural applications, such as extensions to agricultural buildings and demolition of barns. Church Farm is located close to the centre of Aldbury and as such is not affected by the Article 4 Directions, or immediately adjacent to it.

3.5 In respect of Newground Road there was one application granted in 1985 for an agricultural buildings (outline) at 'Land off Newground Road'. In addition, Newground Farm has been subject to several barn and barn conversion applications. Newground Farm is not affected by the Article 4 Directions, or immediately adjacent to it.

3.6 Overall, it is not considered that these applications represent anything more than the changing needs of a farm over time.

## **4.0 Consultation undertaken as part of the Article 4 Direction Review**

4.1 Aldbury Parish Council were invited to comment on the review of these Article 4 Directions. In particular, the following questions were raised:

- 1) Should Article 4 Direction (1973 Aldbury) be retained or cancelled? What would be the justification(s) for retaining / cancelling it?
- 2) Should Article 4 Direction (1974 Aldbury) be retained or cancelled? What would be the justification(s) for retaining / cancelling it?
- 3) In the event that one or both of the existing Article 4 Directions are retained, are there any other areas in proximity to the existing Article 4 Directions which would logically be included as part of the overall area covered by the Direction(s)?

4.2 Their response is as follows:

*“The Parish Council was unable to think of any reason to continue with the article 4 Directions in Aldbury made in 1973 and 1974”.*

4.3 The owners of Westlands Farm, which includes the land contained within the 1973 Direction, have confirmed their objection to the current Direction and question its continued relevance.

## **5.0 Planning Policy**

5.1 The National Planning Policy Framework (July 2021) (para.53) states that Article 4 Directions should be:

- *“limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area”.*
- *“based on robust evidence, and apply to the smallest geographical area possible”.*

5.2 The National Planning Policy Statement (NPPS) goes further and states that, *“there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to [inter alia] agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty”.*

5.3 In addition, the NPPS states that, *“it is important for local planning authorities to monitor any article 4 directions regularly to make certain that the original reasons the direction was made remain valid. Where an article 4 direction is no longer necessary it can be cancelled”.*

5.4 The current Local Plan (Dacorum Borough Core Strategy – 2013) makes one reference to Article 4 Directions. This is in the context of the further protection of the Borough’s heritage assets (para.17.8) and is therefore not relevant to these considerations.

## 6.0 Visual Analysis

6.1 A site visit was undertaken on 17 July 2021. This involved walking along the footpaths and roads around and near to the land covered by the Article 4 Directions, as well as the land between them.

6.2 A series of maps (Map A – Map H) show the location and direction of these photographs, and this is attached as Appendix 3 to this report.

6.3 Map A covers land within the Article 4 Direction to the north-west of Westlands Farm between Footpath Aldbury 049 and Northfield Road. This stretch of the footpath is bordered by close-bordered fencing alongside the grounds of the house and then trees / hedging as the footpath continues to the north-west, making views of the Article 4 land very limited. There is a gap in this tree/hedgeline near the north-western end of this stretch (see Photos A7 and A8), but these are very much passing views. This stretch then meets footpath Aldbury 051, which goes south-east to meet Northfield Road and which is bordered on both sides by mature trees.

6.4 Map B covers the area of Aldbury Nowers and the footpaths that criss-cross the land immediately to the north-west of the Article 4 land. The view down from Aldbury Nowers only shows views of the trees by the footpath and not the Article 4 land (see Photos B1 and B2). Whilst there are some clear views of other land in the locality views are also restricted of the Article 4 land by the mature trees bordering footpath Aldbury 051.

6.5 Map C shows the Article 4 land from Northfield Road and also Station Road. Both roads are busy roads and are not pedestrian friendly areas, particularly Northfield Road, which has no pavements and is quite dangerous for pedestrians due to the speed of vehicles along this road. Along Northfield Road the land on either side is bordered by hedges and therefore views are limited to when one passes a field gate (such as Photos C2-C4). There is a clear view of the Article 4 land from the railway line bridge, but this is seen in the context of much wider views.

6.6 Map D covers the permissive path immediately parallel to the south of Station Road, connecting Tring Station to footpath Aldbury 063. The Article 4 land to the north of Station Road is largely screened by hedging along this main road. There are clear views of the land to the south of Station Road, Tring Station and the large barn (see Photos D9-D11), though it must be reiterated that this stretch is not a public footpath. Long-distance views are also afforded from this area.

6.7 Map E follows footpath Aldbury 063 as it goes downhill to the south-west. The footpath, where it turns 90 degrees and goes in a south-east direction becomes footpath Aldbury 062, where it reaches a dilapidated barn. The landscape here is of wide-open arable fields, with hedges and trees only bordering small stretches of these footpaths. This enables much wider views of the surrounding landscaping, including the trees hillsides that surround Aldbury.



6.8 Map F continues to follow footpath Aldbury 062, passed the dilapidated barn, until it reaches Newground Road. The area consists of open arable farmland with very wide views of surrounding hillsides.

6.9 Map G follows Newground Road as it travels to the north-west. It reaches at its eastern end the entrance into footpath Aldbury 067 which goes north-westwards towards Station Road. There are some residential properties on the north-western side of Newground Road, which together with adjacent meadows has created a series of much smaller plots of land. Beyond this, the land on the north-western side of Newground Road opens up again into large arable fields.

6.10 Map H follows footpath Aldbury 067 to the north until it reaches Station Road. There is a mature hedge on the right-hand side but westward views are dominated by the large arable views, allowing views much further into the distance.

## **7.0 Conclusions**

7.1 The land currently encompassed within the 1973 Article 4 Direction is part of a very attractive rural and Chilterns AONB landscape. However, due to hedges / trees lining the fields contained within the Direction, views are either very limited, in passing (such as through a field gate), or clearly in the context of wider and more distant views.

7.2 The land currently encompassed within the 1974 Article 4 Direction is a very small parcel of land. In the context of agricultural operations, it is too small to be put to any viable agricultural use and is currently simply a meadow.

7.3 There is no evidence as to why these parcels of land were singled out in the 1970s for further protection. However, it seems certain that whatever threats to the visual qualities of these parcels at that time have passed.

7.4 There is now no reason why these particular parcels of land are more exceptional than the others which surround it or which are situated in the same locality. These parcels of land are not more prominent and do not have more 'character' than other parcels of land in the area. Therefore, there can be no reason to 'single out' these parcels of land. Aldbury Parish Council equally can see no reason to continue with the Article 4 Directions in the two current locations.

7.5 It is also not considered that the Article 4 Direction should be expanded to include more land in the area. It must be remembered that these Directions removed agricultural permitted development rights. Much agricultural development, in particular new buildings and the formation or alteration of a private way, can already be controlled by virtue of Part 6 of the General Permitted Development Order 2015 (as amended). This has been demonstrated by the control the LPA had in ensuring a sensitive location and

appearance to the new agricultural building at Westlands Farm, through applications for prior approval.

7.6 The land covered by the 1974 Direction is too small to benefit from Class A permitted development rights.

## **8.0 Recommendation**

8.1 It is recommended that, based on the guidance contained within para.53 of the NPPF, both the 1973 and the 1974 Article 4 Directions be cancelled through the making of a further Direction to that effect.

## APPENDIX A: 1973 ARTICLE 4 DIRECTION (ALDBURY)

CONFIRMED ORDER

17th July, 1973

Administrative County of Hertford  
Rural District of Berkhamsted

Town and Country Planning Act 1971  
Town and Country Planning General Development Order, 1973

WHEREAS the County Council of the Administrative County of Hertford (hereinafter called "the County Council") are the Local Planning Authority for the Administrative County of Hertford by virtue of the Town and Country Planning Act, 1971.

AND WHEREAS the County Council have delegated to the Berkhamsted Rural District Council (hereinafter called "the District Council") in respect of the local government area of the District Council certain of their functions under the said Town and Country Planning Act, 1971, and under Orders and Regulations made thereunder.

AND WHEREAS the District Council are satisfied that certain development of the classes specified in the First Schedule to the Town and Country Planning General Development Order, 1973, should not be carried out in certain parts of the Berkhamsted Rural District within the Administrative County of Hertford unless permission is granted on an application in that behalf.

NOW THEREFORE the District Council acting under delegated powers for the County Council in pursuance of the powers conferred upon the County Council by Article 4 of the Town and Country Planning General Development Order, 1973, and all other powers enabling the County Council in that behalf DIRECT that permission granted by Article 3 of that Order shall not apply to any development specified in the First Schedule hereto in the areas specified in the Second Schedule hereto.



THIS ORDER may be cited as 'The Berkhamsted Rural District  
(Town and Country Planning) (Direction restricting permitted development)  
(Parish of Aldbury) Order No. 1 - 1973'.

FIRST SCHEDULE

The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings, being development comprised within paragraph one of Class VI referred to in the First Schedule to the said Order and not being development comprised within any other Class.

SECOND SCHEDULE

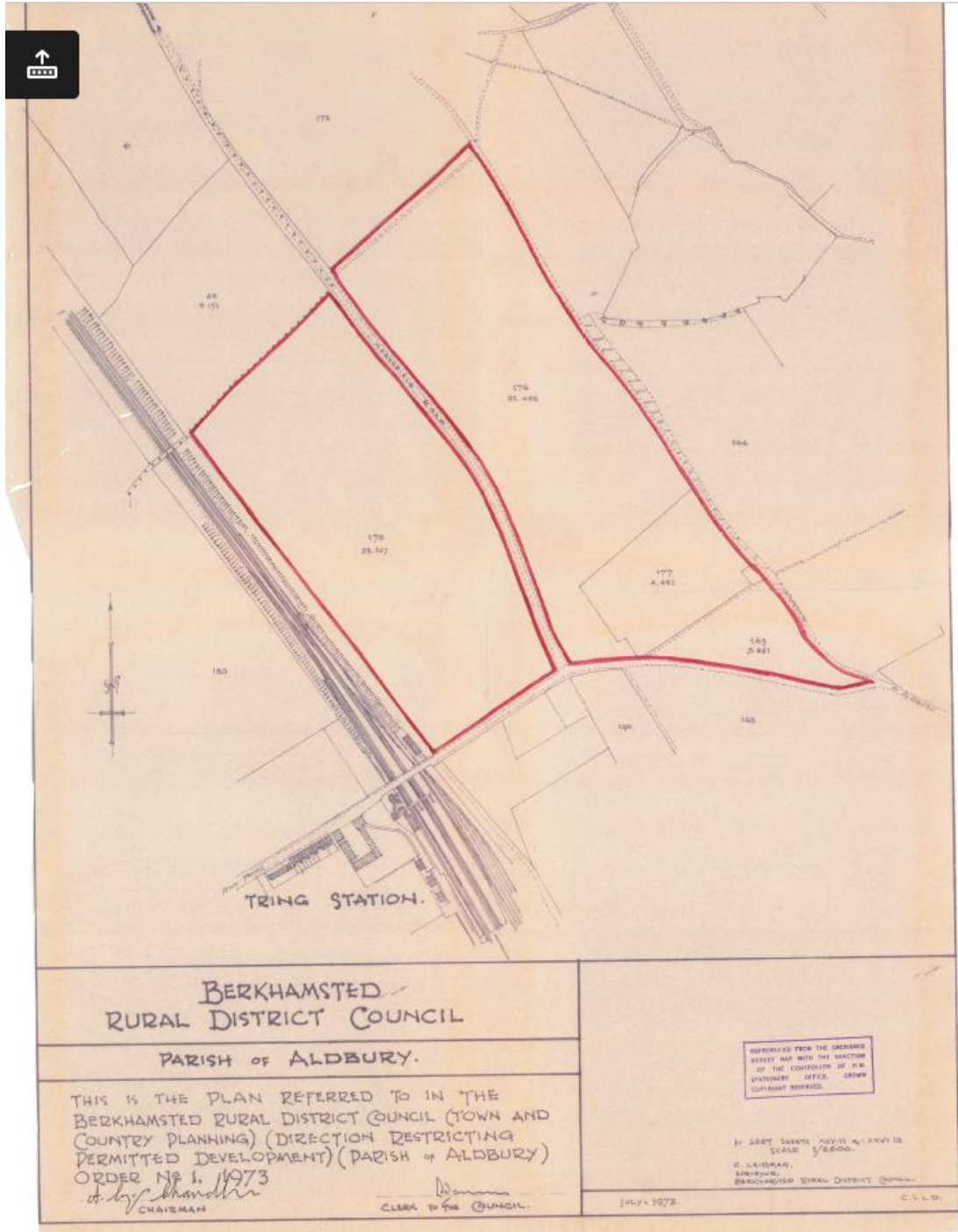
The area situate in the Parish of Aldbury within the Rural District of Berkhamsted shown edged red on the plan attached to this Order.

GIVEN under the Seal of the Berkhamsted Rural District Council  
this 17th day of July, One thousand nine hundred and seventy three.

The Common Seal of the Berkhamsted Rural  
District Council was hereunto affixed in  
the presence of:

Chairman:

*A. Brit Chandh*



**BERKHAMSTED  
RURAL DISTRICT COUNCIL**

**PARISH of ALDBURY.**

THIS IS THE PLAN REFERRED TO IN THE  
BERKHAMSTED RURAL DISTRICT COUNCIL (TOWN AND  
COUNTRY PLANNING) (DIRECTION RESTRICTING  
PERMITTED DEVELOPMENT) (PARISH of ALDBURY)  
ORDER No 1, 1973

*[Signature]*  
CHAIRMAN

*[Signature]*  
CLERK TO THE COUNCIL

REPRODUCED FROM THE ORDINANCE  
SURVEY MAP WITH THE SANCTION  
OF THE CONTROLLER OF H.M.  
STATIONERY OFFICE. CROWN  
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1:10000 SHEET NO. 1111  
SCALE 1/2500

E. LAIDMAN,  
SURVEYOR,  
BERKHAMSTED RURAL DISTRICT COUNCIL.

July 1972

C.S.L.D.

**APPENDIX B: 1974 ARTICLE 4 DIRECTION (ALDBURY)**

1518  
Article 4 Direction  
Newquona Aldbury  
7th March, 1974  
32/97/16/2

Administrative County of Hertford  
Rural District of Berkhamsted

Town and Country Planning Act 1971  
Town and Country Planning General Development Order, 1973

WHEREAS the County Council of the Administrative County of Hertford (hereinafter called "the County Council") are the Local Planning Authority for the Administrative County of Hertford by virtue of the Town and Country Planning Act, 1971.

AND WHEREAS the County Council have delegated to the Berkhamsted Rural District Council (hereinafter called "the District Council") in respect of the local government area of the District Council certain of their functions under the said Town and Country Planning Act, 1971, and under Orders and Regulations made thereunder.

AND WHEREAS the District Council are satisfied that *it is expedient that* certain development of the classes specified in the First Schedule to the Town and Country Planning General Development Order, 1973, should not be carried out in certain parts of the Berkhamsted Rural District within the Administrative County of Hertford *specified in the second schedule hereto* unless permission is granted on an application in that behalf *under the Town and Country Planning General Development Order 1973.*

NOW THEREFORE the District Council acting under delegated powers for the County Council in pursuance of the powers conferred upon the County Council by Article 4 of the Town and Country Planning General Development Order, 1973, and all other powers enabling the County Council in that behalf DIRECT that permission granted by Article 3 of that Order shall not apply to any development specified in the First Schedule hereto in the areas specified in the Second Schedule hereto.



THIS ORDER may be cited as 'The Berkhamsted Rural District  
(Town and Country Planning) (Direction restricting permitted development)  
(Parish of Aldbury) Order - 1974'.

FIRST SCHEDULE

The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings, being development comprised within paragraph one of Class VI referred to in the First Schedule to the said Order and not being development comprised within any other Class.

SECOND SCHEDULE

The area situate in the Parish of Aldbury within the Rural District of Berkhamsted shown edged red on the plan attached to this Order.

GIVEN under the Seal of the Berkhamsted Rural District Council  
this 7th day of March, One thousand nine hundred and seventy four.

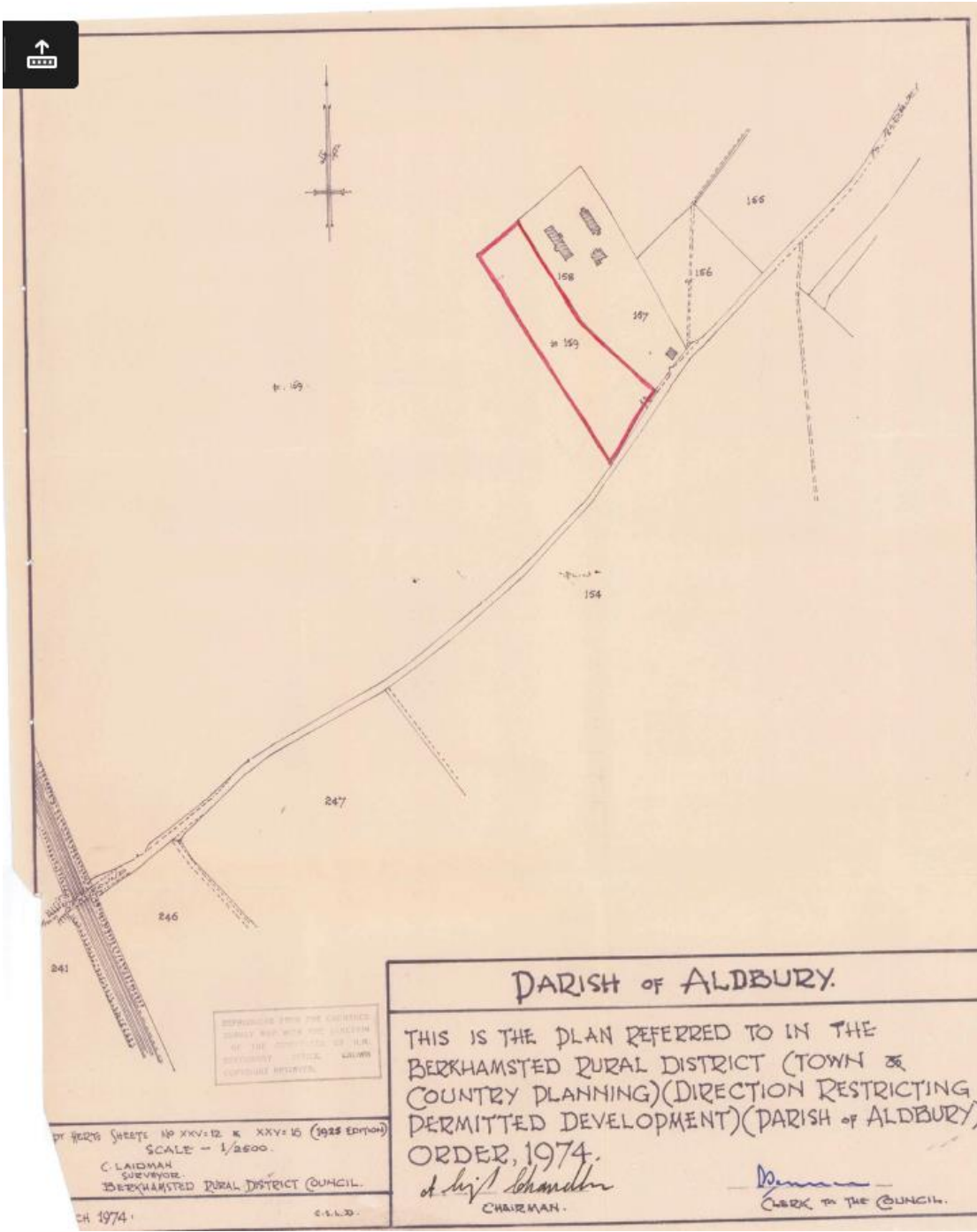
The Common Seal of the Berkhamsted Rural  
District Council was hereunto affixed in  
the presence of:

Chairman:

*A. Cyril Shandler*

Clerk:

*[Signature]*



**PARISH OF ALDBURY.**

THIS IS THE PLAN REFERRED TO IN THE BERKHAMSTED RURAL DISTRICT (TOWN & COUNTRY PLANNING) (DIRECTION RESTRICTING PERMITTED DEVELOPMENT) (PARISH OF ALDBURY) ORDER, 1974.

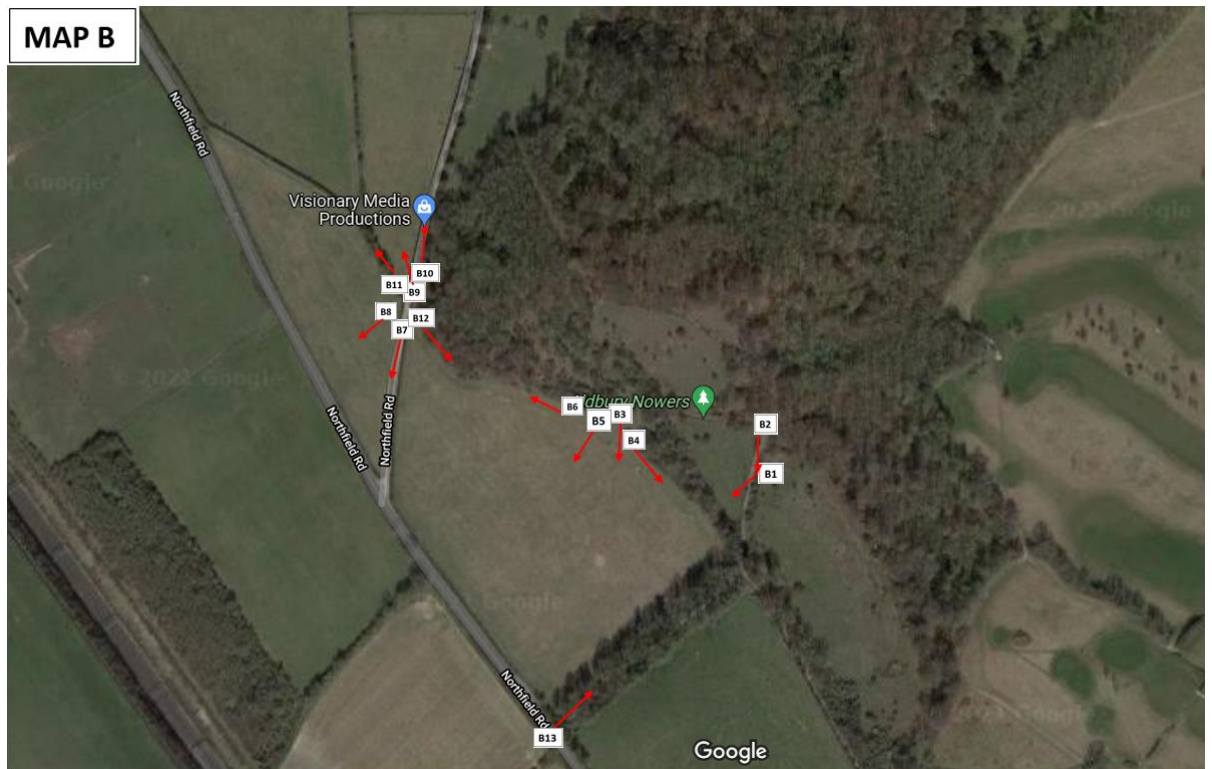
*A. J. Chandler*  
CHAIRMAN.

*D. ...*  
CLERK TO THE COUNCIL.

PT. 1974 SHEETS NO. XXV.12 & XXV.15 (1925 EDITION)  
SCALE - 1/2500.  
C. LAIDMAN  
SURVEYOR.  
BERKHAMSTED RURAL DISTRICT COUNCIL.  
CH 1974. C.S.L.D.



**APPENDIX C: MAPS SHOWING VISUAL ANALYSIS LOCATIONS**







MAP G



MAP H

