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DEVELOPMENT MANAGEMENT

AGENDA

THURSDAY 26 MAY 2022 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM

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

Membership

Councillor Guest (Chairman)

Councillor C Wyatt-Lowe

Councillor Beauchamp (Vice-Chairman)

Councillor Durrant

Councillor Hobson

Councillor Maddern

Councillor McDowell

Councillor Douris

Councillor Williams

Councillor Hollinghurst

Councillor Riddick

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

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

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

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

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

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

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

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

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

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

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

- (a) 21/03793/MOA - Hybrid application for the redevelopment of land to provide up to 26,640m² of commercial floorspace (Classes Eg (i), Eg (iii) B2 and B8) together with associated infrastructure including a new access onto Green Lane, landscaping and planting buffers, parking and circulation space. Creation of four plots for development including ground remodelling and creation of a service road. -Land at Green Lane, Hemel Hempstead (Pages 7 - 65)
- (b) 21/01095/FUL - Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking. - Newground Farm House, Tring Road, Tring, Hertfordshire, HP23 5FR (Pages 66 - 94)
- (c) 22/00003/FUL - Construction of an agricultural livestock building - Glendale Farm, Flaunden Bottom, Flaunden, Hertfordshire. HP5 1GA (Pages 95 - 122)
- (d) 22/00408/FUL - Change of use from Class E to Hot food Takeaway (Sui-Generis) - A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LA (Pages 123 - 135)
- (e) 22/00551/FUL - Construction of two semi detached, 2 bedroom houses, with off road parking and all ancillary works - 31 Gravel Hill Terrace Hemel Hempstead Hertfordshire HP1 1RJ (Pages 136 - 179)
- (f) 22/00015/FHA - First floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to openings including insertion of bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include rear facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimney stack and infill of existing raised patio area, to include new access steps and glazed balustrade - 36 Belham Road, Kings Langley, Hertfordshire, WD4 8BY (Pages 180 - 189)
- (g) 21/04777/RET - Retention of outbuilding - 34 Coniston Road, Kings Langley, Hertfordshire, WD4 8BU (Pages 190 - 202)
- (h) 22/00710/FHA - Proposed first floor extension, front gable extension and rooflights and rear dormer windows - Ponderosa, Barncroft Road, Berkhamsted, Hertfordshire, HP4 3NL (Pages 203 - 211)
- (i) 22/00510/FHA -Double storey rear extension - 51 Highfield Road, Berkhamsted, Hertfordshire, HP4 2DD - (Pages 212 - 220)
- (j) 22/00179/FUL - Loft Conversion - 7 Orchard Court, Bovingdon, Hertfordshire, HP3 0SD (Pages 221 - 227)
- (k) 21/04741/FHA - Construction of single storey front and rear extensions - Old Village Hall, 87 Flaunden, Flaunden, Hertfordshire, HP3 0PP (Pages 228 - 247)

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5b.	21/01095/FUL	Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking. Newground Farm House, Tring Road, Tring, Hertfordshire	
5c.	22/00003/FUL	Construction of an agricultural livestock building Glendale Farm, Flaunden Bottom, Flaunden, Hertfordshire	
5d.	22/00408/FUL	Change of use from Class E to Hot food Takeaway (Sui- Generis) A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire	
5e.	22/00551/FUL	Construction of two semi detached, 2 bedroom houses, with off road parking and all ancillary works 31 Gravel Hill Terrace, Hemel Hempstead, Hertfordshire, HP1 1RJ	
5f.	22/00015/FHA	First floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to openings including insertion of bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include rear facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimney stack and infill of existing raised patio area, to include new access steps and glazed balustrade. 36 Belham Road, Kings Langley, Hertfordshire, WD4 8BY	
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5j.	22/00179/FUL	Loft Conversion	

7 Orchard Court, Bovingdon, Hemel Hempstead,
Hertfordshire

5k.

21/04741/FHA

Construction of single storey front and rear
extensions
Old Village Hall, 87 Flaunden, Flaunden,
Hertfordshire

ITEM NUMBER: 5a

21/03793/MOA	Hybrid application for the redevelopment of land to provide up to 26,640m² of commercial floorspace (Classes Eg (i), Eg (iii) B2 and B8) together with associated infrastructure including a new access onto Green Lane, landscaping and planting buffers, parking and circulation space. Creation of four plots for development including ground remodelling and creation of a service road.	
Site Address:	Land at Green Lane, Hemel Hempstead	
Applicant/Agent	Prologis UK Ltd/Savills	
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Adeyfield East
Referral to Committee:	The application has been referred to the Development Management Committee as it comprises large scale major development requiring a S106.	

1. **RECOMMENDATION** – That planning permission is **DELEGATED** with a view to **APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended)

2. SUMMARY

2.1 The proposals will facilitate the provision of employment space at an important site within the Hertfordshire Innovation Quarter Enterprise Zone and at the junction of Breakspear Way and Green Lane. The emerging Local Plan (HH20) seeks to allocate the site for employment use and it will facilitate the provision of significant employment opportunities for the residents of Hemel Hempstead in accordance with Policies CS14 and CS15 of the Core Strategy.

2.2 The engineering operations contained within this submission will create a number of plateaus for the development of commercial warehouses and office space and set out a number of development parameters that should ensure the high quality development of the site in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The application site is located at the eastern edge of the Borough of Dacorum and is bounded by Breakspear Way (A414) to the south and Green Lane to the east. The northern boundary abuts Boundary Way with industrial uses located immediately to the north and northwest. The western boundary of the site adjoins Woodwells Cemetery and Woodwells Caravan Storage site. The site is separated from the wider Maylands Business Park and Gateway by Buncefield Lane.

3.2 The site comprises an ‘L’ shaped parcel of land, approximately 6.89 ha in size. The site consists of two fields separated by a poorly defined hedge line. The northern most field has a gentle fall from north-west to south-east ranging in level from 137.60m AOD to 133.02m AOD. The southern field which links Buncefield Lane to Green Lane is relatively flat, falling from 134.60m AOD in the north-west to 132.08m AOD in the south-east. Along the eastern boundary there is a noticeable level change falling down towards Green Lane within the zone of highway land.

- 3.3 A footpath (Footpath No. 131) runs from Buncefield Lane to the west of the site and continues east joining up to Green Lane crosses the site from east to west and provides a pedestrian connection between Green Lane and Buncefield Lane. The remainder of the site is sparsely covered with vegetation throughout with thicker areas of trees and hedgerows to the perimeter of the site. A band of trees runs east-west across the southern portion of the site.

4. PROPOSALS

- 4.1 The application comprises a hybrid planning application for the development of 26,640m² of commercial floorspace together with associated infrastructure, including a new access into the site from Green Lane, landscaping and planting buffers and works incidental to the development of the site.
- 4.2 Full planning permission is required for enabling works across the entire site including the investigation and mitigation of ground contamination, the creation of the main access into the site, the creation of plateau for the development of four buildings on the site together with appropriate landscaping and access works around the boundaries of the site. A remodelling the existing site topography is required to reduce the need for material to be removed from the site and is achieved by a cut and fill balance across the development area.
- 4.3 Development Zones 1a and 1b would be constructed with a finished plateau level of some 134.350m AOD and this represents an increase in ground level height of some 2.3m adjacent to the Breakspear Lane and Green Lane roundabout. This requires the construction of a retaining wall behind the existing and proposed landscaping to this junction. Zone 2 would be provided with a plateau level of some 135.100m AOD whilst Zone 3 would have a plateau level of some 135.600m AOD.
- 4.4 Outline planning permission is required for all other matters (excluding access) and seeks to establish the principle of two development options in relation to the site. These are set out in the associated Design and Access Statement and parameters plan for the site. The site will be developed by Prologis in phases.
- 4.5 Option A (Parameter Plan) would allow for the creation of up to 4,200 square metres of office floorspace within Class E (g) (i) in Plot 1A together with Class E (g) (iii) light industrial use, B2 general industrial use and/or B8 storage and distribution uses across the remaining plots. Plot 1A would provide a highly visible and landmark office building facing the roundabout at Green lane and Buncefield Lane.
- 4.6 Option B (Parameter Plan) would provide up to 26,640m² of floorspace for uses within Class E (g) (iii) light industrial use, B2 general industrial use and/or B8 storage and distribution uses. This would be accommodated on four plots of land and is likely to comprise 5 individual buildings.
- 4.7 Both options would be accessible from a new junction on Green Lane and via an internal spine road.
- 4.8 The application was reduced in scale during the course of the application by the submission of an amended parameter plan (31325-PL-201A). The amended plan reduced the amount of development permitted in Zone 3 from 6,100 square metres to some 5740 square metres.

4.9 The site was subject to a screening opinion (21/02805/SCE) and the local planning authority determined in August 2021 that the site did not constitute EIA development.

5. REPRESENTATIONS

Consultation responses

5.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

5.2 No comments have been received from neighbouring properties.

6. POLICIES

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy

NP1 - Supporting Development
CS1 – Distribution of Development
CS2 – Selection of Development Sites
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 - Management of Roads
CS12 – Quality of Site Design
CS13 – Quality of Public Realm
CS 14 – Economic Development
CS15 – Offices, Research, Industry, Storage and Distribution
CS26 – Green Infrastructure
CS27 – Quality of the Historic Environment
CS28 – Carbon Emissions Reductions
CS29 – Sustainable Design and Construction
CS30 – Sustainable Off-setting
CS31 – Water Management
CS32 – Air, Soil and Water Quality
Hemel Hempstead Place Strategy
CS34 – Maylands Business Park
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 12 – Infrastructure Provision and Phasing
Policy 13 – Planning Conditions and Planning Obligations
Policy 31 – General Employment Areas
Policy 37 – Environmental Improvements
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 58 – Private Parking Provision
Policy 60 – Lorry Parking
Policy 99 – Protection of Trees and Woodland
Policy 100 – Tree and Woodland Planting

Policy 116 – Open Land
Policy C6 – Woodwells Cemetery
Policy 118 – Important Archaeological Remains
Appendix 1 – Sustainability Checklist
Appendix 4 – Layout and Design of Employment Areas
Appendix 5 – Parking Provision

6.4 Supplementary Planning Guidance / Documents

Car Parking Standards SPD (2020)
Energy Efficiency & Conservation (June 2006)
Environmental Guidelines (May 2004)
Maylands Gateway Development Brief (2013)
Maylands Masterplan (September 2007)
Water Conservation & Sustainable Drainage (June 2005)

6.5 Emerging Strategy for Growth (2020-2038) – Single Local Plan

Overarching Vision for Dacorum's Growth by 2038
Policy SP5 – Delivering the Employment Strategy.
Policy SP15 – Delivering Growth in Hemel Hempstead
Policy SP19 – Maylands Business Park

7. **CONSIDERATIONS**

Policy and Principle

- 7.1 The site is located within the Hertfordshire Innovation Quarter (Herts IQ) and forms part of the wider Maylands Gateway Site. It is intrinsic to the delivery of the employment needs of the Borough beyond the Local plan period and to addressing a shortfall of employment land within the Core Strategy. The designated Enterprise Zone (Herts IQ) aims to attract a wide range of high value business sectors linked to environmental technologies such as off-site modern methods of construction, agricultural based technologies and digital industries to land to the east of Hemel Hempstead and extending across the boundary with St. Albans City and District Council.
- 7.2 The Core Strategy indicates that focus at East Hemel Hempstead will be on regenerating the employment area. The growth of the business park will be based on the regeneration of existing areas (as undertaken by Prologis to the west of the site) followed by expansion of the Maylands General Employment Area. This will include undeveloped sites and Greenfield land at the Maylands Gateway site as set out in Policy CS34 of the Core Strategy. Policy CS34 indicates that the priority at the Maylands Gateway site should be the development of high quality office and complimentary land uses within an open setting. This should be in accordance with the Area Action Plan (AAP) for East Hemel Hempstead.
- 7.3 A comprehensive strategy for development of the Maylands Gateway site was envisaged to be developed through the provision of an Area Action Plan (AAP) in conjunction with St. Albans City and District Council. In the absence of policy support through the APP, the planning policies for the area are now being pursued via the new Single Local Plan work. In the intervening period development should be undertaken in the accordance with the development plan and the Maylands Gateway Masterplan and having regard to paragraph 122 of the NPPF.
- 7.4 Paragraph 122 of the NPPF indicates that in the interim (where a Council has a plan which does not reflect changes in demand for land), prior to updating a development plan,

applications for alternative uses on land should be supported where the propose use would contribute to meeting an unmet need in the area. In this case, there is a need for additional employment land to support the economic growth of the Borough.

- 7.5 The site remains subject to Saved Policy 116 of the Local Plan and Proposal C6. Saved Policy 116 of the Local Plan seeks to protect open space forming part of the urban area from development whilst Proposal C6 allows for the retention and possible expansion of the adjacent Woodwell's cemetery.
- 7.6 Even though the loss of open land would be contrary to Saved Policy 116 of the Local Plan, it is evident from the Core Strategy and Maylands Gateway Development Brief that built development is appropriate on the site. There is no need to expand Woodwells cemetery given the construction of the new cemetery and crematorium developments at Bunkers Park and in accordance with paragraph 122 of the NPPF it is no longer appropriate to carry forward such proposals in the plan process.
- 7.7 Policy CS34 and the Maylands Gateway Development Brief should be afforded significant weight in this decision and provides a clear rational for the employment led development of the site, whilst the emerging plan policies (SP5, SP15 and SP19) have limited weight in favour of further employment development at this site.
- 7.8 The site is recognised as a location for employment led growth within Policies SP5, SP15 and SP19 of the Dacorum Emerging Strategy for Growth (2020-2038) and is integral to the delivery of a significant increase in employment space over the emerging plan period. The boundaries of the Maylands General Employment Area (GEA) are proposed to be extended under the emerging plan to take in land permitted or allocated for employment growth at the Maylands Gateway and Spencer's Park sites. The site is identified as site HH20 in the schedule of Growth Areas under Policy SP15 with a view to providing some 48,000 square metres of gross internal floorspace of offices, 24,000 square metres of industrial space or a mix thereto. Draft Policy HH20 indicates that land on the corner of the site and fronting Breakspear Way/Green Lane should be developed for offices unless market evidence shows that there is no commercial interest. The level of outstanding objections for employment proposals such as this are significantly lower than with the housing proposal so 'limited weight' could be afforded to these policies in support of the proposals and in any assessment of the planning balance.
- 7.9 This land is well located to meet some of the need for small and medium sized industrial accommodation given its location by the A41 and close proximity to the M1. Land on the corner of the site fronting Breakspear Way/Green Lane should be developed for offices unless market evidence shows that there is no commercial interest in such development and this is illustrated in Option B submitted in support of this application.
- 7.10 The inclusion of two options within the application, including office development in one option, is a response to the aspiration in the emerging policy HH20 to secure office uses as part of the development. Whilst 48,000 square metres of office is unlikely to be delivered (as acknowledged in the SW Herts Economic Study Update 2019), this flexible approach to support a scenario where offices may provide a smaller quantum of development should be welcomed. It will be important, through the assessment of reserved matters applications, to test whether the sites development can incorporate office development at the important junction of Breakspear Way and Green Lane and uncertainty about the quantity of office space that might be delivered in this location.

Layout and Design

- 7.11 This application seeks to establish planning permission for the construction of four plateaus upon which to construct an employment led development of the site. Full planning permission is requested in relation to the engineering works and site preparation. The application is accompanied by a parameter plan and statement of design objectives for the site as set out within the accompanying Design and Access Statement and Design Code document. In addition, illustrative landscaping plans have been provided to show how the boundaries of the application site will be landscaped and how the development plateaus would interact with neighbouring land. The approach to developing the site is considered to be appropriate and should reduce any need to remove spoil or other material from the application site.
- 7.12 A high quality development is expected to be provided in accordance with CS12 and CS13 of the Core Strategy and the Maylands Gateway Development Brief. To fulfil the vision for the Gateway, high quality buildings, public realm and landscaping will be expected, including the treatment of parking areas. An element of good quality open space within the Gateway is also important to provide amenity value and to help create a pleasant working environment.
- 7.13 The Maylands Gateway Development Brief places significant importance on the need to create an active frontage and positive relationship with Breakspear Way in order to provide a visible sign of the regeneration of the Maylands area, as well as Hemel Hempstead as a whole. Where industrial units are proposed, those fronting Breakspear Way should provide overlooking and active elements. Parking and servicing areas should also be provided to the side and rear of the buildings proposed.
- 7.14 The submission of reserved matters applications will be expected to comply with the submitted Design Code and Parameters Plan. This sets out appropriate guidance to deliver a high quality development on the site and one which is considered to be appropriate in terms of its layout, design, bulk, scale and use of materials in accordance with Policy CS12 of the Core Strategy. Both options A and B (Illustrative Plans) incorporate an active frontage to the SW corner of the site, facing the Green Lane/Breakspear Way roundabout, which will help to meet the objectives of the Maylands Gateway Development Brief and the emerging Local Plan policy.
- 7.15 The orientation and siting of all built form across Options A and B will be designed to create strong, active frontages when viewed from outside of the site. The location of car parking, access roads and service yards within internal areas of the site are designed and located to ensure an appropriate level of separation and landscaping to site boundaries wherever possible. Likewise, the introduction of ancillary office space, predominantly on outward looking facades fronting the site boundaries (and the location of the office block in Option A) will help to activate these frontages.
- 7.16 The associated parameter plan indicates that the buildings upon the site will have a maximum height of some 15m above finished floor level. These buildings are designed to meet the functional and operational needs of employment uses. These are similar in height to those constructed at the adjacent Prologis site and are considered to be appropriate in this context in accordance with Policies CS11 and CS12 of the Core Strategy. The creation of development plateaus across this sloping site will ensure that the scale of buildings does not appear excessive when viewed from the surrounding highway network and that the buildings have an appropriate relationship and juxtaposition to each other and surrounding land uses. It is acknowledged that development in Zone 1a will be very prominent given a change in land levels adjacent to the Breakspear Way and Green Lane roundabout and therefore the detail design of this building and the landscaping at this point will be very

important in enhancing the entrance to and public perception of Maylands and Hemel Hempstead. A landmark building should be considered through the reserved matters phase to enhance the entrance to the town.

Landscaping and Visual Amenity

- 7.17 A comprehensive Landscaping Strategy has been prepared in support of this planning application together with some illustrative landscaping sections in key locations around the perimeter of the site. This incorporates a tree survey in accordance with BS5387:2012. The Landscape Design Strategy sets seven key strategic objectives to shape the environmental benefits to be brought about by the proposed redevelopment of the site: These objectives are as follows:
- a) To retain and protect the existing trees and hedges except those to be removed to facilitate the new access point and highway works
 - b) To ensure the successful establishment and retention of the landscape scheme and effective landscape buffer planting, particularly along the boundaries of the site to provide an attractive setting and backdrop for the development.
 - c) Where appropriate take opportunities to improve potential habitat biodiversity on the site with the introduction of features such as bat/bird boxes, and the inclusion of hibernacula/log piles and hedgehog gateways installed within the boundary fences.
 - d) Enhance the amenity value of the site and provide an attractive and welcoming environment sympathetic with the existing landscape character of the area;
 - e) To create a 'feel safe' environment for site users;
 - f) To consider sustainability in terms of both materials selection and maintenance; and
 - g) To take account of the future maintenance requirements by careful selection of plant species and their relationship, with emphasis on achieving good establishment whilst minimising maintenance costs
- 7.18 The key principles of the landscaping strategy are embedded in the Design Codes for the site and will need to be pursued through the submission of reserved matters applications.
- 7.19 The majority of the vegetation around the periphery of the site will be retained and protected during construction. This is clearly indicated on a tree constraints plan submitted with the application. Tree group, G17, running parallel to Breakspear Way, will be retained, managed and subject to infill planting where necessary to close up any gaps therein. The cemetery boundary will be reinforced by native planting whilst 3 large stature trees along the northern boundary of the site (T50, 51 and 52) will be retained and under planted. The proposals include a new landscape scheme at the junction of Breakspear Way and Green Lane incorporating the existing 'Welcome to Dacorum' signage. The landform is to be locally remodelled rising up to the base of a course stone faced gabion that demarcates the edge of Zone 1a plateau. An arc of formally clipped carpinus betulas (Hornbeam) instant hedging will wrap around the signage whilst the use of prairie style planting in front will create an exciting area of colour, texture and form. The proposals are not considered to be detrimental to existing landscaping features and should result in a high quality landscaping scheme to the site in accordance with Policies CS12 and CS26 of the Core Strategy. This will soften the overall appearance of this commercial/industrial development.

- 7.20 The landscaping of the site incorporates a 2.4m acoustic fence around the perimeter of the site and adjacent to the Woodwells cemetery. This is considered to be necessary to reduce any noise nuisance from industrial and commercial activities to visitors to the cemetery and to ensure that the cemetery remains a quiet place of solitude and reflection. The full details of this fence shall be provided in the submission of reserved matters applications and be constructed prior to the occupation of any of the buildings upon the site.

Access and Parking

- 7.21 The application has been subject to discussions with both Hertfordshire Highways as local highway authority and National Highways in relation to the impact of development upon the strategic highway network (M1) These discussions have been held in the context of proposed improvements to junction 8 of the M1 and in relation to proposals for the development of land to the east of Hemel Hempstead within the St. Albans City and District administrative area. Neither party has any objections to the resulting scheme subject to a number of planning conditions as set out in Appendix A. The overall conclusions are that the proposals would not have a significant and detrimental impact on the surrounding highway network in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.19 A single vehicular access to the site will be provided via a new road junction onto Green Lane with each development zone being served by the estate spine road to the rear of the development site. The design of this road junction has been designed to allow for its replacement with a roundabout junction in the event of development at land at East Hemel Hempstead. The internal access road has been designed to accommodate HGV access and appropriate loading and circulatory space. These would provide a safe means of access to the development site in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.20 Pedestrian and cycle access to the site and wider connectivity beyond the site will be enhanced through the provision of a 'quiet route' to Buncefield Lane, improvements to the public right of Way 131 across the site and by the provision of a separate 3m wide footpath and cycleway to Green Lane. This would encourage alternative means of access to the site than private car with priority around the site given to alternative means of transport in accordance with Policies CS8 and CS12 of the Core Strategy. Two proposals are presented for the treatment of Buncefield Lane and subject to the successful implementation of a Traffic Regulation Order prohibiting vehicular access. These plans and works will be incorporated within a legal agreement for the development of the site.
- 7.21 It is clear from the submitted Design Code that the parking arrangements for each individual unit should reflect the requirements of the Car Parking Standards SPD (2020) and that this will be designed accordingly. These areas are stated to be constructed in a mix of macadam and blockwork as part of the coordinated landscaping plan for the site and will be softened by soft landscaping areas. Further judgements regarding the adequacy of access to individual plots will be considered at a reserved matters stage.

Sustainable Construction

- 7.22 The application is accompanied by a Sustainability Statement by Turley Sustainability. This succinctly sets out that the Core Strategy sets a range of sustainable design and climate change requirements for new developments under Policies CS28 and CS29 of the Core Strategy whilst the Emerging Strategy for Growth sets out a requirement for development to achieve BREEAM Excellent ratings. These align with the objectives of Prologis as a developer of industrial and commercial real estate whose own objectives set out that Prologis will design new buildings in accordance with recognised sustainable building certification scheme and incorporating energy efficient lighting system.

7.23 The supporting statement indicates that the Maylands Gateway development will be designed to achieve the BREEAM Excellent standard. Whilst Building Regulations and planning policies focus on the operational carbon emissions (such as heating and lighting) Prologis also recognise that the embodied carbon of a building is a significant percentage of its lifecycle carbon emissions. Prologis are a supporter of the charity 'Cool Earth'¹ and mitigate all of the embodied carbon for new developments through financial contributions to Cool Earth for use in their work.

7.24 Prologis have indicated that at this stage in their design that a target of a 15% carbon reduction over Part L 2013 will be deliverable and that this will be confirmed through the submission of reserved matters applications. The following measures will be employed:

- Provision of roof lights to the industrial buildings to cover at least 15% of the unit roof space and to prioritise natural daylight, minimise artificial light and energy requirements
- Air tightness values lower than the Building Regulations standard of 10m³/m²/hr to less than 1.5m³/m²/hr
- Glazing being provided to office elevations with a U value of less than 1.4W/m²K.

It may be feasible for Solar PV, Solar Thermal Hot Water systems and/or Heat Pump systems to be incorporated within the final design of the proposals and subject to reserved matters applications.

7.25 The proposed development will deliver highly sustainable and resource efficient buildings capable of adapting to climate change in accordance with Policies CS28 and CS29 of the Core Strategy.

Drainage and Flood Risk

7.26 As set out in Appendix A to this report, the applicants have not been able to demonstrate to Hertfordshire County Council as Lead Local Flood Authority that there is an appropriate drainage strategy for the site. The LLFA have concluded that:

“Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site”.

7.27 The LLFA have indicated that to overcome their objection a full design of the SuDs features and associated drainage calculations would need to be provided.

7.28 Given that this application is a hybrid application, it is contended that this level of detail is excessive. The layout and arrangements for drainage are not available at this stage as an appropriate level of design work has not been undertaken. The overall arrangement of drainage routes and SuDs features may vary depending on the final design of buildings as required under a reserved matters process.

7.29 The applicants indicate that the drainage strategy for the site indicates that SuDs features such as permeable paving and swales will be included in the development of each plot and that surface water run-off would be restricted to that currently associated with a Greenfield site. A planning condition has been suggested by them that would incorporate these

¹ Cool Earth is a UK registered charity that works alongside indigenous villages to halt rainforest destruction. As part of their projects in the Amazon they have approximately 85,000 hectares of land under community stewardship. A number of tree planting schemes are being implemented globally.

requirements. This would be in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

- 7.30 Another concern from the LLFA is that the proposed drainage will not adhere to the hierarchy of surface water discharge (infiltration, water courses, sewers). This is despite assurances that the relevant permissions for such works are in progress with the associated statutory undertakers. It is accepted that on some parts of the site, infiltration of water would not be appropriate given ground conditions and in such circumstances water discharge is likely to fall to the sewer network. I would reiterate that this would be at a Greenfield run-off rate and thus no worse than the current arrangements at site. Prologis have confirmed that no part of the proposed drainage network would be adopted by either the local authority or Thames Water and would accept a condition thereon. It is indicated that a condition could be applied which would cover the need to secure the on-going management and maintenance of any drainage system. This would be appropriate in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Ecology and Biodiversity

- 7.31 The application site has been subject to an Ecological report by Ecology Solutions. This has indicated that the site has little intrinsic ecological value comprising low level grassland. It also identifies that there is a lack of evidence to suggest that the site is used by protected species such as badgers or bats (although low level evidence of foraging was found and retained trees have habitat potential) Although no formal comments have been received from the Hertfordshire Ecology team in relation to this application, they have indicated in response to the consultation on the Emerging Local Plan that they were not aware of any fundamental ecological constraints to the development of this site. This is reflected in the Ecological Surveys of the site by Ecological Solutions. It is therefore concluded that the proposals would have little impact on green infrastructure as required under Policy CS26 of the Core Strategy. The response of Hertfordshire Ecology to this proposal within the consultation draft of the Emerging Local Plan indicates that there will be a need to contribute to the off-setting of any failure to contribute appropriate biodiversity net gains in accordance with the Natural England matrix as set out in paragraph 7.34 below.

Infrastructure and Developer Contributions

- 7.32 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The proposed development is not liable for the payment of the Community Infrastructure Levy, but a number of infrastructure works are necessary as a result of the development. These are to be secured through the payment of developer contributions under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 7.33 The applicants have already paid a contribution of some £250,000 towards the carrying out of longer term improvements to the junction of Breakspear Way and Green Lane in association with planning application 4/00064/17/MFA (Comprehensive development of land to provide 54,714m² of flexible commercial floorspace within use Classes B1 c) B2 and B8 and ancillary offices at Land at Buncefield Lane and Breakspear Way). This contribution is still held with the County Council as highway authority pending the improvement of the Breakspear Way/Green Lane roundabout and wider improvements to junction 8 of the M1. It is recommended that this contribution is used in line with the latest proposals for the development of the highway infrastructure in the vicinity of the application site to ensure that appropriate highway works are undertaken to regulate traffic movements in the locality and encourage sustainable transport measures. The highway network will be further amended through the pursuit of a Traffic Regulation Order and amendments to Buncefield Lane to provide a 'quiet route'

- 7.34 A contribution is required to off-set the impact of development upon biodiversity and to provide a net gain in the biodiversity value of land of some 10% in accordance with the drafted Environment Bill and emerging plan policy. The application is accompanied by a report by Ecology Solutions that demonstrates that it is not possible to prevent a net loss to biodiversity within the site itself and therefore off-site compensation measures will need to be implemented. A payment of £250,584 would be required to offset the loss of habitat and achieve a 10% net gain in biodiversity based on the standard methodology². The Council will need to establish a mechanism and strategy for the spending of the biodiversity payments in consultation with the applicants and Herts Ecology.

Other Material Planning Considerations

Health and Safety

- 7.35 The Health and Safety Executive (HSE) has provided composite maps showing the relationship between the HSE's Land Use Planning consultation zones for the Buncefield Oil Terminal major hazard site. There are four consultation zones within which the scale of development will be controlled in the interests of public safety. The most restrictive area is the Development Proximity Zone (around 150m from the tank bunds) within which only development that is not normally occupied will be permitted such as car parking, storage etc Beyond this there are limitations regarding the height of buildings and the number of occupants of such buildings within each of the consultation zones (Inner, Middle and Outer Zones). The proposed use of land is one which would be acceptable in the Middle and Outer Zones.
- 7.36 The applicants have advised that buildings within the Inner Consultation Zone (Zone 3 on the parameter plan) would not exceed the relevant threshold (100 people/3 storey) based on the Homes and Communities Agency publication 'Employment Densities Guide 2015; particularly if this is applied to a B8 (Storage and Distribution) land use. On this basis the HSE are satisfied that they do not need to raise an objection to the scheme. Given the guidance in the HSE response it is however considered appropriate to restrict the number of occupants to buildings within this zone in the interests of public safety via a planning condition.
- 7.37 The British Pipeline Agency has advised that the development of the site will have no impact upon any pipelines within the vicinity of the Buncefield terminal and as such there are no grounds for concern in relation to the pipe network, its safety and security as a result of this proposal.
- 7.38 The buildings are not subject to a specific Fire Access Statement as they fall below the height and use thresholds. The site is accessible to fire tenders and as such is not considered to raise any significant fire safety issues.

Impact on Neighbouring Land Uses

- 7.39 The use of the site for employment purposes is considered unlikely to have any significant adverse impact on neighbouring land uses in accordance with Policy CS12 of the Core Strategy. It has been carefully design and includes mitigation measures to ensure that there is no significant noise nuisance from commercial activities to visitors to the adjacent Woodwells Cemetery.

² A figure of £12,000 per biodiversity unit has been proposed within the drafted Environmental Bill in accordance with the advice of Natural England.

Chiltern Beechwoods Special Area of Conservation (CBSAC)

- 7.40 The planning application is within Zone of Influence of the CBSAC. The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 7.41 The site will primarily provide employment opportunities for those within the Borough and surrounding areas. Its development per se is extremely unlikely to increase recreational or other pressures on the CBSAC. A screening assessment has been undertaken and no likely significant effect is considered to occur to the CBSAC therefore an appropriate assessment is not required in this case.

Air Quality

- 7.42 The application is accompanied by an Air Quality Assessment by WSP. The assessment of the potential air quality impacts associated with traffic generated by the operational phase of the proposed development has been completed in line with published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO₂), PM₁₀ and PM_{2.5}.
- 7.43 The results show that the proposed development would cause little or no discernible increase in concentrations of NO₂, PM₁₀ and PM_{2.5} at relevant nearby sensitive receptors. According to the assessment significance criteria, the residual effects of the proposed development during the operational phase are also negligible.
- 7.44 There are no objections from the Environmental Health team in relation to the impact of development on air quality and as such the proposals must be considered acceptable under Policy CS32 of the Core Strategy.

Archaeology and Built Heritage

- 7.45 The accompanying Archaeological Assessment indicates that there are no designated or non-designated archaeological assets upon the site or within the immediate surrounding area. The site was also subject to a geophysical survey which identified that it is unlikely to contain yet to be identified archaeological remains. The proposals are not considered to be harmful to archaeological remains and the historic environment in accordance with Policy CS27 of the Core Strategy.
- 7.46 The application is also accompanied by an Assessment of Built Heritage by RPS. This concludes that the site comprises a neutral element within the settings of Breakspears and Gorhambury whereby it makes no contribution to the respective significance of these heritage assets. The development would result in a negligible impact to their settings and result in no harm in accordance with the NPPF and Policy CS27 of the Core Strategy.
- 7.47 The County Archaeological Unit and their suggested conditions have been included below.

8. RECOMMENDATION.

- 8.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.2 That the following Heads of Terms are agreed:

- The reallocation of £250,000.00 secured in association with planning permission 4/00064/17/MFA towards the improvement of the Green Lane and Breakspear Way junction
- That enhancement works to Buncefield Lane are commenced in accordance with the Buncefield Lane Works Schedule (see Table 1 of the response from Hertfordshire Highways)
- A contribution of £250,584.00 is provided to undertake biodiversity improvements within the Borough.
- A contribution of some £6,000 is provided for the monitoring and evaluation of a Green Travel Plan in relation to the site.

8.3 That the following conditions are applied:

Conditions:

- 1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Construction Management

- 3. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**

- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and**
- k. Phasing Plan.**

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan

Reason: To ensure that the M1 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to protect 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).

Phasing

- 4. This development may be implemented in phases or as individual development zones in accordance with the Parameter Plan hereby approved. Each development zone may be treated as an individual site for the purposes of discharging any application for reserved matters approval and may commence subject to conditions relating thereto.**

Reason: For the avoidance of doubt.

- 5. No development on Zone 1A comprising land uses within Classes EG (iii), B2 or B8 of the Town and Country Planning (Use Class Order) 1987 (As Amended) (Option B) shall take place until market evidence or an assessment of the employment land demand has been submitted to the Local Planning Authority and agreed in writing to demonstrate a lack of commercial interest in EG (i) uses or that the use is unlikely to be taken up.**

Reason: To ensure an adequate supply of employment land uses in accordance with Policy CS34 of the Core Strategy.

Access and Parking

- 6. The submission of reserved matters for access shall include full details, for each phase or development zone, of the layout of internal access roads, gates, controlled access points, parking (including cycle and EV charging locations) loading and circulation areas:**

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).

- 7. Prior to the first occupation / use of the development hereby permitted the vehicular access to the site shall be completed in accordance with drawing number(s), 9793-WSP-XX-S278-DR-C-00101 P01 and 9793-WSP-XX-S278-DR-C-00102 P01 and in accordance with reserved matters to be submitted to and approved in writing by the Local Planning Authority. The access arrangements shall thereafter be retained in accordance with the approved details.**

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

- 8 Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number(s) (9793-WSP-XX-S278-DR-C-00101 P01. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 9. Prior to the first occupation / use of each phase or development zone of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 30% of the car parking spaces to have passive provision for EV charging.**

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

- 10 Prior to the commencement of each phase or development zone of the development hereby permitted, a scheme for the parking of cycles including details of the number, design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before that phase of development is first occupied (or brought into use) and thereafter retained for this purpose.**

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

- 11 Prior to the first occupation / use of individual units within the development a plan agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be agreed in writing by the Local Planning Authority in consultation with the highway authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 4, 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

- 12 At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, produced in accordance with the Hertfordshire County Council Travel Plan Guidance, Mar 2020, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be based on the submitted Framework Travel Plan within (Appendix E) of the WSP Transport Assessment and updated to include:**

- **changes to relevant Government Guidance and Local Planning Authority Policies since the 2016 date of publication of the Framework Travel Plan**
- **include the measures specified in Section 6.2.4 of the WSP Air Quality Assessment report (September 2021)**

- include the collection of baseline information on:
 - awareness of Ultra Low Emission Vehicles (ULEVs)
 - ownership of ULEVs
- include resources to raise awareness of ULEVs
- include measureable targets for ULEV uptake throughout the lifetime of the Travel Plan

It shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure the M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' the National Planning Policy Framework and Planning Practice Guidance. To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and to satisfy the requirements of Policies CS8 and CS12 of the Core Strategy.

Reserved Matters

- 13 The submission of Reserved Matters applications for appearance and scale for each phase or development area shall comply with the Parameters Plan and Design Code hereby approved and shall include details of the following matters for each development plot:**

- full elevations for the proposed buildings
- floor plans of the proposed building and
- full details of the materials to be used in the external appearance of the buildings.

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

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

- 14. No building on the development hereby approved shall exceed 15m in height above the finished floor level.**

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in accordance with the site parameters plan.

- 15. The proposed building to Development Zone 3 shall have a maximum gross external area of some 5740m²**

Reason: To limit the size of the building in order to adhere to the Health and Safety Executives Inner Consultation Land Use Planning advice.

- 16. The submission of Reserved Matters applications for landscaping for each phase or development area shall comply with the Design Code and Landscaping Strategy for the site hereby approved and shall include details of**

- soft landscaping measures including planting plans and specifications
- the siting and design of any boundary treatment including acoustic fencing to the boundary of Woodwells Cemetery
- exterior lighting plans and
- minor artefacts and structures (bin stores, benches etc)

No development shall take place until measures for the protection of trees have been erected in accordance with plan 2036/20-03. These shall thereafter be retained for the duration of construction.

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

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

17 The submission of the Reserved Matters application shall include details of the following matters for each development plot:

- Details of the design for the sustainable surface water management drainage for each plot which are to include SuDS features (such as permeable paving) and with surface water discharge limited to greenfield run-off rates.
- Details of any proposed drainage infrastructure crossing underneath the public highway in consultation with the Highways Authority and
- Details of any proposals for the long term management and maintenance of any SuDs or drainage systems.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an adequate drainage strategy for the site and its maintenance in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.

Contamination

18. (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.

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

19. 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 19 (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 and**
- (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

20 Any contamination, other than that reported by virtue of Condition 19 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.

Archaeology

21 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.

Reason: To ensure the adequate investigation and recording of archaeology in accordance with Policy CS27 of the Core Strategy.

21 b)

i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 21 a).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 21 a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the adequate investigation and recording of archaeology in accordance with Policy CS27 of the Core Strategy.

Buncefield

22. No building within the Health and Safety Executives Inner Consultation Land Use Planning Consultation Zone for the Buncefield Oil Terminal major hazard site shall be occupied by more than 100 employees at any one period in time.

Reason: In the interests of public safety.

Approved Plans

23. The development hereby approved shall be carried out in accordance with the following plans and documents:

- 31325-PL-200 (Location Plan)**
- 31325-PL-201A (Parameters Plan)**
- SK1200-P01 (Plateau Earthworks Analysis)**
- SK1201-P01 (Plateau Contour Plan)**
- SK1300-P02 (Surface and Foul Water Drainage Layout)**
- SK1605-P01 (Site Section Sheet 1)**
- SK1606-P01 (Site Sections Sheet 2)**
- SK1611-P01 (Proposed Spine Road)**
- SK1612-P01 (Proposed Spine Road)**
- SK1613-P01 (Proposed Spine Road)**
- SK1621-P01 (Proposed Spine Road Contours)**
- SK1622-P01 (Proposed Spine Road Contours)**
- SK1623-P01 (Proposed Spine Road Contours)**
- 9793-WSP-XX-S278-DR-C-00101 P01 (Section 278 – General Arrangement)**
- 9793-WSP-XX-S278-DR-C-00102 P01 (Section 278 Agreement – Forward Visibility Splay)**
- 9793-WSP-XX-S278-DR-C-00103 P01 (Section 278 Agreement – Forward Visibility Splay)**
- 2036/20-01 (Tree Constraints Plan)**
- 2036/20-02 (Landscape Concept Plan)**
- 2036/20-03 (Tree Retention, Protection and Removal Plan)**

2036/20-04 (Landscape Concept Sections)

Air Quality Assessment by WSP (September 2021)
Biodiversity Assessment by Ecological Solutions (September 2021)
Design and Access Statement by Michael Sparks Associates (September 2021)
Design Code by Michael Sparks Associates (September 2021)
Drainage Design Philosophy by RPS Group (June 2021)
Ecological Assessment by Ecological Solutions (September 2021)
Heritage Statement by RPS (August 2021)
Landscape and Visual Impact Assessment by Barry Chinn Associates reference 2036/20/RP02 rev A
Noise Impact Assessment by WSP (September 2021)
Sustainability Statement by Turley reference PR0Z3021 (September 2021)
Transport Assessment by WSP (September 2021)

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
National Highways	<p>FINAL RESPONSE (March 2022)</p> <p>Notice is hereby given that National Highways' formal recommendation is that we:</p> <ul style="list-style-type: none">a) offer no objection (see reasons at Annex A);b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);d) recommend that the application be refused (see reasons at Annex A); <p>This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence. Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.</p> <p>Annex A National Highway's assessment of the proposed development</p> <p>National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect</p>

of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Following a review of the Transport Assessment, and subsequent discussions with the developer, we are now in a position to withdraw our holding direction. National Highways has no objection to the planning application subject to the below proposed planning condition to mitigate the impact on the M1 by the development proposal.

Condition 1

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

***Reason:** To ensure that the M1 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

Condition 2

Prior to the first occupation of the development hereby permitted, a Framework Travel Plan for the development is submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

***Reason:** To ensure the M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' the National Planning Policy Framework and Planning Practice Guidance.*

AMENDED RESPONSE (11th February 2022)

As you are likely aware, our current holding direction expires today. I have just issued an updated holding direction to allow for the completion of our review of the additional information. I have extended the holding for 5 weeks until the 18 March 2022 however, if we are in the position to change this position sooner, we will.

We will be in touch when AECOM have completed their review or if we have any further queries.

ORIGINAL RESPONSE BY AECOM/NATIONAL HIGHWAYS

AECOM have prepared this Technical Note (TN) on behalf of National Highways (NH) to document a review of the Transport Assessment (TA), dated September 2021, prepared by WSP on behalf of Prologis UK Ltd. The TA has been prepared in support of a proposed employment development at Maylands Gateway Expansion (MGE), Hemel Hempstead, Hertfordshire

The proposal comprises of a maximum gross floor area (GFA) of

27,000sqm with a mix of office and industrial land uses.

The development proposal is a hybrid planning application, with a full planning application submitted comprising enabling works on the entire site and an outline application for two alternative development options.

The proposed development site is located to the east of Hemel Hempstead town centre, approximately 600m north west of M1 Junction 8. MGE consists of the area immediately to the north of the A414 Breakspear Way in between Green Lane to the east, Maylands Avenue to the west and Boundary Way to the north.

The purpose of this TN is to conduct a review of the TA to determine whether the potential impact of the proposed development on the strategic road network (SRN) has been reasonably assessed. If appropriate, AECOM may make reference to previous Scoping Note reviews (TN01 and TN02) to determine whether any previous recommendations are still applicable.

NH are responsible for the monitoring, management, and maintenance of the SRN. The nearest point of access to the existing SRN is M1 Junction 8. The M1 is a strategic north-south route, linking London, the Midlands and the north of England and passes to the east of Hemel Hempstead. M1 Junction 8 is located approximately 600m from the proposed development and is accessed via the local highway network.

The local planning authority is Dacorum Borough Council (DBC), with the local highway authority being Hertfordshire County Council (HCC).

For ease of reference, AECOM's main comments and recommendations are presented in bold and underlined text throughout the note. Recommendations regarded as critical to the acceptability of this planning application are coloured **red**. Recommendations that are regarded as important but not critical to the acceptability of this planning application are highlighted in **amber**. The recommendations raised in TN02 that are now considered resolved are highlighted in **green**.

Policy Review

The TA states that the following national, regional, and local guidance documents have been referenced:

- National:
National Planning Policy Framework (NPPF);
National Planning Practice Guidance (NPPG); and
DfT Circular 02/2013 – The Strategic Road Network and the Delivery of Sustainable Development.
- Regional:

Hertfordshire's Local Transport Plan 4 (2018 – 2031), May 2018.

• Local:

Dacorum Borough Council, Core Strategy, September 2013;
Dacorum Borough Local Plan (DBLP), April 2004;
Emerging Dacorum Local Plan (2020 – 2038); and
Maylands Gateway Development Brief (MGDB), June 2013.

AECOM welcome the use of these planning guidance documents, but recommend that, when considering the impact of the proposed development on the SRN, reference be made to Highways England's 'The strategic road network: Planning for the future (A guide to working with Highways England on planning matters)'.

Existing Conditions

Site Location

The TA states that the proposed development site is located approximately 3km to the east of Hemel Hempstead, Hertfordshire. The site is bounded by Boundary Way to the north, Green Lane to the east, Breakspear Way to the south, and Woodwell Cemetery, the existing Prologis development at Maylands Gateway, and Buncefield Lane to the West.

Local Highway Network

The TA states that the proposed development site is located approximately 600m west of Junction 8 of the M1. The M1 is part of the strategic road network (SRN), linking London to Leeds. The M1 connects with the A406 North Circular at its southern end and the A1(M) at Junction 48 at its northern end.

The A414 (Breakspear Way) is the main connection from Hemel Hempstead to the SRN, connecting at M1 Junction 8. The A414 is an important regional road, running in a broadly east/west direction, connecting Hemel Hempstead to Maldon, via St Albans.

Green Lane, located to the east of the proposed development site, runs in a north/south direction, connecting the Breakspear Way to Boundary Way, leading to a number of employment sites within Hemel Hempstead Industrial Estate.

The TA states that plans are currently being developed by HCC to upgrade the A414, but that there are no detailed proposals at the time of writing.

Existing Traffic Flows

The TA states that it was required by HCC that new traffic surveys of existing conditions in the study area would be necessary. It is noted within the TA that these surveys were undertaken at a time when Covid-19 restrictions were in place, therefore, HCC provided

multiplication factors to adjust traffic counts to better reflect 'normal' traffic conditions.

AECOM request that details are provided of the factors provided by HCC, along with any explanation of how these were derived. The Covid-19 adjustment factors used are as follows:

- AM Peak hour = 1.190476190
- PM Peak hour = 1.075268817

Walking and Cycling

The TA states that a public right of way (PRoW), footpath 131, bisects the site in an east/west direction, between Green Lane and Buncefield Lane. At Buncefield Lane this path connects with footpaths 50 and 51, allowing access to the existing Maylands Gateway development.

The TA states that there a number of road routes available to cyclists, providing links to nearby public transport hubs. National Cycle Network (NCN) route 57, located approximately 2.5km north of the site, follows a former railway line and is largely traffic free between Hemel Hempstead and Welwyn Garden City. It is also understood that HCC are proposing a number of cycle upgrades in the area, including conversion of the Amazon roundabout on Boundary Way to a "Dutch style" roundabout.

Figure 4-3 of the TA shows that the town centre of Hemel Hempstead is within a 20-minute cycle of the proposed development site. It should be noted, however, that the legend of Figure 4-3 contains a misprint. Where it should say '15 – 20 mins' it instead says '5 – 10 mins'.

Public Transport

The TA states that there is a bus stop pair located on the A414 Breakspear Way approximately 400m from the proposed development site, with further bus stops located on Boundary Way, approximately 1km from the proposed development site. The services and route frequency are summarised in Table 4-1 within the TA.

AECOM do not believe that the information portrayed in Table 4-1 accurately describes the situation regarding the availability of bus services within the vicinity of the proposed development site. While the TA mentions a range of services available in the area, it does not mention that only two services (ML1 and 758) are available from the nearest bus stop mentioned previously, with only ML1 serving the further of the two bus stops. A number of the other services presented in Table 4-1 serve bus stops on Maylands Avenue, located around a 1km walk from the western boundary of the site.

In addition to the potential discrepancies regarding the number of services operating, the presented frequency of these services is also potentially incorrect. Services PB2 and ML1 are stated to have a

frequency of circa 30 minutes, however the TA neglects to mention the short operating hours of these services. PB2 operates only between 16:31 and 18:30, with only three ML1 services operating in the morning between 07:17 and 08:52 and three services in the afternoon operating between 16:11 and 17:41. AECOM, therefore, recommend that the summary of bus services be updated to accurately reflect the availability of bus services within the area.

The TA states that there are two railway stations in Hemel Hempstead, Apsley, located approximately 4.5km from the proposed development site, and Hemel Hempstead, located 5.5km from the proposed development site. It is noted within the TA that both stations are beyond a reasonable walking distance from the site.

Both Hemel Hempstead and Apsley are situated on the West Coast Mainline Line, with Hemel Hempstead seeing services to destinations such as London Euston, Milton Keynes, South Croydon, and Northampton.

As the information provided with regards to bus services in the vicinity of the site is not complete, in not providing distances from stops to the site or accurately state service frequency, it is considered that recommendation 5 of TN02 is still outstanding.

Personal Injury Collisions

The TA states that personal injury collision (PIC) data has been provided by HCC for the 5-year period from January 2016 to December 2020. The full PIC report is unable to be presented within the TA due to a confidentiality agreement between WSP and HCC. AECOM welcome the scale of this collision analysis; however, it is recommended that the five-year period preceding the Covid-19 lockdown be used to better represent 'normal' traffic conditions. It is therefore considered that recommendation 8 of TN02 is still outstanding.

Development Proposals

The TA states that the development proposal for the site is for four plots, providing up to 27,000sqm GFA for employment uses. It should be noted, however, that the application proposal available on the DBC planning portal states that the maximum GFA is to be 26,640sqm, although the likely traffic impact of this difference would be minimal.

The development proposal is a hybrid planning application, with a full planning application submitted to commence enabling works on the entire site and an outline application submitted for two alternative development options. The two development options are detailed as follows:

Option A – up to 27,000 sqm of floorspace in dual/alternative use for Class E(g)(iii) light industrial, B2 general industrial and/or B8 storage and distribution uses; or

Option B – up to 4,200 sqm of office floorspace within Class E(g)(i) in Plot 1A, together with up to 22,100 sqm dual/alternative uses within Class E(g)(iii) light industrial, B2 general industrial and/or B8 storage and distribution uses across the remaining Plots.

AECOM, therefore, consider that recommendation 1 of TN02, that a detailed breakdown of the development proposals should be included within the TA, is resolved.

The TA states that all trips to the site will enter and leave through a single access point on Green Lane; all vehicles will enter from the south and egress to the north. It is noted that an EIA scoping note has been submitted for a development on the east side of Green Lane, and that this shows a roundabout at the location of the proposed site access. It should be confirmed that the proposed site access can be accommodated with the future proposed roundabout.

AECOM recommend that the site access is checked for compatibility with the potential future roundabout.

Vehicle Trip Generation

The TA states that the network peak hours considered for assessing trip rates are 07:30 – 08:30 for the AM peak and 17:00 – 18:00 for the PM peak, being derived from observed traffic survey data. Having reviewed the traffic count data supplied, AECOM agree that the network peak hours are those stated within the TA.

Trip Rates

The TA states that the TRICS database (version 7.8.2) was used to derive trip rates for the proposed development. The trip rates presented within the TA have been summarised in Table 1 below. It should be noted that, while both development options include provision for E(g)(iii) use, no trip rates have been presented within the TA for this land use. AECOM, therefore, recommend that trip rates be provided for E(g)(iii).

Trip Generation

As stated previously, the outline planning application is for two alternative options. As such, trip generation has been presented within the TA for both options. The trip generation presented within the TA for both options is summarised in Tables 3 and 4 below and has been shown as PCUs. The TA states that a factor of 2.4 was used to determine the PCU value of HGVs. This factor is considered to be acceptable by AECOM.

Until the GFA for the different uses is confirmed, it is requested that the trip generation for a worst case scenario is calculated in addition to the two options shown. Recommend that a third trip generation option is shown with the worst case that could be provided by the 27,000 sqm being applied for.

The trip generation for the two options of the proposed development

based on the trip rates derived by AECOM is shown below in Tables 5 and 6. As with the WSP analysis there are no trips associated with any potential E(g)(iii) use, as no area for this has been provided, although it is mentioned as a part of the overall development mix.

As can be seen when comparing Tables 3 and 4 to Tables 5 and 6, the number of vehicle trips generated using the trip rates derived by AECOM is around 40-85% higher in each peak when compared to those presented within the TA.

AECOM recommended within TN02 that the trip generation for each development zone for both options should be clarified. While trip generation for each development zone has been presented within the TA, the issue raised in above means that AECOM do not consider recommendation 2 of TN02 to be resolved.

Previously Agreed Trip Generation

Previously, an expansion to the Maylands Gateway development was proposed with three phases of development, summarised as follows:

- Phase 1 – Internal access road improvements, the construction of a discounted food store and A3 restaurant / fast food drive-thru units and associated parking;
- Phase 2 – Creation of the full retail terrace and the remaining parking; and
- Phase 3 – The construction of office (Class B1) building and access to serve it.

As stated within the TA, only Phase 1 has been brought forward, with Phases 2 and 3 not being delivered. As such, the TA proposes that the number of trips associated with this development be aggregated with the trips that have previously been accepted. AECOM do not agree with this methodology as it does not take into account the difference in land uses or trip distribution, and as such, will not accurately represent the traffic impact of the proposed development. This has been mentioned previously in TN02 and has not been addressed

In order for this method of aggregating trips with previously consented trips to be acceptable, more information would need to be provided. There would firstly need to be clarification required from Dacorum BC that the previously approved development in Phases 2 and 3 could not be brought forward in the future without a new transport assessment and planning application being submitted. In addition, the distribution of the previously consented trips would need to be considered in order to produce a net impact on the Breakspear Way roundabout and M1 J8. AECOM recommend that either further evidence is provided that would make this proposal acceptable, or that the traffic from Phase 2 and 3 are included within the junction analysis scenarios.

Trip Distribution

The TA states that the gravity model developed and agreed

previously with HCC and NH (then Highways England) has been used to distribute trips onto the local highway network. This gravity model was used in the TAs for the original Maylands Gateway and Maylands Avenue developments, and, therefore, is accepted by AECOM.

The model used considers that 70% of the development traffic will head to/come from destinations located to the south and east of Hemel Hempstead, with the corresponding 30% heading to/coming from destinations north of Hemel Hempstead. With regards to private vehicular traffic, it is assumed that 10% of vehicles will be arriving/departing from residential areas within Hemel Hempstead, with the other 90% originating from the M1.

As mentioned previously in TN02, it is unclear as to how these trips would be assigned to the highway network. It is, therefore, recommended that details of this are provided within the TA and that the number of development trips that are predicted to route via the A414 Breakspear Way/Green Lane roundabout and M1 Junction 8 in particular is detailed. This should also include the anticipated increase in trips predicted to utilise individual slip roads, link roads and M1 merge and diverge areas to demonstrate whether or not the predicted impact would be material.

Committed Developments

The TA states that the traffic movements from a number of committed developments, which are summarised below, have been included within the assessment flows. This is welcomed by AECOM.

- Spencer's Park Phase 2 (Ref: 4/02539/16/MOA);
- 47 Maylands Avenue (Ref: 4/02981/17/MFA);
- Wood Lane End Residential Scheme including Employment (Ref: 4/0635/18/MFA);
- Maylands Avenue (Ref: 4/01922/19/MFA); and
- Maylands Avenue 66 and 72 Wood Lane End (Ref: 20/00963/MFA).

The TA also states that M1 Junction 8 is to be redesigned, with the (yet to be finalised) plans including a replacement of the A414 Breakspear/Green Lane Roundabout. As such, AECOM consider recommendation 17 of TN02 to be resolved.

Assessment Scenarios

The TA states that the assessment years will be as follows:

- 2021 – Base Year;
- 2023 – Expected Opening Year; and
- 2038 – Future Horizon Year (end of new Local Plan).

These assessment years are considered to be reasonable by AECOM. It should be noted that the 2021 Base Year flows will be the values found from traffic counts multiplied by the Covid-19 adjustment factors stated in paragraph 3.6.

The TA states that TEMPro has been used to provide growth factors

between the surveyed year and future assessment years. These growth factors are shown in Table 7.

These growth factors are deemed to be reasonable by AECOM. **Furthermore, recommendation 16 of TN02 is considered resolved.**

The TA states that following assessment scenarios have been considered to assess the impact of the proposed development:

- Scenario 1: 2021 (existing baseline);
- Scenario 2: a) 2023, b) 2038 without development (future baseline);
- Scenario 3: a) 2023, b) 2038 with development (Option A); and
- Scenario 4: a) 2023, b) 2038 with development (Option B).

The scope of the assessment scenarios is considered acceptable to AECOM.

It is noted that in TN02, alongside providing the assessment scenarios as stated above, it was recommended that flow diagrams also be provided for base flows, base + growth flows, committed development flows, proposed development flows, and total flows. These have been included within Appendix 3 of the current submission.

Travel Plan

The TA states that the approved workplace Framework Travel Plan (FTP) that is in use at the existing Prologis Park Hemel Hempstead will be extended to include visitors and staff to the Maylands Gateway Expansion site. This has been agreed with HCC and therefore is considered reasonable by AECOM.

As such, AECOM consider recommendations 11, 12, and 14 of TN02 to be resolved. However, recommendation 13 cannot be considered resolved as there is no record of discussions with local bus operators with regards to the level of bus service provision for the development.

Junction Capacity Assessments

The TA states that a number of junctions were assessed with regards to the existing and future performance of the local highway network. The analysis of these junctions was undertaken using Junctions9 and LinSig. AECOM analysis of the junction capacity assessments will focus on those that can potentially impact the SRN, these being:

- A414 Breakspear Way/Green Lane Part-time Signal Controlled Roundabout; and
- M1 Junction 8 (Off-Slips).

It should be noted that, as the plans for the upgrade to M1 Junction 8 are yet to be finalised, the junction capacity assessments have been undertaken using the existing layouts.

As the trip generation within the TA is considered to be too low, the

junction analyses cannot be accepted at this time. Therefore, no specific comments relating to the junction capacity assessments can be provided until updated analysis is undertaken. **AECOM recommend that all junction capacity assessments are undertaken with updated development traffic.**

Junction Model Review

AECOM undertook an analysis of the LinSig models provided by WSP used to analyse the capacity of the aforementioned junctions. This analysis focused on the geometry and methodology of the models provided

M1 Junction 8 Exit Slip Roads

It is noted by AECOM that there may be discrepancies between the geometric set-up of the layout of this junction and the roundabout immediately to the west, the subject of the second model. To better understand the impact of the A414 Breakspear Way/Green Lane roundabout on the continued operation of this junction, **AECOM recommend that consideration is given to producing a combined model.**

Furthermore, the existing pedestrian crossing, while being present in the model, has not been given a 'green phase' in this model.

A414 Breakspear Way/Green Lane Roundabout

Uncontrolled roundabouts would usually be modelling in ARCADY as opposed to LinSig; this roundabout has been modelled in LinSig due to the part-time traffic signals on the approach to the roundabout. However, the criteria for the operation of the part-time signals is not presented within the report. **AECOM recommend that the further details of the operation of the part-time signals are provided to demonstrate that the correct means of analysis was chosen.**

Conclusion

AECOM have prepared this Technical Note (TN) on behalf of National Highways (NH) to document a review of the TA, dated September 2021, prepared by WSP on behalf of Prologis UK Ltd.

This TN has identified some recommendations which are summarised in the Executive Summary. AECOM's recommendations regarding these concerns are highlighted by the use of bold underlined text throughout this document. Recommendations regarded as critical to the acceptability of this planning application are coloured **red**. Recommendations that are regarded as important but not critical to the acceptability of this planning application are highlighted in **amber**. The recommendations raised in TN02 that are now considered resolved are highlighted in **green**

ORIGINAL RESPONSE

National Highways has been appointed by the Secretary of State for

	<p>Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Our formal response to this application requires a full review of the Transport Assessment that is currently taking place.</p> <p>For this reason, we require additional time to fully assess the proposed development and allow for any follow up discussions with the applicant. We therefore recommend the application be not determined before 11 February 2022. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.</p>
<p>Hertfordshire County Council – Highways</p>	<p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>RECOMMENDED PLANNING CONDITIONS</p> <p>1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> i) Roads, footways. ii) Cycleways. iii) Foul and surface water drainage. iv) Visibility splays v) Access arrangements vi) Parking provision in accordance with adopted standard. vii) Loading areas. viii) Turning areas. <p><i>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).</i></p> <p>2) Prior to the first occupation / use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number(s) (31325-FE-54B/55, 9793-WSP-XX-S278-DR-C-00101 P01, 9793-WSP-XX-S278-DR-C-00102 P01 and 9793-WSP-XX-S278-DR-C-00103 P01) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p>

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

3) Within the first 6 month of occupation/use of the development a highways improvement/mitigation scheme for the section of Buncefield Lane from the Woodwells Cemetery access to the A414 Breakspear Way as agreed by the LPA in consultation with the Highway Authority shall be completed. The appropriate scheme will be determined prior to commencement. If the LHA has secured a Traffic Regulation Order to prohibit motor vehicles using the section Option 1 (Vehicle Access Removed) will be progressed. Without a TRO in place at this stage, Option 2 (Vehicle Access Retained) will be selected as the appropriate scheme.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

4) Provision of Forwards Visibility Splays – Dimensioned on Approved Plan

Prior to the first occupation / use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number(s) (9793-WSP-XX-S278-DR-C-00101 P01). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5) Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 30% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Parking Standards Supplementary Planning Document (November 2020).

6) Cycle Parking – Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the number, design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme

shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020).

7) Construction Management Plan / Statement

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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).

8) Servicing and Delivery Plan

Prior to the first occupation / use of individual units within the development a plan agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be agreed in writing by the Local Planning Authority in consultation with the highway authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 4, 5, 12 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

9) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site, produced in accordance with the Hertfordshire County Council Travel Plan Guidance, Mar 2020, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE 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:

AN1) 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 County Council website at:

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

AN2) 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

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

[pavements/business-and-developer-information/business-licences/business-licences.aspx](#) or by telephoning 0300 1234047.

AN3) 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.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN6) Works within the highway (section 278): 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 County Council website at: <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.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority.

Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

Travel Plan (TP):

A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at

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

OR by emailing travelplans@hertfordshire.gov.uk

COMMENTS

The existing Prologis Maylands Gateway (warehousing and distribution centre) in Hemel Hempstead is located circa 900m directly east of junction 18 of the M1 (a 1.6km drive via Green Lane) and is situated immediately north of the A414 (Breakspear Way) and west of Buncefield Lane. The current proposals are for a further 27,000sqm of commercial floorspace, with two options applied for (Modelled Option A is entirely Class E(g)(iii) / B2 / B8 units and modelled Option B includes 4,200sqm of E(g) (i) offices as well as Class E(g)(iii) / B2 / B8 units) to the east of Buncefield Lane on land to the south and east of Woodwells cemetery. This response considers the site and specifically the supporting Transport Assessment (TA) and Framework Travel Plan (FTP) prepared by WSP. The location of the existing and proposed developments, on the eastern outskirts of Hemel Hempstead and close to the junction 18 of the M1 concurs with Policy 16 of LTP 4 (2018).

Policy 16: Freight and Logistics

The county council will seek to manage freight and logistics traffic, by:

- a) Encouraging HGV's to use the primary route network.
- b) Providing clear advice to local planning authorities in respect of highways and freight implications of new development proposals.
- c) Encouraging a shift from road-borne freight to less environmentally damaging modes, including rail, water and pipelines.
- d) Supporting the formation of Quality Partnerships between interested parties.
- e) Monitoring changes in HGV and LGV activity to inform possible solutions which reconcile the need of access for goods and services with local environment and social concerns.
- f) Supporting improvements in HGV provision in the county, including overnight parking, in appropriate locations.
- g) Utilising traffic management powers, where appropriate to do so, to manage access and egress from specific locations.

Access Proposals

The proposed vehicular access as shown in the conditions drawings (9793-WSP-XX-S278-DR-C-00101 P01 etc) is via a left turn left out priority junction onto Green Lane, circa 210m north of the Breakspear Way roundabout and circa 115m south of the Boundary Way roundabout. The location of the road access has been discussed in detail with HCC and our road safety team has raised no initial concerns relating to the initial scheme.

The vehicular access arrangement has been aligned with the 'current proposal' to develop land at East Hemel (also known as Project Breakspear). If Project Breakspear is developed in the future it has been demonstrated that the applicant's access proposal can be incorporated into one of the roundabout junctions which has become an established element of the PB layout.

Preliminary pedestrian/cyclist movement to/from the site is provided by an upgrade of the existing Public Right of Way (HEMEL HEMPSTEAD 131) which runs along the southern border of the cemetery and west to east through the site between Buncefield Lane and Green Lane. As part of this proposal the PROW will be maintained on its current alignment, surfaced, widened to 3.0m and a 'zebra' crossing will be provided in site to ensure its continuity when crossing the internal estate road. The route will provide high profile/quality connections to the existing cycle, pedestrian and public transport networks.

The section of Buncefield Lane between the cemetery access and A414 Breakspear Way runs along the western boundary of the site. It is a particularly important area because it represents an intersection between footpath 131. Buncefield Lane is also an important recognised route from residential area south of Breakspear Way, across Breakspear Way via the new controlled crossing, to the industrial/employment sites within Maylands and newly constructed residential areas to the north. HCC has worked closely with the applicant to prepare an in principle design which shows what may be introduced in the section of Buncefield Lane in vicinity of the site should the application be granted. There are two Options, 1 and 2. Option 1 is designed alongside a successful Traffic Regulation Order which will prohibit motor vehicles using this section. Option 2 is designed around retaining current unrestricted access. An impression of what may be delivered in this area is included as Appendix 1 to this report. The recommended planning condition (Condition no.3 within this report) describes how the different triggers apply should planning permission be granted/implemented. Table 1 describes how the process would work.

Table 1 Buncefield Lane process

Buncefield Lane Works Schedule			
Option 1 (add ref/No.) (Favoured Option)		Environmental improvement scheme, Buncefield Lane between Cemetery and A414 Breakspear Way. Option 1 requires Traffic Regulation Order (TRO) that prohibits vehicles traffic.	
Option 2 (add ref/No.) (Fallback Option)		Environmental improvement scheme, Buncefield Lane between Cemetery and A414 Breakspear Way. Option 2 does not require a TRO, it has been designed around current unrestricted access.	
Stage	When	Responsible	Action
1	ASAP	HCC	HCC prepare and promote TRO process in support of 'Option 1' a scheme which includes prohibition of vehicular traffic from Buncefield Lane between Cemetery access and A414 Breakspear Way.
2	ASAP	HCC/DBC	HCC revise previous assessment of Prologis planning application to include recommendation of planning condition that requires: <ul style="list-style-type: none"> 1. Option 1 to be delivered if TRO process is successful and available to be sealed on implementation of planning permission. 2. If the TRO is not be available to be sealed in support of Option 1 at implementation of planning permission the developer will proceed with delivery of Option 2 <p>In both cases, Buncefield Lane works will be completed within 6 months post occupation of development.</p>
3	Prior to implementation of planning permission	Developer	Developer to contact HCC to establish status of TRO. Subject to status, proceed with either Option 1 or 2.
4	Post implementation of planning permission	Developer	Prepare detailed design based on final Buncefield Lane option - submit s278 agreement.
5	Prior to 6 months post first occupation	Developer	Completion of s278 scheme (HCC to issue Completion Certificate). Discharge planning condition.

Table 1 Buncefield Lane process

Secondary pedestrian and cyclist access will be via Green Lane. A new 3.0m wide shared footway/cycleway (offset by a 1.5m verge) will run along the eastern boundary of the site,

Secondary pedestrian and cyclist access will be via Green Lane. A new 3.0m wide shared footway/cycleway (offset by a 1.5m verge) will run along the eastern boundary of the site, connecting Breakspear Way to the south and Boundary Way to the north. HCC previously consider that in line with the councils' policies aimed at encouraging sustainable travel there is however, a need to connect this new shared use path from Green Lane roundabout into the existing facilities south of the existing Maylands Gateway site by upgrading the existing footway south of the proposal site to a 3.5m wide shared use foot/cycleway. HCC accepts the applicant's argument that by upgrading footpath 131 the development has supported/encouraged walking/pedestrian access to the site. However, the applicant has agreed to relax the current restrictions in place on the financial contribution attached to the Prologis Gateway development. Previously this contribution had been restricted to funding capacity

improvements at Green Lane roundabout, Prologis has agreed that the contribution can be used for improvements to environmental or sustainable transport within Buncefield Lane and/or Breakspear Way that provide sustainable transport benefits to accessing the sites.

Car Parking

Details of car parking are yet to be developed but WSP envisage that they will be according to the parking ratios agreed previously for the main Maylands Gateway site. These rates were agreed prior to the adoption of Dacorum Borough Council Packing Standards Supplementary Planning Document (November 2020) and will require to be re-agreed. However, HCC Highways agree that this can be revisited at the Reserved Matters stage.

Personal Injury Collision (PIC) Analysis/ Road Traffic Accidents

WSP have undertaken an analysis of the Personal Injury Collisions in the vicinity of the proposed development that have occurred over the last 5 years and have found no significant accident clusters or types determining that: 'the majority of incidents were caused as a result of driving with undue care and attention similarly cannot be attributed to inadequate highway design'. After a review of the data HCC Highways are satisfied that the development will not negatively impact upon road safety.

Trip Generation and Modelling

HCC Highways has reviewed the trip generation for the proposed development and considers the approach outlined in the TA acceptable. HCC notes that the majority of additional trips attracted to the proposed Prologis Green Lane site are offset by that which was previously consented for a retail development at Maylands Avenue (4/03157/16/MFA).

Mixed use sites – Framework Travel Plan

Whilst at this stage in the planning process the submitted Framework Travel Plan (FTP) for the entire Maylands site is acceptable, prior to occupation of individual units, individual travel plans bespoke to them and the Green Lane site will be required. Each land use exceeds the thresholds as laid out in the Hertfordshire County Council's Travel Plan Guidance will be required to submit their own Travel Plan demonstrating clear correlation to the agreed Framework Plan.

A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation.

A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be 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 or for more guidance contact: travelplans@hertfordshire.gov.uk

S106 Measures/ Contributions

HCC Highways operate two levels of s106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 s106 agreement and those items mitigating the wider cumulative impact of the developer addressed in a Strand 2 s106 agreement.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a site of this nature could create between 550 and 720 new jobs depending upon the specific land uses. Therefore, in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £232,100 to £303,840.

However, HCC recognizes that the developer has committed to deliver via a s278 agreement significant cycle route along Green Lane, a suitable highways improvement/mitigation scheme for the area of Buncefield Lane from Woodwells Cemetery access to Breakspear Way and permit relaxation on the restrictions that currently cover the previous Prologis gateway development. The relaxation of the previous restriction covering the contribution will allow greater flexibility to how the funding can be used but still within the standard requirement to support and encourage sustainable access to both developments.

Option 1 - Vehicle Access Removed



Proposed crossing and signpost feature to improve level of sight lines, encourage vehicles to slow down while also retaining the green lane character.



Proposed road filter between Woodhall's Community - Shared petrol station. Retain the wooden bollards with 1.5m spacing limits access to only vehicle and pedestrian.



Proposed meadow verge and shrub tree planting replace asphalt pavement, providing a friction and low gradient surface which retains sight lines. Retain the bollards to prevent vehicle access and parking.



Gateway Feature - a 3. wooden feature with gate for greenery, providing a clear boundary for greenery, providing a clear boundary for greenery.

Proposed addition of suitable 1.5m down/drop, improved crossing and cycle filter lane to enable on-road cycling along the field lane.

Option 2 - Vehicle Access Retained



NB: These diagrams will be included in the presentation to DMC in order that associated text may be legible.

Hertfordshire County Council – Archaeology Unit

The proposed development site is unmanaged grassland/scrub, situated on gently sloping land c400m to the east/south-east of the Scheduled Wood Lane End Roman Temple Complex (SM 27921), a nationally important Romano-British site. The Hertfordshire Historic Environment Record [HER] for the surrounding area also records several later prehistoric and Roman and medieval sites nearby, including those identified during the widening of the M1. In addition, archaeological investigations at 'Spencers Park', to the north of the industrial estate, have identified very significant Roman archaeological remains dating to the 1st – 3rd centuries A.D. Archaeological investigations at Maylands Gateway (4/00064/17/MFA) just to the west identified significant Roman remains, including a Roman corn-dryer and kiln, and Roman

ditches/gullies, pits and post-holes, and also evidence of late Neolithic/early Bronze Age pit and Late Iron Age activity.

An archaeological desk-based assessment and non-intrusive geophysical survey of the site have been carried out, in consultation with this office, and I note that these reports have been submitted with the application.

The authors of the geophysical survey report (Geophysical Survey Report Green Lane, Hemel Hempstead Magnitude Surveys, June 2021) concluded that while 'no anomalies indicative of significant archaeological activity were identified' (7.2.2), 'anomalies of undetermined origin were detected. These are considered likely to relate to modern or agricultural activity; however, an archaeological explanation cannot be entirely ruled out' (8.3).

I believe therefore 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:

- 1 .A programme of archaeological field evaluation prior to the commencement of the development.
2. Such appropriate mitigation measures indicated as necessary by the above programme of additional archaeological evaluation.

These may include:

- a) the physical preservation of any archaeological remains in situ, if warranted, by amendments to the design of the development if this is feasible,
- b) the appropriate archaeological excavation of any archaeological remains before any development commences on the site, with provisions for subsequent analysis and publication of the results,
- c) the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate,
- d) and such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2021), and the 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

	<p>consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>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:</p> <ol style="list-style-type: none"> 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> <ol style="list-style-type: none"> i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A. ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. <p>If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p>
Hertfordshire County Council – Growth and Infrastructure	Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.

	<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>Hertfordshire County Council – Lead Local Flood Authority.</p>	<p>FURTHER COMMENTS – 23rd March 2022</p> <p>The following additional information has been reviewed:</p> <ul style="list-style-type: none"> • Spreadsheet: Hemel Drainage Comments 08022022 • Pre-Planning Enq response for Land off Green Lane, Hemel Hempstead • NK020545-RPS-SI-XX-DR-D-SK1350 <p>It is noted from the FRA that proposed discharge rate is 12.6l/s or 2l/s/ha. The LLFA expect the greenfield discharge rate for the site be maintained and carried forward to the next design iteration of the site.</p> <p>We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.</p> <p>Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site.</p> <p>Therefore, we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:</p> <p>Key Issues:</p> <ul style="list-style-type: none"> • Feasible sustainable surface water management drainage strategy. • Evidence of a permitted permanent point of discharge has not been provided. <p>Detailed Comments:</p> <p>The applicant has provided information in the form of a spreadsheet addressing the below re-iterated points. These are addressed in italics below.</p> <p>The arguments put forward in the spreadsheet are descriptive and are not evidence based. At this stage of the design iteration the fundamentals of the scheme should be known and be demonstrated</p>

in the form of calculation files, concept layout, surface water drainage strategy in accordance with HCC Standards and industry best practice as detailed within CIRIA C753. The applicant must justify to the LLFA why it is felt this level of information cannot be provided.

Reasons for Objection:

The drainage strategy is based on traditional piped system; this approach is not aligned with the HCC Local Standards and Guidance for Sustainable Drainage. NK020545-RPSSI-XX-RP-C-0001-P03-Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, dated 29th September 2021 does not appear to have been updated to take account of Local Standards and Guidance, nor the previously iterated comments, as repeated below.

The FRA and Drainage Design Philosophy Report are descriptive with little evidence of where and how SuDS methodologies will be implemented

As this is a hybrid application, part of the site appears to be for a full application (assuming the spine road) and part of it is outline. In this case this needs to be clearly show on a plan. *Submitted information accepted*

Calculation files have been included within NK020545-RPS-SI-XX-RP-C-0001-P03-Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, dated 29th September 2021. These are acceptable for a site wide strategy, however, should the site be brought forward in phases each phase should be modelled separately and calculations submitted for further review. *Spreadsheet explanation rejected. At this stage of design iteration conceptual calculations for phases should be provided to evidence the design intent of the proposal.*

Discharge is proposed into a public sewer located some distance from the site and located outside of the red line boundary. This may require a third party landowner agreement to cross their land. No agreement has been submitted, which has the potential to result in the sewer discharge not being a viable discharge mechanism. The LLFA appreciate that in due course it will be probably given for adoption to TW. *Spreadsheet explanation rejected. A confirmed point of discharge must be proved to enable the site surface water to drain.*

Exceedance flow paths have not been demonstrated on plan. *Spreadsheet explanation rejected. A basic mitigated surface flow path plan should be provided to give a conceptual evidence base for flow paths.*

There is no evidence of proposed SuDS layout on site. A concept layout plan for the SuDS system must be provided for assessment.

It should be clearly demonstrated where attenuation will be provided. It should be noted that the LLFA are unlikely to accept buried

attenuation unless robust justification for its usage can be provided.

There are proposed design issues that are of concern to the LLFA. Namely, use of oil interceptor, this should be designed out and a treatment and management train approach to water quality applied. Oil interceptors often have a high maintenance requirement. Use of slot drains has the potential for future maintenance liability. Water should be conveyed on the surface using open channel methods. Impermeable hardstanding will only be accepted in the areas designated for frequent HGV usage.

Site layout plan detailing areas of permeable paving to be submitted for review. All hardstanding should be of permeable construction

Should the scheme be proposed to be phased the LLFA expect to see a phasing plan providing evidence of surface water management for each individual phase during construction

It is noted that the site is in a SPZ, therefore, infiltration is unlikely to be permitted due to possible contamination of potable water. However, no justification is provided to evidence that this option of surface water discharge has been fully explored. *Spreadsheet explanation accepted.*

Overcoming our Objection:

As a result of the above comments, we would suggest the applicant needs to re-evaluate the surface water drainage strategy for the site, so that the surface water discharge mechanism proposed is demonstrated to be sustainable and aligned with HCC Guidance.

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

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

This link also contains the LLFAs policies on SuDS within the Local Flood Risk Management Strategy 2 (LFRMS2).

Informative to the LPA

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

Please note, if the LPA decides to grant planning permission, we wish to be notified for our records.

ADDITIONAL COMMENTS – 11th January 2022

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

- AFFINITY_WATER-1242899
- APPENDIX_E.4-1239667
- DRAINAGE_DETAILS_-_SHEET_1_-_TYPICAL_MANHOLE-1239682
- DRAINAGE_DETAILS_-_SHEET_2_-_PENSTOCK_AND_NON-1239681
- DRAINAGE_DETAILS_-_SHEET_3_-_GULLY_AND_TRENCH-1239679
- DRAINAGE_DETAILS_-_SHEET_4_-_SLOT_DRAIN_AND_K-1239680
- DRAINAGE_DETAILS_-_SHEET_5_-_TYPICAL_INTERCEP-1239686
- DRAINAGE_DETAILS_-_SHEET_6_-_SUDS_DETAILS-1239685
- FLOOD_RISK_ASSESSMENT_PART_1-1239660
- FRA_PART_2_REGIONAL_GUIDANCE-1239668
- GEOPHYSICAL_SURVEY-1239622
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_3-1242694
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_5-1239662
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_6-1239663
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_7-1239661
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_8-1239666
- LAND_AT_GREEN_LANE_HEMEL_HEMPSTEAD_FLOOD_RISK_ASSESSMENT_PART_9-1239664
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239684
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239687
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239688
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239689
- PROPOSED_SURFACE_WATER_AND_FOUL_SEWER_DRAINAGE-1239690
- SITE_SECTIONS_SHEET_1-1239670
- SURFACE_AND_FOUL_WATER_DRAINAGE_LAYOUT-1239693
- SURFACE_AND_FOUL_WATER_MANHOLE_SCHEDULE-1239692

In addition to the above document reference NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1 dated September 2021 has been reviewed.

It is noted from the FRA that proposed discharge rate is 12.6l/s or 2l/s/ha. The LLFA expect the greenfield discharge rate for the site be maintained and carried forward to the next design iteration of the site.

We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

Insufficient information has been provided in accordance with Local Standards to enable a full technical assessment of the proposal to be undertaken. It is therefore not possible to establish whether a sustainable surface water drainage strategy can be delivered on the site.

Therefore, we object to the grant of planning permission. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:

1. Feasible sustainable surface water management drainage strategy

Reasons for Objection:

The drainage strategy is based on traditional piped system; this approach is not aligned with the HCC Local Standards and Guidance for Sustainable Drainage. NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands 29th East, version P01.1, dated September 2021 does not appear to have been updated to take account of Local Standards and Guidance, nor the previously iterated comments, as repeated below.

The FRA and Drainage Design Philosophy Report are descriptive with little evidence of where and how SuDS methodologies will be implemented. As this is a hybrid application, part of the site appears to be for a full application (assuming the spine road) and part of it is outline. In this case this needs to be clearly show on a plan.

Calculation files have been included within NK020545-RPS-SI-XX-RP-C-0001-P03- Drainage Design Philosophy Report, Hemel Hempsted, Maylands East, version P01.1, 29th dated September 2021. These are acceptable for a site wide strategy, however, should the site be brought forward in phases each phase should be modelled separately and calculations submitted for further review.

Reference is made to Thames Water agreement for discharge rates, but only submitted TW asset search. The applicant will need provide TW agreement in principle for the proposed discharge rate and connection.

Discharge is proposed into a public sewer located some distance from the site and located outside of the red line boundary. This may require a third party landowner agreement to cross their land. No

	<p>agreement has been submitted, which has the potential to result in the sewer discharge not being a viable discharge mechanism. The LLFA appreciate that in due course it will be probably given for adoption to TW.</p> <p>Exceedance flow paths have not been demonstrated on plan.</p> <p>There is no evidence of proposed SuDS layout on site. A concept layout plan for the SuDS system must be provided for assessment.</p> <p>It should be clearly demonstrated where attenuation will be provided. It should be noted that the LLFA are unlikely to accept buried attenuation unless robust justification for its usage can be provided.</p> <p>There are proposed design issues that are of concern to the LLFA. Namely, use of oil interceptor, this should be designed out and a treatment and management train approach to water quality applied. Oil interceptors often have a high maintenance requirement. Use of slot drains has the potential for future maintenance liability. Water should be conveyed on the surface using open channel methods.</p> <p>Site layout plan detailing areas of permeable paving to be submitted for review. All hardstanding should be of permeable construction.</p> <p>Should the scheme be proposed to be phased the LLFA expect to see a phasing plan providing evidence of surface water management for each individual phase during construction.</p> <p>It is noted that the site is in a SPZ, therefore, infiltration is unlikely to be permitted due to possible contamination of potable water. However, no justification is provided to evidence that this option of surface water discharge has been fully explored.</p> <p>Overcoming our Objection:</p> <p>As a result of the above comments, we would suggest the applicant needs to re-evaluate the surface water drainage strategy for the site, so that the surface water discharge mechanism proposed is demonstrated to be sustainable and aligned with HCC Guidance.</p> <p>For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.</p> <p>Informative to the LPA</p> <p>We ask to be re-consulted with the above addressed. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.</p>
Contaminated Land Officer	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.

This is considered necessary because the application site is close to land with a potentially contaminative land use history (Buncefield) and as such the possibility of ground contamination cannot be ruled out at this stage, therefore, the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

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

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

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1

	<p>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><u>Informative:</u></p> <p>The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</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 www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers</p>
Environmental Health	<p>Having reviewed the application documents, in particular the WSP Air Quality Assessment (project number 70069793, no.001) dated September 2021, and having considered information held by the ECP Team, I am able to confirm that there is no objection to the proposed development on local air quality grounds.</p> <p>However, because the application is for a large scale commercial development, in relation to its potential to impact upon local air quality, it is recommended that the following conditions are imposed on any permission that is granted.</p> <p><u>Local Air Quality Conditions:</u></p> <p><u>Condition 1 – Construction Environmental Management Plan:</u></p> <p>No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a Construction Environmental Management Plan that includes, as a minimum all, of the mitigation measures listed within Section 6.1 of the WSP Air Quality Assessment report (project number 70069793, no.001) dated September 2021, plus a Construction Vehicle Emission Commitment that specifies EURO V as the minimum acceptable engine standard for HDV and LDV that are contracted to the development.</p> <p>Reason: To ensure that the local air quality standards are maintained throughout the area in accordance with Core Strategy (2013) Policy CS32 and Emerging Local Plan Policy</p>

	<p>DM35.</p> <p><u>Condition 2 – Operational Phase Travel Plan:</u></p> <p>At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site, based upon the Framework Travel Plan submitted within (Appendix E) of the WSP Transport Assessment (Project No. 70069793-001) but updated to:</p> <ul style="list-style-type: none"> • take account of changes to relevant Government Guidance and Local Planning Authority Policies since the 2016 date of publication of the Framework Travel Plan • include the measures specified in Section 6.2.4 of the WSP Air Quality Assessment report (September 2021) • include the collection of baseline information on: <ul style="list-style-type: none"> • awareness of Ultra Low Emission Vehicles (ULEVs) • ownership of ULEVs • include resources to raise awareness of ULEVs • include measureable targets for ULEV uptake throughout the lifetime of the Travel Plan <p>Reason: To ensure that the local air quality standards are maintained throughout the area in accordance with Core Strategy (2013) Policy CS32 and Emerging Local Plan Policy DM35.</p> <p><u>Informative to Condition 1 and Condition 2:</u></p> <p>The above conditions are considered to be in line with paragraphs 105, 174(e) and 186 of the NPPF 2021.</p> <p><u>Additional Comment:</u></p> <p>It is assumed that Electric Vehicle charging provision will be dealt with by the parking standard related agreements or planning conditions, but if this is not the case please let me know and I will word an EV charging planning condition</p>
Rights of Way Officer	We would support the upgrading of path 131 to the same specification we gave as the previous paths on the Maylands Gateway development
Health and Safety Executive	<p>AMENDED COMMENTS – 3rd December 2021</p> <p>The HSE is a statutory consultee for relevant types of planning developments within the consultation zone of major hazard sites and major accident hazard pipelines by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This is to ensure that planning authorities give due weight to the nature and severity of risks from major accidents in their planning decisions.</p> <p>The relevant types of development include:</p>

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or developments which are otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

HSE's Land Use Planning advice team can confirm that the proposed development site lies within the HSE LUP consultation zones for the Buncefield Oil Terminal major hazard site at Green Lane, Hemel Hempstead, with part of the site being within a Development Proximity Zone (DPZ).

HSE's comments on the application for outline planning permission are as follows:

1. As the Buncefield Oil Terminal site is a large scale petrol storage site this consultation has been considered using SPC/Tech/Gen/43 – 'Land use planning advice around large scale petrol storage sites' (https://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm) as well as HSE's land use planning methodology (<http://www.hse.gov.uk/landuseplanning/methodology.pdf>).

2. The information in the outline planning application from Savills (Ref 21/03793/OUT) for Options A and B, and the information subsequently provided in an email from Savills to Dacorum Borough Council on 19 November 2021 have been taken into account in providing HSE's advice. In particular these comments are based on the understanding that:

- all of the units will be used as workplaces and will not be specifically intended for workers with disabilities
- the number of occupants of building 4 will be less than 100
- the number of occupied floors in building 4 will be less than 3

3. HSE has provided composite maps showing the relationship between the HSE's LUP consultation zones for the Buncefield Oil Terminal major hazard site and the proposed developments under Options A and B (see Annex A and B respectively). From these composite maps it is clear that:

- part of the area assigned to landscaping at the extreme north of the site lies in the DPZ
- unit 4 of the development and some associated car parking and access roads lie in the inner consultation zone
- unit 3 and part of unit 2 and some associated car parking and access roads lie in the outer zone, and
- part of unit 2, and all of units 1 and 1A and some associated car parking and access roads lie outside of the consultation zones

4. HSE considers that due to their proximity to Large Scale Petrol Storage Sites, new developments within a Development Proximity Zone (DPZ) should meet the criteria of being "Not Normally

Occupied". The landscaping area at the extreme north of the development site is considered to meet these criteria.

5. HSE would advise against a workplace providing for 100 or more occupants in any building or 3 or more occupied storeys in height where it is located in the inner consultation zone. However HSE would not advise against a workplace in the inner zone if each workplace building provides for less than 100 occupants and is less than 3 occupied storeys in height. This is based on the understanding that a working population can be organised for emergency response in the event of a major accident provided that there are not too many people and that they have a short escape route. HSE does not advise against workplaces in the middle and outer consultation zones.

6. In summary, based on the information provided, including the clarification of the proposed number of people working in building 4, HSE's Land Use Planning advice team does not advise against the proposed outline development (21/03793/OUT) on safety grounds. We recommend that Dacorum Borough Council consider setting a planning condition to limit the number of people normally present in building 4 after its construction.

7. In the case of outline planning applications where the proposed layout and the scale of the development may only be indicative, it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice is obtained again before reserved matters are determined.

ORIGINAL COMMENTS – 1st November 2021

Thank you for the email of the 14th October 2021 to the HSE's Land Use Planning advice team requesting comments on the application for commercial development of 4 plots of land at Green Lane, Hemel Hempstead (21/037/93/OUT)

The HSE is a statutory consultee for developments in the vicinity of major hazard sites by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposal has been considered on the basis of the outline application with all matters reserved except access as submitted to Dacorum Borough Council by Savills, in particular the information in the illustrative site layout plans 31325-PL202 and 31325-PL-203.

HSE's Land Use Planning advice team can confirm that part of the proposed development site lies within the HSE consultation zone for the major hazard site at Buncefield Oil Terminal, Green Lane, Hemel Hempstead.

Major hazard sites are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could

have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for the planning process to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority) then the maximum quantity of hazardous substance that is permitted to be on the site is used as the basis for the HSE's assessment.

As the Buncefield Oil Terminal is a large scale petrol storage site this consultation has been considered using the SPC/Tech/Gen/43 – 'Land Use Planning Advice around Large Scale Petrol Storage Sites' This is available at

https://www.hse.gov.uk/foi/internalops/hid_circs/technical_general/spc_tech_gen_43/index.htm

The HSE's land use planning methodology is available at: <http://www.hse.gov.uk/landuseplanning/methodology.pdf>

HSE understands that options A and B involve setting up workplaces (including light industrial, general industrial, storage and distribution uses, offices) with some parts of the development being assigned to parking facilities for workers, landscaping, access roads and enabling works.

HSE's Land Use Planning advice team has identified that:

- an area of landscaping to the north of unit 4 lies within the Development Proximity Zone (DPZ) of Buncefield Oil terminal
- Unit 4 lies within the inner consultation zone
- Unit 3 lies mainly within the outer consultation zone
- Unit 2 lies mainly within the outer consultation zone with a small proportion outside all of the consultation zones
- under Option A Units 1 and 1A lie outside all of the consultation zones
- under Option B Units 1 and the 3-storey office at the south-east of the site lie outside all of the consultation zones

Unit 4

Under HSE's Land Use Planning policy HSE does not advise against planning permission for workplaces in the inner consultation zone where each building provides for less than 100 occupants AND has less than 3 occupied storeys. However HSE does advise against planning permission for a workplace in the inner consultation zone where a building provides for 100 or more occupants AND/OR has 3 or more occupied storeys.

From the information provided in the outline planning application, it is currently not clear to HSE whether or not Unit 4 of the development will provide for 100 or more occupants AND/OR will have 3 or more occupied storeys.

	<p>Under HSE's Land Use Planning policy, HSE would not advise against other aspects of the development as currently proposed.</p> <p>In response to the request from for HSE's comments on outline application 21/03793/OUT, HSE would not advise against planning permission if Dacorum Borough Council were able to confirm that Unit 4 will provide for less than 100 occupants AND will have less than 3 occupied storeys.</p> <p>(b) However we note that Unit 4 is associated with 75 car parking spaces - this indicates that the number of occupants in Unit 4 may exceed 100. We can confirm that HSE would advise against planning permission if Unit 4 of the development provides for 100 or more occupants AND/OR has 3 or more occupied stories.</p> <p>If the development meets the criteria in paragraph 9(b) above and you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – Handling development proposals around hazardous installations, published by the Department for Housing, Communities and Local Government.</p> <p>This requires a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government calls in the application for his or her own determination. The advance notice should be sent by email to HSE's Major Accidents Risk Assessment Unit via luppadhici5@hse.gsi.gov.uk.</p> <p>In the case of outline planning applications where the proposed layout and the scale of the development may only be indicative it is strongly suggested that should any changes be proposed after the outline permission has been granted, that HSE's advice should be obtained again before reserved matters are determined.</p>
British Pipeline Agency	Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.
National Air Traffic Safeguarding team (NATS)	<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>
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Agenda Item 5b

ITEM NUMBER: 5b

21/01095/FUL	Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking.	
Site Address:	Newground Farm House, Tring Road, Tring, Hertfordshire, HP23 5FR	
Applicant/Agent:	Bevangrace Ltd	Derek Kent Associates
Case Officer:	James Gardner	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary views of Aldbury Parish Council	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The application site is located within the Green Belt which is an area of development restraint. However, the proposal is acceptable on the basis that the extensions would not result in a disproportionate additions over and above the size of the original building, and that the re-use of the building would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

2.2 Although within the Chilterns Area of Outstanding Natural Beauty, the extensions are considered to be sympathetic and would not be harmful to the natural beauty of the area.

3. SITE DESCRIPTION

3.1 The application site is located to the north of Tring Road and comprises of a two-storey brick-built former Farm House, which is believed to have been constructed during the interwar period.

4. PROPOSAL

4.1 Planning permission is sought for the construction of single-storey extensions and the conversion of the Farm House into four self-contained dwellings along with associated amenity areas and parking.

5. PLANNING HISTORY

Planning Applications:

5.1 20/03242/FUL - Demolition of existing single storey extension and conversion of existing farmhouse to provide five no. houses with associated parking.
Withdrawn - 15th December 2020

6. CONSTRAINTS

Area of Archaeological Significance: 23
Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1

Green Belt: Policy: CS5
Parish: Wigginton CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 1
EA Source Protection Zone: 2
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction
CS35 – Community Infrastructure Levy

Dacorum Local Plan

Policy 97 – Chilterns Area of Outstanding Natural Beauty
Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents

Parking Standards Supplementary Planning Document (2020)
Chilterns Building Design Guide (2010)

9. CONSIDERATIONS

Main Issues

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

9.1 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.

9.2 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. The policy further goes on to clarify that small-scale development – such as limited extensions to existing buildings and the appropriate reuse of permanent, substantial buildings - 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.

9.3 Paragraph 149 of the National Planning Policy Framework (NPPF) states that a local planning authority 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 (c):

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”

Whether Proposal Would Result in Disproportionate Addition

9.4 Annex 2 of the NPPF defines the term *original building* as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

9.5 Planning records do not indicate that the dwelling has previously been extended. However, it is clear from historic OS mapping that a two-storey extension was constructed on the northern side of the site in 1960s / 70s, enlarging the dwelling by approximately 100m² (GEA). A single-storey rear extension with a floor area of some 16m² also appears to have been constructed at some point after 1948.

9.6 The amended plans propose the construction of modest single-storey extensions to the rear of the building, and the removal of the 16m² single-storey extension. Subtracting 116m² (the sum total of the pre-existing extensions mentioned above, which do not form part of the original building) from the existing floor plans gives a floor area of approximately 334m² (GEA), while the proposed floor area would be in the region of 460m² (GEA) – equating to an increase of approximately 37.72%. The increase would be 45.51% when comparing the original and proposed footprint.

9.7 The NPPF provides no specific definition of what is and is not a disproportionate addition, as this is essentially a matter of planning judgement based on the specific circumstances of each case. This notwithstanding, floor area, footprint and volume are helpful tools in forming a judgement as to proportionality. Volume is considered to be of more relevance where the proposed development is of two-storey construction or involves alterations to the roof.

9.8 Consideration also needs to be given to the provision of the sheds in the rear gardens of the respective units. In the case of *Sevenoaks District Council v Secretary of State for the Environment and Dawe* [1997], it was held that whether an outbuilding is treated as an extension to the dwelling is a matter of planning judgement. This is of particular relevance in the Green Belt where national policy does not specifically refer to outbuildings as being appropriate development. Having had regard to the close spatial relationship between the sheds and the dwellings, and the fact that they are likely to be used for storage of household goods and / or garden equipment, it is considered reasonable to recognise them as domestic adjuncts. It follows, therefore, that they would constitute an appropriate form of development; subject, that is, to the cumulative increase not being disproportionate.

9.9 According to drawing no. 1970/20/E, the sheds would have a combined floor area / footprint of around 27m², which then needs to be added to the figure of 460m² already referred to above. This would result in a total floor area of 487m² (or a 45.8% increase on the original). On balance, it is considered that this would not be disproportionate. Should Members take an alternative view, it is important to note that a similar or greater level of extension could be achieved by utilising permitted development rights. Accordingly, while a case for very special circumstances is not being advanced, it is considered that any harm to the Green Belt would be outweighed by the possibility of PD rights being utilised, which appears to be a reasonable prospect. Furthermore, the proposed development would also add three new dwellings to the borough's housing stock and bring an underutilised building back into full productive use.

Whether Proposal Would Preserve Openness of Green Belt

9.10 Paragraph 150 of the National Planning Policy Framework (NPPF) states that the re-use of buildings of permanent and substantial construction is appropriate in Green Belt terms provided it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

9.11 In terms of whether the building is of permanent and substantial construction, it is noted that New Ground Farmhouse is a large brick-built dwelling which has existed since the inter-war period. It is clear, therefore, that, at almost 100 years old, it is of permanent and substantial construction.

9.12 It has been established that 'openness of the Green Belt' comprises both a visual and spatial element (*Turner v Secretary of State for Communities and Local Government* [2016]).

9.13 Case law (*Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC* [2018]) confirmed 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)".

9.14 In terms of the factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt, the National Planning Practice Guidance (NPPG), drawing on principles established by the courts in site-specific circumstances, identifies a number of matters which may need to be taken into account when forming a judgement. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation

9.15 It is noted that the subdivision of the current dwelling into 4 dwellings (a net increase of 3) would almost certainly increase the intensity of the residential use of the site. That said, the unit sizes are relatively modest, with only one dwelling (Unit 3) having more than two bedrooms. Domestic paraphernalia could effectively be limited by the removal of permitted development rights for outbuildings, and in the main, parking provision would be provided on the existing hard-surfaced areas of the site and shielded from wider Green Belt views. The new areas of hardstanding would be built at ground level and would not therefore result in any substantial physical built form above the existing surface. Furthermore, owing to existing mature landscaping and the set back from the road, the additional hardstanding would not be visible from either the A4251 or the wider Green Belt. In spatial terms, it is not considered that the additional areas of hardstanding would be harmful to the openness of the Green Belt owing to their limited total extent (approximately 115m²). Furthermore, given the inherent remediability of such works, they are not considered to be harmful and would ultimately preserve the openness of the Green Belt.

9.16 The second element that needs to be considered is whether the development would conflict with the purposes of including the land in question within the Green Belt.

9.17 Paragraph 138 of the NPPF state that the Green Belt serves five purposes:

- a. To check the unrestricted sprawl of large built-up areas;
- b. To prevent neighbouring towns merging into one another;
- c. To assist in safeguarding the countryside from encroachment;
- d. To preserve the setting and special character of historic towns; and
- e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.18 Full consideration has been given to the above points. The re-use of the existing building would not result in the unrestricted sprawl of a large built-up area, would not result in neighbouring towns merging into one another; would not be at odds with safeguarding the countryside from encroachment (the application site is considered to be PDL); there are no historic towns in close proximity to the application site; and would not prejudice the recycling of derelict and other urban land.

9.19 Accordingly, the re-use of the New Ground Farm House and its re-purposing as four new dwellings is considered to preserve the openness of the Green Belt and, furthermore, would not conflict with the purposes of including land within the Green Belt.

CS5 Impact Assessment

9.20 Policy CS5 of the Dacorum Core Strategy requires an assessment to be made as to whether proposed development would have a significant impact on the character and appearance of the countryside, while requiring development to support the rural economy.

9.21 In terms of the first bullet point, it is important to note that that “significant impact” is a high bar. In this context, “significant” is taken to mean *relatively large in amount or quantity* (<https://www.dictionary.com/browse/significant>). However, in having regard to the impact of any development, it must be right that the existing state of affairs be taken into account and form a baseline against which subsequent development will be judged.

9.22 Therefore, given the modest nature of the extensions and their single-storey construction, and the relatively limited level of additional hardstanding required to facilitate the use of the site for four

dwellings, it is not considered that the proposal would have a significant impact on the character and appearance of the countryside.

9.23 It is considered that some modest benefits would accrue to the rural economy during the construction process. Indeed, it is not unreasonable to assume that local contractors would be used to construct the extensions; or, failing this, that materials would be sourced from local providers.

9.24 In summary, the development is in full accordance with Policy CS5.

Conclusion

9.25 There are two distinct elements to the Green Belt assessment in respect of this application. Firstly, whether the proposed extensions would be proportionate and thus fall within the ambit of paragraph 149 of the NPPF. Secondly, whether the re-use of the existing on-site building would preserve the openness of the Green Belt and conflict with the purposes of including land within it.

9.26 In terms of the first element, following a comparison of the size of the original building; that is, the building as it existed on 1 July 1948, and the size it would be should this application be approved, it is considered that the extensions over and above the size of the original building would not be disproportionate. As such, they would represent appropriate development in the Green Belt.

9.27 Turning to the question of whether the re-using the building would preserve the openness of the Green Belt and conflict with the purposes of including land within it, regard has been had to the ability of the local planning authority to remove permitted development rights for extensions / outbuildings and alterations and the limited areas of additional hardstanding, most of which would not be visible, needed to facilitate the re-use of the building. In summary, as a matter of planning judgement, it is considered that the openness of the Green Belt would be preserved and that there would be no conflict with the purposes of including land within it. It follows that the second element of the Green Belt assessment would also be acceptable.

Quality of Design / Impact on Visual Amenity

9.28 Policies CS11 and CS12 of the Dacorum Core Strategy seek to ensure that, inter alia, development preserves attractive streetscapes, avoids large areas dominated by car parking, integrates with the streetscape character, and respects adjoining properties in terms of layout, scale, height etc.

9.29 Appendix 7 of the Dacorum Local Plan, meanwhile, provides more specific design guidance in respect of extensions to existing dwellings. In particular, it states that extensions should harmonise with the original character and appearance of the house in terms of scale, roof form, window design and external finishes.

9.30 The elevations of the extensions are shown on drawing nos. 1970/24a and 1970/25a. Matching brick and roof tiles are proposed to be utilised, which is welcomed and considered appropriate. The roofs of the extensions are predominantly of hipped construction and would thus respect the design of the main roof. In addition, the variation in the heights of the roofs of the extensions would provide some welcomed variation and be in keeping with the a-symmetric form of the existing rear elevation.

9.31 The extensions are located to the rear of the site and would not be visible from the public realm so would have no discernible impact on the street scene.

9.32 In terms of the general quality of the design, the plans originally submitted in support of this application were amended. The plans before Members are the outcome of discussions between the Planning Officer and the agent. By way of background, concerns

were raised regarding the outlook from the sitting room and bedroom of Unit C; which, as a result of the unfavourable aspect and the close proximity of a large two-storey projection (and existing single-storey projection), would have been poor, contrary to paragraph 130 of the NPPF. Furthermore, concerns were raised in respect of Unit B, whose ground floor largely consisted of circulation space. In response, the current plans have been amended as follows:

- Unit B Extension altered to single-storey and repositioned, taking it 1.5m away from the boundary with Unit C. Depth reduced from 3.6m to 3m. Internal layout changed to introduce a breakfast room at ground floor, thus providing a larger hall with coats, staircase and WC; at first floor the bedroom has been repositioned and the unit reduced from a 3-bed to 2-bed.

- Unit C Existing single storey extension repositioned and replaced with an extension to the kitchen of 1.8m, lining up with the existing exterior wall to Units A & B. Addition of a 1m deep single storey extension to the living room. These, together with the reductions to Unit B, ensure the outlook from the living room and bedrooms of Unit C is not interfered with.

9.33 It is considered that the amendments referred to above have addressed the issues regarding the quality of the development for future occupiers.

Impact on Chilterns Area of Outstanding Natural Beauty

9.34 The site is located within Chilterns Area of Outstanding Natural Beauty (AONB); therefore, in addition to the high design standards sought by the NPPF, as well as the guidance found in Appendix 7 of the Dacorum Local Plan, a higher standard of design is ultimately required.

9.35 Paragraph 176 of the NPPF advises that great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty, which are stated to have the highest status of protection.

9.36 Section 85 (1) of the Countryside and Rights of Way Act put a legal requirement on public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area.

9.37 Local planning policy – i.e. Policy CS24 of the Dacorum Core Strategy - requires development to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and to support the principles set out within the Chilterns Building Design Guide. Policy 97 of the Dacorum Local Plan also remains relevant and advocates the sympathetic siting and design of structures, with colours and materials fitting in with the traditional character of the area.

9.38 The Chilterns Building Design Guide does not provide any specific advice on extensions to existing dwellings; rather, its primary focus is on achieving sympathetically-designed new development, as well as ways in which redundant farm buildings can be converted. The guidance in Policy 97 is therefore more relevant.

9.39 New Ground Farm House is not the archetypal Chilterns building, being fairly substantial in scale, not utilising red brick and opting for the use of the far less common hipped roof as opposed to a gable roof. In order to avoid incongruity, it is considered that, rather than attempt to employ materials more traditional to the Chilterns, the use of matching materials would be more appropriate. This is what is proposed by the application.

9.40 As the site is already in a residential use - unlike, say, a barn, stable or other redundant rural building – the proposed development would not change the character of this part of the AONB to any appreciable degree. It is acknowledged that, in certain isolated areas, the domestication of a site

could be harmful to the local character. Although the intensity with which the site is used will increase, the proposal as a whole is modest and would not harm the special qualities of the AONB.

Amenity Space

9.41 In accordance with Appendix 3 of the Dacorum Local Plan, all residential development is required to provide private open space for use by residents whether the development be houses or flat, with private gardens normally being positioned to the rear of the dwelling and having an average minimum depth of 11.5 metres. The proposed block plan indicates that the gardens of the new dwellings would all have garden depths in excess of 15 metres. What is more, the widths are such that the gardens could be used for a range outdoor pursuits.

9.42 Overall, the level of amenity space is considered acceptable and would provide a good level of amenity for future residents.

9.43 Should planning permission be granted, a condition will be included to require the garden areas to be provided prior to first occupation of the dwellings.

Conclusion

9.44 Pursuant to Section 85 (1) of the Countryside and Rights of Way Act, it is considered that the proposal would conserve the natural beauty of the Chilterns Area of Outstanding Natural Beauty.

9.45 The proposal would also accord with Policies, CS11, CS12 and CS24 of the Dacorum Core Strategy and Policy 97 and Appendix 3 of the Dacorum Local Plan.

Impact on Residential Amenity

9.46 Policies 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.

9.47 Appendix 3 of the Dacorum Local Plan states that minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy, and that this distance may be increased depending on character, level and other factors.

9.48 The windows on the rear elevation would face the side elevation of no. 4 Chiltern Hills Close and the rear elevation of no. 2 Chiltern Hills Close. This is a pre-existing relationship which would not be materially altered by the proposal: although extensions are proposed, these are at ground floor level only and, as a result, would not result in any greater degree of overlooking. For the sake of thoroughness, however, the distance between the first floor of New Ground Farm House and the aforementioned dwellings in Chiltern Hills Close is approximately 37m and 42m, respectively. Whilst it is true that built development at ground floor level would move marginally closer to the dwellings in Chiltern Hills Close, a substantial distance would remain and views would continue to be circumscribed by intervening features such as boundary fencing.

9.49 The development would therefore comply with Policy CS12 of the Dacorum Core Strategy and Appendix 3 of the Dacorum Local Plan.

Impact on Highway Safety and Parking

9.50 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.

9.51 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

9.52 The Highway Officer has confirmed that the visibility splay shown on drawing number 1970/SL-A is acceptable.

Manoeuvrability

9.53 Swept path analysis (see drawing no. 21.93 – 001 Rev. A) indicated that a 10.2m vehicle would not have been able to successful turn within the site without striking an existing fence. In response, the existing gravelled access is now proposed to be widened by approximately 0.25m in one section and the fence re-located, thereby ensuring sufficient manoeuvrability within the site.

9.54 It is also noted that the existing access is to be widened in order to facilitate the refuse freighter turning area. It is recommended that a condition requiring the access to be widened prior to first occupation of the new units be included with any grant of planning permission.

Parking Provision

9.55 The Parking Standards Supplementary Planning Document was formally adopted on 18th 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.

9.56 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.

9.57 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

9.58 The proposal would result in the formation of 3 x two bedroom dwellings and 1 three bedroom dwelling, giving rise to parking standard of 7 (6.75 rounded the nearest whole number).

9.59 Drawing no. 1970-20 E indicates that a total of 12 car parking spaces are to be provided – eight for the dwellings and four for visitors. As per the Parking standards SPD, since the level of parking provision is in excess of the standard, the overprovision should be justified.

9.60 The Parking Standards SPD is clear that the departures from the standard should be the exception and robustly justified by way of reference to one or more of the seven exceptions set out at paragraph 6.10 of the document. However, none of the exceptions appear to be relevant to a situation where there would be an overprovision of parking.

9.61 In this instance, given the distance of the application site from the nearest shops and services, and the relatively hostile pedestrian environment, it is considered that a convincing argument can be made for overprovision of parking on this occasion.

Electric Vehicle Charging

9.62 The Parking Standards SPD required the provision of one active charger for each residential dwelling.

9.63 Whilst it is acknowledged that the site plan refers to vehicle charging points being made available to spaces A1, B1, C1 & D1, no details have been provided as to the specific chargers proposed to be used. As there is a minimum standard for chargers, this is a matter that requires further clarification.

9.64 It is recommended that a condition requiring details of EV charging provision be included with any grant of planning permission.

Other Material Planning Considerations

Chiltern Beechwood Special Area of Conservation

9.65 Following a letter from Natural England on the 14th March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.66 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.67 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional recreational pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.68 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy its legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

Contaminated Land

9.69 The Council's Scientific Officer has not recommended the inclusion of any contaminated land conditions.

Road Noise

9.70 The Council's Environmental Health Officer has identified a potential issue with regard to excessive noise and disturbance from the nearby A41 and A4251 and has recommended the inclusion of a condition requiring the submission of an acoustic assessment and the installation of appropriate mitigation prior to first occupation of the new units. Should planning permission be granted, it is recommended that an appropriately worded condition be included.

Archaeology

9.71 The County Archaeologist has confirmed that, given the size of the extensions, it is considered unlikely that there would be significant impact on heritage assets of archaeological value.

Impact on Trees and Landscaping

9.72 There would be no significant impacts.

Community Infrastructure Levy (CIL)

9.73 This application is not CIL liable.

Planning Obligations

9.74 As outlined in the Chiltern Beechwood section of the report above, should Members resolve to grant planning permission, it is recommended that this be on the basis that a financial contribution in respect of ecological mitigation is secured by way of a legal agreement.

10. CONCLUSION

10.1 The development has been assessed against Green Belt policy and is considered to be appropriate development.

10.2 The proposed extensions are sympathetic to the character and appearance of the dwelling and the Chilterns AONB.

10.3 Parking provision is in excess of what would ordinarily be required; however, as the application site is not highly sustainable, on balance, it is considered that an argument can be made in favour of greater levels of parking.

10.4 All the residential dwellings would have a level of private amenity space commensurate with their size.

10.5 Having considered the potential impact on the nearest residential dwellings at Chiltern Hills Close, it is considered that they would not suffer any adverse effects in respect of residential amenity if this development were to proceed.

10.6 In terms of highway safety, the Highway Authority have confirmed that they have no objections subject to the inclusion of two conditions – one relating to the retention of visibility splays, and the other in relation to a Construction Management Plan. The visibility splay condition cannot be included, since this would not meet the test of enforceability and is not necessary: the visibility splay

extends across land not in the applicant's ownership for a considerable distance and, secondly, the only way in which the splay could conceivably be impinged upon would be if the boundary fence were re-positioned hard up to the highway. This would, in and of itself, require planning permission and would be unlikely to be approved.

10.7 Subject to a condition requiring acoustic mitigation, acceptable levels of amenity can be achieved for future occupiers.

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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:**

**1970/20E
1970/21A
1970/23A
1970/24A
1970/25A**

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

- 3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. The access and parking arrangements shown on drawing no. 1970/20E shall be provided in full prior to first occupation of the residential units hereby approved and thereafter permanently retained.**

Reason: To ensure an acceptable level of parking and in the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013), the Dacorum Parking Standards SPD (2020) and Policy 51 of the Dacorum Local Plan (2004).

- 5. Notwithstanding the details shown on drawing no. 1970/20E, the dwellings hereby approved shall not be occupied until details of the layout and siting of Electric Vehicle Charging Points (including the specific specification), and any associated**

infrastructure have been submitted to and approved in writing by the local planning authority.

The development shall not be occupied until the Electric Vehicle Charging Points have been provided 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).

6. **a) The dwellings hereby approved shall not be occupied until a noise assessment and report has been submitted to and approved in writing by the local planning authority. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary. The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied.**

b) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1

Reason: To ensure that residents of the dwellings are afforded an acceptable level of amenity and protected from noise and disturbance, in accordance with Paragraphs 130 (f), 174(e) and 185 (a) of the National Planning Policy Framework.

7. **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, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**
- k. Phasing Plan.**

Reason: In the interests of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

8. **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, Class E

Reason: To enable the Local Planning Authority to preserve the openness of the Green Belt by preventing the unrestricted proliferation of residential outbuildings pursuant to paragraph 150 of the NPPF.

9. **Prior to the construction of the sheds identified on drawing no. 1970/20/E, metrically scaled floor plans and elevations of the respective sheds shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS24 of the Dacorum Core Strategy (2013).

10. **Prior to first occupation of the dwellings hereby approved, the rear / side amenity areas shall be provided and laid out in accordance with drawing no. 1970/20E and thereafter permanently retained.**

Reason: In order to ensure that the dwellings have (and retain) retain sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy and saved Appendix 3 of the Dacorum Local Plan.

11. **Notwithstanding the details shown on drawing no. 1970/20E, no construction 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;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and retained historic landscape features and proposals for restoration, where relevant.

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 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).

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. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

5. 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.
6. Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials,

product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	OPPOSE - As per the previous application, access is coming off a fast road, on a bend with no passing lane.
Parish/Town Council	Objection.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p>

	<p>WATER:</p> <p>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
Hertfordshire Property Services (HCC)	<p>10/05/2021</p> <p>Thank you for your email regarding the above mentioned planning application.</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within 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> <p>Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
Hertfordshire Highways (HCC)	<p>23/03/2021</p> <p>The proposal is for the proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking at</p>

	<p>Newground Farm House, Tring Road, Tring. Tring Road is a 60 mph principle A main distributor route. As Tring road is a 60 mph main distributor route, there is a few things that HCC Highways need clarifying before any recommendation is made. I would start by noting that new access onto main distributor routes are not permitted as per guidance within HCC Design guide section 4. However, the proposal has an existing access onto Tring Road which was for one dwelling. The new proposal is for 4 dwellings which considering the adjacent highway and existing guidelines is considered an intensification of the previous access. Therefore, I would like to draw your attention to DMRB stating that 60 mph routes need a visibility splay of 4.5 m x 215 metres either side. This will need to be illustrated for the existing access owing to the increase of dwellings for the existing access. There is concerns that currently the access is inadequate for the adjacent highway network and therefore these concerns will need to be addressed.</p> <p>HCC Highways has additional concerns regarding if large vehicles such as fire appliances and refuge vehicles can manoeuvre on site to enter and exit the highway network in forward gear which is required. From drawing 1970/20 there is concerns that when all cars are parked, the manoeuvre of a 11 metre fire appliance cannot be achieved. Therefore, HCC Highways requires a swept path for a fire appliance to ensure that large vehicles can manoeuvre on site as per HCC Design guide. Once these have been provided to HCC Highways, then we can fully investigate the site and give a recommendation to Dacorum Borough Council</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.</p> <p>Given that the application site is a brownfield site, albeit an existing residential property, it is recommended that the following land contamination informatives are included on any permission that might be granted.</p> <p>Contaminated Land Informative 1: In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which</p>

	<p>could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p>Please let me know if you have any questions about this advice.</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. I understand the application is for the conversion of existing farmhouse to provide four number dwelling houses with associated parking.</p> <p>The site is close to the A41 and A4251, reference to DEFRA's strategic noise maps indicates that the development site is within 60-65dB LAeq,16hour day and 50-60dB LAeq,8hour night- time road traffic noise contours and therefore, will be subject to relatively high levels of transportation noise impact.</p> <p>It is considered that internal noise can be mitigated through design and building construction, external amenity spaces are likely to above guideline levels and therefore the development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.</p> <p>I therefore do not have any in principle objections subject to the following condition being attached to any consent which may be granted.</p> <p>Noise Protection Scheme</p> <p>a) Prior to the first occupation of the proposed development, a noise assessment and report shall be submitted to and approved by the LPA. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary.</p> <p>The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied"</p> <p>b) BS8233 also recommends that regular individual noise events can</p>

	<p>cause sleep disturbance.. Noise events (measured with F time-weighting should not normally exceed 45dB LAmax several times in any one hour during the night (23.00-07.00)</p> <p>c) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1</p> <p>d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB LAeq,16hr. It will therefore, be necessary to provide further physical mitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.</p>
Conservation & Design (DBC)	<p>18/05/2021</p> <p>The existing farmhouse appears to have been constructed in the early 20th century probably either just before WW1 or in the early 1920s. It does not appear on the 1901 OS map but is in position in the 1924 map. It is clear from this that a 2 storey extension was constructed to the northern side away from the main road. This does not appear on the 1962 map and therefore presumably dates from the 1960s/ 70s. Although in a matching style it has slightly unbalanced the main fa�ade.</p> <p>We welcome the redesign of the building and believe that it now respects the character of the original building. As such provided that the materials used match existing we would not object to the proposals.</p> <p>Recommendation: We would not object to the proposals. External materials and finishes of extensions and alterations to match the existing. Hard and soft landscaping subject to approval.</p>
Archaeology Unit (HCC)	<p>The current proposal appears to reduce the size of the extension compared with 4/20/3242/FUL. Therefore in this instance given the size of the extension, we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make upon the proposal.</p>
Hertfordshire Property Services (HCC)	<p>27/04/2022</p> <p>Response by HCC's Growth & Infrastructure Unit to Proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking. At Newground Farm House Tring Road Tring Hertfordshire HP23 5FR</p>

	<p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within 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> <p>PLEASE NOTE: For applications including the provision of eleven or more units or the provision of new employment space, please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>07/05/2021</p> <p>The proposal is for an amendment regarding the proposed conversion of the existing farmhouse to provide four number dwellinghouses with associated parking at Newground Farm House, Tring Road, Tring. Tring Road is a 60 mph principle A main distributor route. HCC previously commented on this application asking for more information regarding the site. The applicant has provided HCC Highways with drawing 1970/20A (a new site plan) with changes to the location of bin collection and a turning head to allow large vehicles to turn on site. As stated before, owing to the classification and speed of the adjacent highway, HCC Highways deems that the construction of 4 dwellings off of an access for one dwelling is an intensification of use. As such we asked for an illustration of visibility splays measuring 2.4 x 215 metres either side. This has not yet been illustrated on any drawings. We also requested a swept path illustrating that a large fire appliance can turn on site. Although a turning head has been included, there has been no inclusion of a swept path analysis for said large fire appliance.</p> <p>Therefore, HCC Highways would like to reiterate our request for both a swept path and visibility splays for the current access on safety grounds. This access is considered to be an intensification of use considering the 4x more trips associated with 4 dwellings than 1. Therefore, to fully ensure that the site is safe for use, we require the aforementioned plans to make an informed decision.</p>

Parish/Town Council	The Parish Council objects to this planning application based on dangerous access.
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources.</p>

	<p>The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at https://www.gov.uk/government/publications/groundwater-protection-position-statements) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<p>Conservation & Design (DBC)</p>	<p>27/04/2022</p> <p>We confirm that our previous comments relating to the amended plan and that the proposals are acceptable. We would not object to these proposals. External materials and detailing to match the existing.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>04/05/2022</p> <p>With reference to the above planning application, please be advised Environmental Health would like to re-iterate the comments made by a previous colleague Chris Hurst and request that these comments are applied to the current application.</p> <p>APP ref. no. R675858 Planning case no. 21/01095/FUL Property concerned Newground Farm House Tring Hertfordshire HP23 4LW Further details Proposal: Proposed conversion of existing farmhouse</p> <p>Planning officer Mr James Gardner From Chris Hurst Date 22/03/2021</p> <p>Response Summary</p> <p>The site is close to the A41 and A4251, reference to DEFRA's strategic noise maps indicates that the development site is within 60-65dB LAeq,16hour day and 50-60dB LAeq,8hour night- time road traffic noise</p>

contours and therefore, will be subject to relatively high levels of transportation noise impact.

It is considered that internal noise can be mitigated through design and building construction, external amenity spaces are likely to be above guideline levels and therefore the development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.

I therefore do not have any in principle objections subject to the following condition being attached to any consent which may be granted.

Noise Protection Scheme

a) Prior to the first occupation of the proposed development, a noise assessment and report shall be submitted to and approved by the LPA. The report shall include a scheme for the sound insulation of the development including walls, roof, glazing and associated ventilation and provision for the protection of external amenity spaces as necessary. The scheme shall demonstrate compliance with the levels detailed in table 4 detailed in section 7.7.2 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Any works which form part of the scheme shall be completed in accordance with the approved details before the dwellings are occupied"BS8233 2014: Table 4 - Indoor ambient noise levels for dwellings

b) BS8233 also recommends that regular individual noise events can cause sleep disturbance.. Noise events (measured with F time-weighting should not normally exceed 45dB LAmax several times in any one hour during the night (23.00-07.00)

c) The ventilation system shall meet the minimum background ventilation requirements of the Building Regulations 2000 Approved Document F "Ventilation". The system should also take account of the Association of Noise Consultants, Acoustics Ventilation And Overheating Residential Design Guide Jan 2020 Version1.1

d) Amenity Spaces - The acoustic environment of external amenity should ideally not be above the range 50 - 55dB LAeq,16hr. It will therefore, be necessary to provide further physical mitigation such as an acoustic noise barrier to the communal garden area in order to achieve the lowest practicable noise levels.

However I would also recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.

	<p><u>Working Hours Informative</u> Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><u>Construction Dust Informative</u> 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><u>Waste Management Informative</u> Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p>
Hertfordshire Property Services (HCC)	<p>01/04/2021</p> <p>Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels. We therefore have no further comment on behalf of these services, although you may be contacted</p>

	<p>separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition. I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit</p>
<p>Hertfordshire Highways (HCC)</p>	<p>04/05/22</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) Provision of Visibility Splays - Dimensioned on Approved Plan</p> <p>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 drawing number 1970/SL-A. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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:</p> <ol style="list-style-type: none"> 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. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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 Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

AN 4) 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.

Comments

The proposal is regarding amendments for the proposed conversion of existing farmhouse to provide four number dwellinghouses with associated parking at Newground Farm House, Tring Road, Tring. Tring Road. Tring Road is a 60 mph principle A main distributor route that is highway maintainable at public expense. HCC Highways previously requested more information in relation to the ability for a fire appliance to turn on site and the need for adequate visibility splays for the existing access owing to the intensification of use and the adjacent highway network. These amendments are to the width of the access, route, size of the properties and location of waste storage. All of these do not impact our previous response and therefore this response will be similar to previous.

Vehicle Access and sustainability

The existing site is accesses via a large access onto the A4251. This access will be used for the 4 new dwellings. The applicant has provided

	<p>drawings illustrating that adequate visibility can be achieved owing to the intensification of use for the access. The site is opposite a footpath, however, the A4251 at this section is not deemed suitable for pedestrian crossing and as such the development is considered to nearly be 100% private motor car dependent. Cars do have the ability to turn on site to enter and exist the highway network in forward gear. Parking is a matter for the local planning authority and as such any parking arrangements must be agreed by them.</p> <p><u>Drainage</u> 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 existing and the new driveway would need be collected and disposed of on site.</p> <p><u>Refuse / Waste Collection</u> Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p><u>Emergency Vehicle Access</u> 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 - Dwellingshouses'. The applicant has provided a 10.2 metre fire appliance swept path illustrating that one can turn on site to enter and exit in forward gear.</p> <p><u>Conclusion</u> HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and conditions.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
15	0	0	0	0

Neighbour Responses

Address	Comments

ITEM NUMBER: 5c

22/00003/FUL	Construction of an agricultural livestock building.	
Site Address:	Glendale Farm, Flaunden Bottom, Flaunden, Hertfordshire. HP5 1GA	
Applicant/Agent:	Mr John Robb/Mr Christopher McNally	
Case Officer:	Robert Freeman	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee given the recommendation of Flaunden Parish Council and at the request of Cllr Riddick. Cllr Riddick has a number of concerns with regards to the use of the land and associated harm to the Chilterns Area of Outstanding Natural Beauty.	

1. RECOMMENDATION – That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed livestock building would be an appropriate form of development in this countryside location as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The proposed building is considered to be appropriate in scale, siting and design and will not result in significant harm to the character and appearance of the area nor the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with Policies CS5, CS12 and CS24 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The application site is located on the eastern side Flaunden Bottom and between the village of Flaunden and Latimer. The site extends to an existing access onto Flaunden Bottom.

3.2 Glendale Farm extends to approximately 7.2 hectares of grassland adjacent to Long Wood and outlined in blue upon the site location plan. Glendale Farm has been primarily used for equine purposes. The wider site is occupied by two small lawful loose boxes associated with the equestrian use of the land.

4. PROPOSAL

4.1 The proposals involve the erection of an agricultural livestock building measuring some 22.25m in length, 9m in width and with an eaves height of 4.6m. The building would be open fronted but otherwise enclosed on three sides by Yorkshire boarding and weatherboarding. A gabion retaining wall would be constructed along the eastern edge of the building and yard. This would wrap around some of the southern elevation.

4.2 The proposed building is required for the housing of livestock (cattle). The building is required to meet the welfare requirements for up to 30 young cattle who should be housed during winter months and specifically for the first winter of life in accordance with DEFRA advice

4.4 The applicant indicate that a building of this size (202.5m²) would provide a dry bedding area of some 135m² once a standard feed barrier is established on the open side of the barn. The application indicates that the cattle would each require around 5m² of dry lying area depending on the weight of cattle¹.

5. PLANNING HISTORY

5.1 The site is subject to an Article 4 Direction removing the rights to form enclosures within the site without the specific grant of planning permission.

5.2 The site has been subject to previous applications which are relevant in the consideration of the current proposal. These applications include:

- Application 4/02083/13/FUL for demolition of existing stables and field shelter and construction of replacement stables, which was refused on 6 January 2014 and establishing the site's use for breeding and training of horses which would not constitute agriculture;
- Earlier prior approval application 4/01410/13/AGD for replacement stables which discounted the use of the site for agricultural purposes;
- The most recent prior approval application 4/02336/14/AGD for livestock shelter, refused on 8 October 2014, where it was noted that there was no evidence to suggest that a genuine agricultural trade and business had been carried out at the farm unit and
- Application 4/02642/17/RET for the retention of a barn and the extension of farm buildings was refused on the 5th November 2018 given concerns as to the use of the site for agriculture and given the impact on the visual amenity of the Green Belt and Chilterns Area of Outstanding Natural Beauty in this location.
- Application 20/00884/FUL for the construction of an agricultural storage building. This was considered at the Development Management Committee of the 2nd July 2020 and granted planning permission on the 6th July 2020. The building was needed to provide a protective and secure 180 day supply of high quality hay and straw for cattle to be grazed upon the site. The associated livestock enterprise would support the development of young beef cattle (weanlings) for subsequent sale 10-12 months later. This was based on a minimum of 30 cattle being resident throughout the year.
- Application 20/03091/DRC for the discharge of pre-commencement conditions associated with 20/00884/FUL. This was granted on the 4th December 2020.
- E/21/00106/ENG – An enforcement complaint was lodged in 2021 regarding excavation works being undertaken at the entrance to the application site. The enforcement officer concluded that the slope upwards from the road and an area adjacent to the entrance had been dug up to provide a level base for the approved barn (20/00884/FUL) There was no breach of planning control.

¹ Red Tractor Assurance for Farms – Beef and Lamb Standards by Assured Food Standards (2020)

6. REPRESENTATIONS

Consultation responses

6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

6.2 These are reproduced in full at Appendix B.

7. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS25 – Landscape Character
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
The Countryside Place Strategy

Local Plan

Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 97 – The Chilterns Area of Outstanding Natural Beauty.
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)
Chilterns Building Design Guide
Energy Efficiency and Conservation
Water Conservation

8. CONSIDERATIONS

Policy and Principle

8.1. The application site is located within the Green Belt. The Council will apply national planning policy in relation to the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The NPPF makes it quite clear

that the construction of new buildings within the Green Belt should be considered as inappropriate development. Exceptions to this include the provision of buildings for agriculture and forestry regardless of scale². The proposals involve the construction of a building for livestock at the application site and must be considered to be appropriate under Policy CS5 of the Core Strategy.

Agricultural Need

- 8.2 A number of representations have raised concerns as to whether the buildings proposed will be used for a genuine agricultural purposes. It is claimed that the site is not suitable for agricultural use and that the use of land as a livestock agricultural enterprise would not be viable.
- 8.3 There is no need for the applicant to provide any formal evidence of need in support of the application and matters such as agricultural viability are not material to the determination of this case. It is evident that it is not for the local planning authority to question need per se, however it might be prudent for the Council to consider whether the scale of building reflects that required for the proposed agricultural activity. This is considered in paragraph 8.7 below.
- 8.4 The Council has already approved an agricultural storage building on the site capable of accommodating feed for up to 30 weanlings under 20/00884/FUL and the applicants make a coherent argument for the need for a livestock building in relation to this use of the land based on animal welfare grounds. This building would provide appropriate accommodation for up to 30 cattle which would be consistent with the approved level of associated storage requirements.
- 8.5 Professional advice was received informally in relation to planning application 20/00884/FUL for the construction of the agricultural storage building and the stocking rates of the associated land were found to be acceptable³ The County Rural Estates Officer has been consulted in relation to this case, but there has been no response to this consultation.

Layout, Scale and Design

- 8.6 The Council still expects a high quality design to be pursued in this location in accordance with Policy CS11 and CS12 of the Core Strategy. Specific advice on the layout and design of livestock buildings is found in the publication "Better Cattle Housing Design" by the Agricultural and Horticultural Development Board (AHDB) which the applicant has supplied in support of their proposals. Particular attention has been given to the space requirements and need for ventilation in the submission.
- 8.7 The proposed building is considered to be appropriate in terms of its design, bulk, scale and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. The scale of the building is considered to be appropriate for occupation by up to 30 cattle based on a ratio of 1:5m² and a dry bedding area of approximately 135m² (27 cattle) The livestock enterprise is based on the development of young (and therefore smaller) beef cattle (weanlings) and subsequent sale 10-12 months later (at an optimal size). This will be based on a minimum of 30 cattle being resident throughout the year.

² As per the decision in *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd* [2016]

³ See DMC report: <https://democracy.dacorum.gov.uk/documents/s24540/DMC-02-07-2020-Item%205c-Glendale%20Farm%20Flaunden%20Bottom%20Flaunden.pdf>

- 8.8 The site occupies a prominent location within the Chilterns Area of Outstanding Natural Beauty (AONB) and forms part of an attractive landscape enjoyed from the lane of Flaunden Bottom and public footpaths to the east and south of the site.
- 8.9 Policies CS24 and CS25 of the Core Strategy seek to conserve the special qualities of the landscape and designated AONB with the scarp slope protected from development which would have a negative impact on the skyline. Saved Policy 97 of the Local Plan sets out that new buildings and other development must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings.
- 8.10 The proposed building would be located in the bottom of the valley perpendicular to the approved storage building on the site and the adjacent highway. This would form an enclosed yard at the north western edge of the wider site associated with the proposed agricultural enterprise and close to the existing access point to the land. The building would be constructed on a newly formed plateau at the lowest point to the site and a gabion retaining wall some 2.6m in height (at its highest point) would be constructed between the eastern flank elevation and the countryside beyond. This would be stepped and would wrap around the southern elevation to the building.
- 8.11 The proposed building would be constructed with timber cladding on three sides including its rearward (south) facing elevation and side elevation (west) towards the highway. The building would have a rural appearance constructed in dark stained weather boarding/Yorkshire boarding and with a fibre cement roof. The cladding allows for air circulation within the building and would be functional to its use as a livestock building. The appearance is common to agricultural buildings and would not appear incongruous in the area.
- 8.12 Although this valley is generally devoid of agricultural buildings, a building of this character would not be unduly harmful to the appearance of the area and the wider AONB. Any visual impact of the building would be localised to those afforded to passing vehicles and could be mitigated by landscaping along the frontage of the site. Although the public footpath network extends up the valley side and through Long Wood there are no longer views to the site from the footpath network due to the curvature of the road in this location and density of vegetation. The proposals are not considered to result in significant harm to the character and appearance of the AONB. The qualities of the AONB and the scarp slope would be conserved and protected from development. The proposals are considered to be appropriately designed and sited having regard to Policies CS24 and CS25 of the Core Strategy and Saved Policy 97 of the Local Plan and the Chilterns Building Design Guide.
- 8.13 The building would be partially screened from the road by the existing approved building and soft landscaping. The visual impact of the proposed building would be mitigated by the provision of soft landscaping between the approved storage building and the adjacent highway and could be further screened by landscaping to the south (rear) of the building. This approach to development would result in limited harm to the appearance of the AONB and must be considered to be appropriate in the context of Policies CS24 and CS25 of the Core Strategy and Saved Policy 97 of the Local Plan.

Impact on Chenies and Latimer Conservation Area

- 8.14 The Chenies and Latimer Conservation Area incorporates the villages of Chenies and Latimer to the south of the application site and extends up Flaunden Hill to incorporate land at Home Farm, Flaunden Hill. The application site is located approximately 650m to the north of Home Farm and the Chenies and Latimer Conservation Area. The site is not visible from this location and is not considered to have any detrimental impact on the setting and appearance of the Chenies and Latimer Conservation Areas. The Conservation

team have not considered it necessary to provide comments in this regard and the proposals are considered to be acceptable under the relevant sections of the NPPF and Policy CS27 of the Core Strategy.

Impact on Landscape

- 8.14 The proposed barn and hard standing area are located at a low point on the site and would be set into the landscape to ensure that they are less prominent features within the wider landscape. The siting of the building perpendicular to the road does however require excavation of the site and a cut and fill exercise in order to provide a level base for the proposed building. The scheme has been amended during the course of the application to reduce the extent of ground excavation but at the eastern end of the building and furthest from Flaunden Bottom Lane this would still require ground levels to be excavated by approximately 2.6m. A retaining gabion wall would need to be constructed.
- 8.15 The gabion wall to the south of the building would be hidden from wider views of the site, whilst the wall would also be partially obscured from views from the highway by the approved storage building and western elevation to the proposed livestock building. The gabion wall is indicated to be infilled with rock fragments although there could be scope to plant against exposed edges.
- 8.16 The alterations to the ground levels of the site has a negative impact on the natural character and appearance of the site. It is inevitable that built development will have some impact upon the AONB however in my opinion, the impact in this instance is minimised and does not result in substantial harm to the wider character and appearance of the AONB given its location within the valley bottom. The applicants also contended that the agricultural use of the land would over time improve the land management and stewardship of the wider land parcel. This would, in my view, comply with the requirements in Policy CS25 of the Core Strategy.

Ecological Impact

- 8.17 The grassland to the site is considered to have a low biodiversity value and its levelling is not considered to be significantly detrimental to the biodiversity value of the site. Long Wood, a designated wildlife site to the east and running parallel to the land will not be affected by the proposed works and there should be no detrimental impact on wildlife using this site. No objections have been received from the County Council Ecologist (refer also to previous report to DMC). There are no objections to the proposals from a landscaping or ecology perspective in accordance with Policies CS25 and CS26 of the Core Strategy.

Access, Parking and Highway Safety

- 8.18 The proposed building would be accessed from an existing field entrance on Flaunden Bottom with additional hard standing being provided for access to the building. The access is considered to be satisfactory given the nature of this road and its use is not considered to be detrimental to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. I note that this access has already been used by equestrian vehicles without detriment and find no reason to conclude that farm vehicles may not continue to use this access without resulting in any significant intensification in its use nor detriment to highway safety.
- 8.19 The hardstanding to the front of the proposed building and also associated with the construction of the adjacent storage building is not considered to be excessive in scale and would not detract significantly from the overall character and appearance of the area.

Indeed, this might allow vehicles to both access and egress the site within a forward gear thereby improving highways safety.

- 8.20 As such there would be no objection under Policies CS8, CS12 and CS24 of the Core Strategy or Saved Policy CS51 of Local Plan 1991-2011.

Other Material Considerations

Drainage

- 8.21 No details have been included within this application in relation to the drainage of the application site. The provision of hard standing within the application site and associated with the proposed building should not increase any surface water run-off from the site onto the adjacent highway. To ensure that this is the case, it is recommended that details of the drainage of the site be secured by a planning condition.

Representations

- 8.22 The majority of representations made in relation to this application have been addressed above or by the agent within the body of the representations. The following comments are provided in relation to other matters raised and not previously addressed.

Planning Appeal - APP/X01415/A/13/2202765

- 8.23 Flaunden Parish Council have provided a copy of the above appeal decision in relation to the construction of an agricultural barn at land adjacent Old Rectory, Latimer Camp Road, Latimer and indicate that in their view this provides a precedent for the refusal of this case.
- 8.24 Each application for planning permission must be judged upon its own planning merits and as such the decision is considered to have limited relevance to the determination of this case. There are a number of differences between the cases and relevant planning policies as set out in paragraphs below. For these reasons the cases are not comparable.
- 8.25 The Chiltern Local Planning Policy indicated that all applications for agricultural buildings within the Green Belt will need to demonstrate an agricultural need whereas the Core Strategy policy reiterates advice within the NPPF. There is not a test within national Green Belt policy relating to agricultural need. The NPPF merely indicates that agricultural buildings are an acceptable form of development in the Green Belt regardless of scale.
- 8.26 The applicant in the Old Rectory case conceded that the intensive sheep enterprise (20 ewes per hectare) would be unusual and that none of the standard agricultural reference books recommended such a high stocking density (11 ewes per hectare) The Inspector concluded that the size of the proposed building was not therefore reasonably required for agriculture and thus contrary to Local Plan Policy. The Council has previously accepted the stocking density of cattle for the application site which is within a range in agricultural reference books.
- 8.26 The Inspectorate also concluded that the building, in this appeal case, did not comply with the Chilterns Building Design Guide providing a significant isolated building upon the ridge of the land and prominent within the landscape. The site subject to the appeal at Latimer Camp Road occupies an elevated position to the west of the application site and at the top of the valley in which the application site is located. In contrast, the proposed building would form a cluster of development on a platform at the bottom of this valley.

9 CONCLUSION

- 9.1 The proposed agricultural building would be an appropriate form of development in this countryside location as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The proposed building is considered to be appropriate in scale, siting and design and will not result in significant harm to the character and appearance of the area nor the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with Policies CS5, CS12, CS24 and CS25 of the Core Strategy.

10 RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

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

**21-31-01 Revision C (Existing and Proposed Block Plan)
21-31-02 Revision B (Site Location Plan)
21-31-03 Revision D (Proposed Floor Plan and Elevations)**

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

3. **No development shall take place until full details soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **a planting scheme with the location, number, size, species and position of trees, plants and shrubs;**
- **full details of any retaining structures and fences, including details of the use of planting for the external appearance of the gabion walls; and**
- **a planting timetable, detailing when all soft landscaping works will be carried out in relation to the construction of the development hereby permitted.**

The planting scheme shall be carried out in full in accordance with the approved planting timetable.

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 Policies CS11, CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan (2004)

4. **No development shall take place until details of drainage for the application site have been submitted to and approved in writing by the Local Planning Authority. These proposals shall be implemented fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the drainage of the site in accordance with Policies CS8, CS31 and CS32 of the Core Strategy.

INFORMATIVE

BADGERS

a) Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped."

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flaunden Parish Council	<p>The proposal would necessitate considerable landscape modification with the installation of a very large barn detracting from its location within the Green Belt and AONB. As well as the increase in traffic and congestion, additional road degradation and valley erosion will result as a consequence of the associated activity.</p> <p>The scale and extent of the proposed development within this setting is excessive and fails to be sensitively located or designed to avoid or minimise adverse impacts on this area in the AONB.</p> <p>There are currently no agricultural buildings on either side of the valley - it is a truly an unspoilt Area of Outstanding Natural Beauty within the Green Belt.</p> <p>The Parish Council is also concerned about the justification for the requirement of such an agricultural livestock building.</p> <p>Our reasons are further detailed below.</p> <p>LOCATION</p> <p>Glendale Farm is located on the eastern slope of a valley. It is typical of dissected chalk landscapes characteristic of the Chilterns with their particular fauna and flora and these attributes lie at the core of the Chiltern Hills Area being included as an AONB. At the base of this valley, Flaunden Bottom, a single carriageway lane provides access north, principally from the village of Latimer to Flaunden and further</p>

into Bovingdon, and ultimately Hemel Hempstead. The road surface of Flaunden Bottom is currently in very poor condition. The valley, north of the village of Latimer, has no buildings apart from the stables on Glendale. There are uninterrupted views of the valley from the road, nearby bridleway and footpath which are much used by walkers and horse riders.

BACKGROUND

Over recent years the land now known as 'Glendale' has accumulated a number of poorly constructed animal shelters, several sheds with their associated paraphernalia, parked and abandoned vehicles, as well as an abandoned caravan which is visible from the road. The fields contain a huge amount of Ragwort, which is poisonous to cattle and horses. The section of the land closest to the bridleway has effectively been reclaimed by nature over the last three years and is unsuitable for the grazing of animals but may have value for the wildlife in the area.

There have been previous unauthorised landscape level changes, repaired following Dacorum Council intervention. The land has been subject to 7 previous planning applications, 2 planning appeals and 6 Planning Enforcement Enquiries. The current overall status of the site is of visual degradation, which detracts from the natural beauty of the immediate area, against the purpose of its location within an area of AONB.

HIGHWAYS

Flaunden Bottom is a very narrow lane, which is very badly potholed and subject to flooding in heavy rain. The loss of land to development and hardstanding is likely to increase water run-off from the site and increase inundations. There is inadequate access for machinery and any increase in vehicle movement in and out of the site would add to congestion and contribute to further degradation to the condition of the lane.

EFFECT ON THE GREEN BELT AND AONB

The citing of the building and associated groundwork would detract from the setting of this part of the Chilterns Area of Outstanding Natural Beauty, particularly as viewed from Flaunden Bottom and the bridleway adjacent to the land. The proposal would not conserve the special qualities of the Chilterns AONB, having a detrimental impact on the scenic beauty of the area; on the appearance of the street scene; and on the openness of the Green Belt.

The proposed building and the already approved agricultural storage barn would be sited adjacent to and at right angles to each other, visibly obtrusive from the road and public rights of way. The arrangement of terracing rising up from the road would increase the density of built form and detract from the visual aspect of the landscape.

The visual effect of such a large building situated on a hillside in an AONB will be significant and detrimental, especially as the land is elevated from road level. It will appear to dominate the landscape further because of its position within the valley. The groundworks needed for this building would be 'cut in and levelled' which would significantly alter the lay of the land.

No Landscape and Visual Impact Assessment has been included with the planning application (as recommended by Chilterns AONB).

The Chilterns AONB Buildings Design Guide states that:

- o New agricultural buildings should be well sited and in sympathy with their surroundings
- o Sensitive locations and isolated, ridgetop and prominent sites should be avoided as this would have a damaging impact on the landscape
- o Most slurry and liquid waste should be stored in circular, vitreous-enamelled, steel containers. If slurry stores are not carefully sited they can be intrusive.

On the last point above regarding the storage of waste, there is no mention in the application. This is an important consideration, which has not been addressed. Waste cannot be allowed to ingress into the watercourse, soil or the chalk aquifer.

The AONB planning priorities are conservation, enhancement of landscape and scenic beauty, as well as the conservation of wildlife and cultural heritage. Changes to land and the construction of buildings can harm the natural beauty of the AONB, by changing the distinctiveness, and character of the landscape, leaving less space for nature.

The site rises into ancient woodland and a small meadow which are County Wildlife Sites. The barn would be visible from the bridleway and footpath leading into the Wildlife Site.

Saved Policy 97 of the Local Plan sets out that new buildings and other development must be sympathetically sited and designed, with due regard to natural contours, landscape, planting and other

buildings. The construction of this building would not comply with this policy.

AGRICULTURAL JUSTIFICATION

Whilst the Parish Council accepts that buildings for agricultural use can meet the criteria of exception to inappropriate development within the Green Belt, we are not satisfied that this application meets that justification. We outline below our reasons for this opinion:

Application 20/00884/FUL was granted in April 2020. To date the only work, which has been undertaken, is to lay a hard standing for the approved agricultural building. There is no evidence of agricultural use of the site, only some grazing of horses on the land. No work has been undertaken to prepare the land for cattle, i.e. no clearing of weeds which are poisonous to cattle and horses; no other preparation of the grassland to make it suitable pasture for cattle; no clearing of debris and no making good of the poor fencing which is totally inadequate for horses let alone cattle etc. Whilst these are not a condition of planning, they do show intent of using the land for the purpose outlined in the planning proposal.

The application 20/00884/FUL, outlines the intention to keep 30+ cattle on the land, and emphasises the applicant's expertise in rearing cattle. It seems remiss, therefore, that no mention was made of the requirement for a barn for the housing of livestock with the 2020 application. It appears now that the applicant considers this newly proposed building to be based on 'well founded advice' from DEFRA. It would have been advisable to have sought this advice before the 2020 application so that Dacorum Council had an opportunity of considering the extent of the infrastructure required before making their decision on 20/00884/FUL in 2020.

Because of the restricted grazing area, housing 'a minimum of 30' cattle either in the agricultural livestock building, or on the surrounding land would be considered as 'intensive farming'. We have been advised that it will require skilful management of the land, with a rotational grazing system in place to ensure sufficient grass growth especially through late summer. Intensive farming systems should not be considered to be acceptable practice within the AONB.

According to the Government's Rural Payments Agency Countryside Stewardship Overall Farm Stocking Rate Calculator template, the proposed amount of cattle (30) exceeds the maximum allowed for 7.2 hectares of land. According to this stocking rate calculator the limit is 2.5 cattle per hectare (max. 18 cattle) - this number reduces with the addition of any horses. The land is therefore of insufficient size to

accommodate the proposed 30+ cattle all year round. Especially given that the 7.2 ha includes the land on which the proposed barn will stand; some of the land will continue to be used for horses and land will be lost to the barn for which planning permission was granted in 2020 (which has not yet been constructed). At present a few horses graze this land, which in agricultural terms is very low-grade pasture.

In refusing an application (4/02642/17/RET) for the retention of barn and extension to farm building in November 2018, Dacorum stated that:

"The proposed development, by reason of the amount of buildings and their close arrangement and perceived density of buildings would appear in stark contrast with the rural, remote and open character of the site and surrounding countryside within this part of Flaunden Bottom, which forms part of a landscape that makes a positive contribution to the Chilterns Area of Outstanding Natural Beauty. This harm would be exacerbated as a result of the siting of development at an elevated position relative to Flaunden Hill from which the buildings as a group would be visible. The proposal would fail to conserve the special qualities of the Chilterns Area of Outstanding Natural Beauty, and would not enhance the street scene or respect adjoining properties in terms of layout, site coverage and bulk, contrary to the aims of the National Planning Policy Framework (paragraphs 127 and 172), Policies CS11, CS12, CS24 and CS25 of the Dacorum Core Strategy 2013 and saved Policy 97 of the Dacorum Borough Local Plan 1991-2011."

These reasons apply equally to the current application. There continues to be no evidence of any agricultural business carried out at Glendale Farm to date.

The application fails to give convincing reasons for the justification of farming on this site and fails to comply with the purpose of conserving and enhancing the considerable natural beauty of the area.

Attached are photographs of Glendale Farm and immediate surrounding area, which we hope will help to illustrate the points made in our objection. However, it is hard to capture the area in photographs and we would ask that the Planning Case Officer makes a site visit in order to be able to fully understand the location and setting of this application.

FPC recommends refusal of this application.

FURTHER COMMENTS

In support of Flaunden Parish Council's recent objection to the above

planning application, please find attached documentation relating to a similar application (Application no. CH/2013/0853/FA, Chiltern District Council), on land adjacent to the Old Rectory, Latimer Camp Road, Latimer – which runs parallel to Flaunden Bottom - this case was dismissed at appeal⁴. We believe that this sets a precedent and the information contained in Chiltern District Council's refusal notice and the Appeal Decision should be taken into consideration as part of the assessment of the planning application for Glendale Farm.

APPLICANTS RESPONSE

Background

None of the content of the above paragraph is relevant to this current application, the content of the paragraph can only be described as non-material consideration. I would agree that the lawful existing stable blocks sited on higher ground detracts from the natural beauty of the immediate area, against the purpose of its location within an area of AONB, however, this fact is a non-material consideration for the purposes of the current proposal.

Highways

The current application will be the subject of scrutiny by professional statutory consultees who will report their findings to the allocated case officer, the professional consultees are well placed and qualified to communicate any adverse effects from a highway and drainage perspective. Please note however that for previous Glendale Farm applications no objection was raised from a highway and drainage standpoint

Effect on Green Belt and AONB

The NPPF and the PPG advises against any major development in the AONB. The current proposed scheme meets the definition of minor development; minor development is permissible under government guidance within the designated AONB areas but of course subject to appropriate design. The proposed scheme takes its brief from the Chilterns Building Design Guide. The proposed building is logically sited at a right angle to the previously approved building, to propose siting of the proposed building elsewhere on Glendale farm would result in a haphazard/disjointed type of development not associated with previously approved existing development

Development of agricultural buildings no matter what size or massing are not defined as inappropriate development within the Green Belt and therefore do not and cannot adversely affect the openness of the Green Belt.

The design of the building provides dry lying area for cattle, cattle slurry is defined as a semi-liquid mixture (typical dry matter 2%).

⁴ A copy of the appeal decision APP/X0415/A/13/2202765 can be located on the website for the Planning Inspectorate.

	<p>Cattle slurry is usually associated with concrete loafing areas for dairy cattle, cubicle housing for dairy cattle or concrete slat with underground tanks (suitable for all cattle) none of these design concepts are incorporated within the proposed building. I assert that the waste that will be removed from the building will be a standard farmyard manure with a dry matter in the region of 30% and easily handled with tractor type loaders.</p> <p>Agricultural Need</p> <p>Each individual planning application falls to be determined on its own individual planning merits and not cynical allegations that cannot be substantiated, no reasonable decision maker would attribute any weight whatsoever to cynical remarks or opinions that cannot be substantiated.</p> <p>The stocking rate of the land is irrelevant for the subject application, the proposed scheme is a building to accommodate 30 cattle the FPC would be better advised to consult with their adviser if the proposed building is the appropriate capacity (square metre standpoint) to accommodate 30 cattle.</p> <p>The Countryside Stewardship Scheme is a scheme which financially compensate producers to reduce stocking rates, as it says on the tin it is a scheme that a producer enters into via agreement mechanisms. The Glendale Farm landholding is not a member of the scheme therefore the stocking rates of the Stewardship scheme are completely irrelevant to the subject application.</p> <p>There is no lawful requirement to justify farming at Glendale Farm no Local Planning Authority consent is required there is absolutely no consent whatsoever required from any public body. In this case the principle starting point for the decision maker is to establish if the proposed building is of an appropriate size to accommodate 30 cattle as is supported in the agents supporting statement.</p> <p>Agents Conclusions</p> <p>It is noted that the development would require alterations in the land height surrounding the building to an extent however these alterations, given their scale and low level in the valley should not be considered to harm the wider valley setting, the proposed building if approved will be read in conjunction with the previously approved and lawfully implemented agricultural building.</p> <p>I assert that the proposed development would amount to less than substantial harm to the AONB, with there being low element of harm arising from the development's location within the valley setting, however that harm is significantly mitigated when the proposed building is read in conjunction with the previously approved and lawfully implemented agricultural building.</p>
Hertfordshire County Council Rural Estates	No comments received.

Officer	
Hertfordshire County Council Ecology Unit	No comments received.
Conservation and Design	No comment.

APPENDIX B: NEIGHBOURS AND INTERESTED PARTIES

Address	Comments
Chenies Parish Council	<p>Chenies Parish Council are a neighbouring Parish to Flaunden and would like to add our comments to this planning application.</p> <p>The land on which it is proposed to build a large agricultural building lies just outside the northern edge of Chenies Parish. It is also on the edge of the Chenies and Latimer Conservation Area and within the Green Belt and the Chilterns Area of Outstanding Natural Beauty. Chenies Parish Council has considered the application and the objections raised by many of the residents living locally, especially those from Flaunden and Latimer and those of Flaunden Parish Council. The agricultural case for a building on this land has clearly not been made and the application should be refused.</p>
Latimer and Ley Hill Parish Council	<p>Our comments and objections to this application are set out below:</p> <ol style="list-style-type: none"> 1) The stated 7.2 ha appears insufficient to support the number of cattle proposed, when the area for the buildings, both existing and proposed, are taken into account. This is further highlighted by the intention to still keep horses at the site. 2) The current use of the land is equestrian and has been for the last 25+ years so surely this involves a change in use. 3) There is no Landscaping and Visual Impact Assessment 4) The size and positioning of the building cannot in anyway enhance or improve the area and therefore is inappropriate development in the Green Belt and AONB 5) The development would be a major intrusion to the landscape and would be highly visible from both the road and the nearby bridleway. No landscaping has been proposed to mitigate this intrusion. 6) No drainage plan has been included. Surely in these modern times a Sustainable Urban Drainage Scheme (SUDS) would be required. 7) There is no Waste Management Plan providing details of how the slurry and other waste from the building will be handled or stored. 8) Due to the slope of the land being upwards from the road the building site is going to be cut into the slope which will significantly alter the lay of the land. No reference is made to what will happen to excavated materials - will it be removed from site or piled up

	<p>elsewhere to make a further eyesore on the site.</p> <p>9) The site generally appears to be a rubbish dump with dumped old caravan, pallets etc. Will the applicant be required to tidy the site as per the previous enforcement actions taken by DBC?</p> <p>10) The site access does not comply with the usual site lines and visibility splays required. This is particularly important when the site will exit onto a busy, narrow country lane.</p>
<p>Birch Lane House, Birch Lane, Flaunden</p>	<p>The site now referred to as 'Glendale Farm' is not a farm it is a series of very badly maintained and poor quality buildings that have been erected in recent years, often without planning permission.</p> <p>The surrounding land is similarly very poorly maintained and littered with scrap, waste and obsolete broken equipment and vehicles.</p> <p>The site is in what was historically an attractive valley in an area of outstanding natural beauty on the main road between the historically important villages of Latimer and Flaunden. Despite citing various livestock and farming initiatives to support applications for agricultural buildings in the past there is little evidence of these being practiced post approval. This latest application, supported by yet another convenient business plan for intensive cattle farming, will, if approved, further erode the character and beauty of this very visible site and the surrounding valley.</p> <p>I therefore ask that this application be refused.</p>
<p>Great Moonshine, Bragmans Lane, Flaunden</p>	<p>The proposed development, by reason of the number of buildings which will result on the site, the size of the proposed building and its proximity to the building for which permission has already been granted, is in stark contrast to the rural, remote and open character of the site and surrounding countryside within this part of Flaunden Bottom.</p> <p>Flaunden Bottom is a dry valley which forms part of a landscape that makes a positive contribution to the Chilterns Area of Outstanding Natural Beauty. In my view this development will harm the AONB and the harm is increased as a result of the siting of the proposed development at an elevated position relative to Flaunden Bottom from which the buildings as a group would be highly visible.</p> <p>The development will also spoil the scenic beauty and views from the neighbouring bridleway and footpath and from Church Lane in Latimer, these being well used by walkers and horse riders.</p> <p>The proposal fails to conserve the special qualities of the Chilterns Area of Outstanding Natural Beauty and would not enhance the street scene or respect adjoining properties in terms of layout, site coverage and bulk. The elevated position of the proposed building requires it to be cut in and levelled and this not only makes it more visible but potentially damages this site of geological value with underlying chalk.</p> <p>The area is one of biodiversity being a mix of a wild area where the</p>

	<p>land has reverted back to its natural state (including much ragwort) and an area grazed by horses. The agricultural value of the land is poor, it being north facing and left to wild over the last few years.</p> <p>Fencing is in a very poor state and would not contain cattle. The proposed development fails to protect the current biodiversity of the site. Given the wild nature of much of the land, the potential damage to both the habitat and local wildlife should be investigated prior to allowing this development.</p> <p>There is no plan for drainage and it is a concern that this highly intensive farming proposal will increase flooding in Flaunden Bottom due to the large area of hardstanding being created and the loss of greenbelt land to buildings. Flooding is already a significant problem along the road in bad weather.</p> <p>The risk of soil pollution and damage to the underlying chalk from the proposed farming requires investigation.</p> <p>There is inadequate access for farm machinery - the road is very narrow and potholed. The increase in vehicle movement in and out of the site would add to the congestion already experienced on the road.</p> <p>No Landscape and Visual Impact Assessment has been provided</p> <p>This proposal should be refused</p>
<p>Flaunden House, Flaunden</p>	<p>I wish to object to this planning application to construct an enormous agricultural livestock building.</p> <p>It is in an Area of Outstanding Natural Beauty in the Green Belt, and it would be totally inappropriate. There are no other agricultural buildings in this beautiful valley.</p> <p>Flaunden Bottom has a road surface which is in very bad condition, and it has deteriorated considerably over the 15 years we have lived in this area. Access to the site would be difficult and dangerous.</p> <p>I question how well any animal would be looked after by the owners of Glendale, particularly on a large scale. Ragwort, which everyone knows is poisonous to horses and cattle, was allowed completely take over several of Glendale's large fields last year and the owners did nothing to stop it. It started encroaching onto public land - footpaths and bridleways - thus increasing risk to any horses passing on those thoroughfares.</p> <p>There are abandoned vehicles on the land, badly built animal shelters, and plenty of rubbish. No one has started any work since April 2020 to prepare the land for cattle to graze on, and fencing is very poor.</p> <p>Escaping horses and/or cattle would be a dangerous outcome. There is not enough land for 30+ cattle to graze on year-round.</p>
<p>Lavender Cottage, 101-102 Flaunden</p>	<p>I wish to object to this application for the following reasons:</p>

	<p>The building would require considerable modification of the landscape and be highly visible both from the road and the nearby footpaths, particularly as the site is elevated from the road level.</p> <p>The citing of the building would detract from the setting of the ANOB.</p> <p>Flaunden Bottom is a very narrow lane, badly potholed, particularly around the entrance to Glendale. This proposal would require heavy farm equipment to access the site, causing further problems to both the state of the road surface and congestion on the narrow lane.</p> <p>This application would change the character of the landscape, therefore harming the natural beauty of the area.</p>
107 Flaunden	<p>I wish to object to this application for the following reasons.</p> <p>The site is in the Green Belt and the AONB.</p> <p>The fence adjacent to the public footpath/bridleway is broken.</p> <p>This is an unspoilt valley in the Green Belt and in the Chilterns AONB.</p> <p>The visual effect of such a large building situated on a hillside in an Area of Outstanding Natural Beauty will be detrimental.</p> <p>The guide offered by Chilterns AONB states new agricultural buildings should be well sited and in sympathy with their surroundings.</p> <p>Sensitive locations, isolated ridgetop and prominent sites should be avoided as such buildings would have a damaging impact on the landscape.</p> <p>This proposed agricultural building is not sympathetic nor sensitive to its surroundings. There are no buildings in this beautiful valley.</p> <p>Flaunden Bottom is a narrow lane in bad repair and with many potholes. It is also subject to flooding in heavy rain.</p> <p>I would draw your attention to Policy 97 of the Local Plan which sets out that new buildings and other developments must be sympathetically sited and designed with due regard to natural contours, landscape, planting and other buildings. The proposed construction of this building would not comply with this policy.</p>
The Old School House, Flaunden	<p>I have read the objections from Flaunden Parish Council and fully support the points made. I have also seen the objections and the issues raised by David Briggs of Blackwell Hall Farm which again I totally support.</p> <p>These arguments should be referred back to the applicant's agent to uncover this "Scam Application". The original approval during lockdown should never have been approved as there was little consultation. This site has been a blot on the landscape for several years with no effective enforcement from the planners at Dacorum. Should the current application be approved by the Planners despite</p>

	<p>the number of objections then there is a clear case to refer the matter to the Local Government Ombudsman on grounds of Maladministration.</p>
<p>2 Old School Cottage, The Village, Latimer</p>	<p>This site is currently very badly maintained, with broken fences, dilapidated caravans, ragwort growing everywhere and horses which appear unkempt.</p> <p>It is a beautiful valley, with no dwellings and it is already a bit of a mystery how the previous planning application was approved as no one in Latimer village seemed to be aware of it.</p> <p>The road is very narrow and already struggles with the volume of traffic, with pot holes continually appearing. More agricultural vehicles would just make this worse.</p> <p>Another large building would be an eyesore in an otherwise beautiful valley. Others who know far more about livestock farming than me have highlighted the unsuitable nature of the site for cattle farming.</p> <p>Last year there was a bizarre scenario whereby a static home was attempted to be delivered to the Glendale site. Access clearly proved impossible so the mobile home was abandoned on the junction of Stony Lane and Latimer Road for well over a week.</p> <p>This proposal should not be allowed in this AONB</p>
<p>38 The Village, Latimer</p>	<p>I am very disappointed that after endless attempts to register on the planning application site I have been constantly unable to do so due to my email address and password are not being accepted. I wish to register my objections to the proposed building application on Glendale farm Flaunden bottom This is a very inappropriate request. It is an area of outstanding natural beauty. The road is an exceptionally busy road which regularly floods. The field in question is a disgrace the ragwort, broken fences and gate. Horses regularly get out on the road in this location making it dangerous to users.</p>
<p>31 The Ridings, Latimer</p>	<p>This is a totally unacceptable proposal for this piece of land. It has, already, over the years gradually been encroached upon with illegal buildings being erected.</p> <p>There aren't the existing amenities to support this development. The area along this stretch of road is already very prone to flooding and this inappropriate building wouldn't help.</p> <p>Flaunden Bottom is a fairly narrow road and the traffic would be another problem.</p> <p>Latimer is a small hamlet and doesn't have the infrastructure or amenities to support any more planning.</p>
<p>Blackwell Farm, Latimer</p>	<p>I have a livestock farm in Latimer. We keep about 50 head of cattle in a single-suckler herd on about 60 hectares of grassland. Those numbers allow us to be self-sufficient in forage most years, but not to</p>

have a surplus for sale. Much of my land is in the valley bottom near the Chess and is very much more productive than the chalk hillside fields.

I have read the business proposal included in application 22/00003/FUL. In my view the business will inevitably be loss-making, and is bound to fail. I believe that the application is a scam that is designed to create a redundant farm building (when the business inevitably fails) that can be converted for other uses.

In support of this view, I make the following observations;

1. The area shown in the application is about 6.3 ha (source; measured on the DEFRA "Magic" web tool). Part of this will be used for the buildings and access. Another part is woodland, which was subject to a Woodland Grant Scheme award, and penalties apply if it ceases to be woodland.

2. The land is Grade 3 - some of the worst in the locality - and is shaded by the hill and the trees in Long Wood. Even if it is well maintained it will not provide adequate grazing even at the peak summer season for more than half-a-dozen cattle.

3. The land is NOT well maintained. It has been poached and is very heavily infested with noxious weeds. The farmer has ignored his legal obligation to remove these (Mainly Ragwort).

4. If 30 cattle were kept on this property, they would need supplementary feeding throughout the year. Every bale of fodder and bedding would need to be bought in, with added costs of transport and handling.

5. This would be hopelessly uneconomic, and matters would be made worse as the single farm payment is phased out over the next few years.

I suggest that the Council should request a detailed business plan as part of this application. This could then be checked by an agricultural expert.

Unless the Council is convinced that there is a sound business case, they cannot be sure that this is not a scam, and they should not approve it

AGENTS RESPONSE:

The description of the objector's farm is ambiguous in the extreme and is an attempt to distort facts. Each individual farm is entitled to farm in the way they choose, this farmer is likely a low achiever keeping a low-level number of stock and claiming every possible government subsidy (hand me outs) stewardship schemes etc. Please note he refers to not having surplus forage to sell, I have no reason to dispute this, but it can be inferred from his comment that surplus forage is sold by farmers the fact of the matter is there is a large and buoyant market in surplus forage. He also fails to inform purchase of straw for his

	<p>suckler herd, his holding is 60 hectares grassland. I reiterate ambiguous and an attempt to distort facts.</p> <p>There is no business proposal included in the application. The objector is entitled to his opinion. The allegation of scam cannot be substantiated and is an unfounded malicious allegation.</p> <ol style="list-style-type: none"> 1. I believe this observation to be incorrect. 2. This observation is partially correct, the shade is a benefit, but the reference to half a dozen cattle is ridiculous in the extreme. The observation relates to cattle and not the type or age of cattle. 3. The land is not well maintained and it has been grazed by horses for many years. These have destroyed the appearance of the land. Farming the land as proposed has full potential to restore the land to a state equal to any land in the immediate vicinity. 4. The previous application was for a facility to support the grazing of 30 weanlings on the land and it was stated that these will be supplemented with hard feed during spring and summer months. This is by no means a pioneering system. 30 cows/cattle could weight 550kg. 30 weanlings would equate to 10.2 livestock units and this cannot be considered an excessive stocking rate. I contend that the site will be under stocked in spring and summer months. 5. Financial Viability is not a determining factor or material consideration relevant to this application. However I do assert from my own experience that the farming of weanlings at Glendale Farm will be economically viable. A single suckler herd is one of the worst financially viable systems in the John Nix handbook and it is therefore obvious that Blackwell Farm livestock farm enterprise main focus is farming subsidy payments not cattle. <p>I address the scam allegation; it's a disingenuous malicious slur.</p> <p>Please note that a previous application for a building has been approved at Glendale Farm to support the farming of 30 weanlings, should the current application be refused a scam strategy could be that the previous approved building is no longer required, and a scammer would submit a change of use application.</p> <p>The applicant is a genuine person that wishes to farm the land, if the current application is refused the applicant will be aggrieved and I am instructed to submit an appeal to the Planning Inspectorate.</p> <p>I respectfully assert that it will be a good idea for the LPA to stop pandering to ridiculous, malicious, spurious objectors and focus upon material considerations such as relevant planning history i.e., the approved building to facilitate the farming of 30 weanlings at Glendale Farm</p>
<p>Martin Top Farm, Latimer</p>	<p>I am writing to object to the proposal for another building on the site of 'Glendale Farm' which is not a farm but a collection of illegal buildings.</p>

	<p>The owners have ignored previous enforcement notices and the Council has failed to remediate this. There should be no building on this land.</p> <p>This is a totally unacceptable proposal for this piece of land and the excuse of farming activity shows the applicant trying to find a way around current planning laws. If this is not resisted, it could set a dangerous precedent whereby a landowner could introduce livestock in order to be allowed to build on that land.</p> <p>At present, the owner is keeping a few horses on the land. They are badly cared for. Ragwort, poisonous to horses, is allowed to thrive and the whole place is unkempt and an eyesore.</p> <p>There is not enough acreage to expand the stock to include 30+ cattle.</p> <p>Access to the site on to an already busy, narrow road is difficult and could be dangerous, particularly with the introduction of farm machinery.</p> <p>I object to this planning application in the strongest possible terms</p>
<p>Hockley Farm, Hockley Bottom, Latimer</p>	<p>The proposed development is contrary to the designation of the area as Green Belt and an Area of Outstanding Natural Beauty and the local plans.</p> <p>The reasons given by the applicant as to why these should be waived are completely unjustified as is clearly evidenced by the current appalling state of the land in question.</p> <p>The description of the current use as "equestrian" is misleading. There are a few unkempt horses grazing on the field which is not maintained. The fences are falling down (where they still exist) and it is full of rubbish (including broken down vehicles and buildings) as well as a significant amount of ragwort which is poisonous to horses, is not controlled and is allowed to spread to neighbouring land. This is contradictory to the applicants stated concern for the welfare of the cattle it is proposed to install.</p> <p>The applicant must have known when applying for the permission he already has that the building would not be suitable to house the cattle - this was not apparent from the previous application and is a material omission.</p> <p>To suggest that that permission has been implemented stretches the imagination. All that has been done is to lay hardstanding. There has been no attempt to tidy up the site and the abortive attempt to move in a large static vehicle ended up with it being dumped on the public highway, blocking the Latimer crossroads for almost 2 weeks.</p> <p>The land in question and the quality of grazing is not suitable for any cattle, let alone as many as 30. It is also not secure.</p> <p>The road which abuts the field is very narrow and busy. There is not room for an access adequate for agricultural vehicles. If permitted, it</p>

	<p>would cause significant delays and danger to other road users. Has this been taken up with Buckinghamshire County Council who have responsibility for parts of the highway leading to the Site?</p> <p>It should be added that we were not given an opportunity to comment on the previous application to which we would have objected strongly on the same grounds.</p> <p>For all these reasons the application should be rejected</p>
<p>Hockley Barn, Hockley Bottom</p>	<p>Land of insufficient size to accommodate the proposed number of 30+ cattle all year round. Especially given that the 7.2 ha includes the land on which the proposed barn will stand.</p> <p>Does not conserve or enhance the natural beauty of the area and is therefore inappropriate development within the AONB.</p> <p>Inadequate access for farm machinery - road already very narrow, potholed and gets flooded in bad weather. Increase in vehicle movement in and out of the site would add to the congestion already experienced on the road.</p> <p>Intrusive to the landscape - obviously visible from the road and from the frequently used bridleway surrounding the land.</p> <p>As the land slopes upwards from the road the building would need to be 'cut in and levelled' which would significantly alter the lay of the land. The positioning of the barn as higher than the road will make it even more visible.</p> <p>The land is currently unmaintained with thick and full ragwort cover - poisonous to grazing animals that regardless are kept on the land.</p>
<p>Foliots. The Village, Latimer</p>	<p><u>Mr Fry</u></p> <p>The proposed development is in the Green Belt and in AONB. There are no other buildings in this stunning valley/environment. The site is already littered with discarded items including an old caravan, and is completed at odds with the surroundings. The land itself is totally unsuitable for livestock. There is absolutely no evidence of any agricultural trade and the site gives the appearance of being abandoned.</p> <p><u>Mrs Fry</u></p> <p>The proposed development is in the Green Belt and in AONB. Its unsuitable grazing land for cows. Already an eyesore due to unkempt vehicles and sheds! The area is too small for a barn to be erected.</p> <p>Valley is totally without any buildings and a walkers/horse rider's perfect area to enjoy the countryside.</p> <p>The road on which Glendale Farm is situated is already over used by too many vehicles, and the turning point into the entrance is very restricted, and unsuitable for farm machinery.</p>

<p>Gables End Cottage, The Village, Latimer</p>	<p>This proposal is totally unsuitable for ANOB. This site is untidy, badly kept, unsightly and strewn with rubbish, an abandoned caravan and an assortment of rundown buildings, machinery and vehicles, including horse trailers.</p> <p>The land is poorly fenced and the grazing is poor, covered in ragwort and is otherwise overgrown and unsightly and I would think totally unsuitable for cattle - even horses.</p> <p>We have endured this eyesore for years and wish to see no further development allowed, and the site cleared of all buildings, rubbish and vehicles.</p>
<p>Home Farm Cottage, The Village, Latimer</p>	<ol style="list-style-type: none"> 1) Land of insufficient size to support 30 cattle. Especially after allowing for the space taken by the buildings and horses which will also be kept on the land. 2) Does not conserve or enhance the green belt or Chiltern AONB in which the land lies. 3) The siting of the building will impose on the landscape and will require a substantial amount of earth removal. No plan for the removal or landscaping of the material. 4) There is no landscaping proposal to hide the building and there is no Visual Impact Assessment. 5) There is no plan for the storage of animal waste and slurry. 6) There is no drainage plan. In these environmentally aware times there should be means to conserve water usage ie a Sustainable Urban Drainage scheme (SUDS). 7) The land is low grade and therefore unlikely to support this number of cattle. Especially in its present condition. It faces north and is overhung by trees along one side. 8) Flaunden Bottom is a narrow lane in poor condition. At certain times of the day it is very busy. <p>Would the last planning consent have been given if it was known this application would be made as this will bring even more traffic</p>
<p>Hollytree Cottage, The Village, Latimer</p>	<p>We object to this application for the following reasons:</p> <p>The land is insufficient in size to accommodate the proposed number of 30+ cattle all year round, especially as the land includes that on which the proposed barn would stand together with some of the land continuing to be used for horses and the barn for which planning permission was granted in 2020 which has not yet been constructed.</p> <p>The proposals do not conserve or enhance the natural beauty of the area and are inappropriate development in the AONB</p>

	<p>There are no plans for the drainage of the site</p> <p>There is inadequate access for farm machinery – the road is narrow, potholed and gets flooded in bad weather. Increase vehicle movements in and out of the site would add to congestion already experienced on this road.</p> <p>The proposals are intrusive to the landscape, visible from the road and the frequently used bridleway surrounding the land.</p> <p>As the land slopes upwards from the road the building would need to be ‘cut in and levelled’ which will significantly alter the lay of the land. The positioning of the barn as higher than the road will make it even more visible.</p> <p>No landscape and visual impact assessment has been provided</p> <p>There are no plans for the storage of waste/slurry.</p>
<p>The Old Cottage, The Village, Latimer</p>	<p>Having lived in Latimer my entire life I would be horrified to see this proposal be allowed. I feel that this proposal is ludicrous. There is inadequate space to allow the number of cattle given. It would be cruel to allow this. Animal welfare should be put foremost. Furthermore it would destroy the natural habitat. It does not conserve or enhance the natural beauty of the area, inappropriate development within the AONB. It would cause issue with the road due to limited access. There is also no proposal for how they will dispose of waste or drainage slurry etc. There has been failure to provide the proper information from the offset which does not bode well for future applications.</p> <p>The land has been an eyesore ever since the current owners bought it. Unsightly vehicles, mobile homes and rubbish have been left at the property with ramshackle buildings being erected and then left to deteriorate and fall down and existing fencing has not been kept in a good state.</p> <p>It would appear that a large concrete foundation of some sort has already been put down.</p> <p>I do not think the area of land is of sufficient size to accommodate the number of cattle proposed and no provision has been made for any waste produced.</p> <p>This is an AONB and the proposal is totally detrimental to the existing landscape and I strongly object to it.</p>
<p>Latimer Park House, Latimer Road</p>	<p>The proposed development is inappropriate in an area of AONB.</p> <p>The lane is very narrow, often very busy with traffic and has many potholes. These will deteriorate with vehicle movements in and out of the site.</p> <p>The lane is also subject to winter flooding.</p> <p>The proposals would be visible for the road and the busy bridleway</p>

	<p>alongside the site.</p> <p>The proposals will have a negative impact on the beautiful view from the top of the walker's footpath and bridleway.</p> <p>This would significantly blight an area of outstanding beauty, the land does not seem suitable for cattle farming, the current development on the land is poorly maintained and the road serving the area is narrow and potholed and is not well placed to support more traffic.</p> <p>Not a suitable development for the area.</p>
<p>Great White End, Latimer</p>	<p><u>Mrs Barclay</u></p> <p>I am writing to object to the proposal for another building on the site of the inappropriately named 'Glendale Farm'.</p> <p>Given that we should be intent on preserving a fine AONB, the development of this site should be prevented. The excuse of farming activity seems to be a case of the applicant finding way around current planning laws. If this is not resisted, it could become the thin end of a wedge where anyone owning a field could introduce livestock in order to be allowed to build on that land.</p> <p>At present, the owner is keeping a few horses on the land but evidence for their care is lacking.</p> <p>Ragwort, poisonous to horses, is allowed to thrive and the whole place is unkempt and an eyesore. Expanding the stock to include 30+ cattle, in addition to farm buildings highlights how inadequate the acreage would be for such a project.</p> <p>Access to the site on to an already busy, narrow road is difficult and could be dangerous, particularly with the introduction of farm machinery. There are no other dwellings along the valley beyond Home Farm in Latimer. It fits with no plan.</p> <p>On that sloping piece of land, considerable landscaping would be required which would inevitably ruin the sweep of that ancient dry river valley and result in a building which would be visible to all around.</p> <p>I object to this planning application in the strongest terms. It would be astonishing if such a project were to be allowed.</p> <p><u>Mr Barclay</u></p> <p>I wish to object to this proposed development in the strongest of terms. The proposal is totally out of keeping with the site's AONB status and any form of building would be severely detrimental to the beauty of an exceptional dry valley, typical of the Chiltern landscape. There has been no evidence of good or even adequate husbandry on the land with the most extensive ragwort imaginable. It is pretty clear that this is a "thin end of the wedge" application and without farming justification or merit</p>

<p>The Old Lodge, Latimer Road</p>	<p>Ever since Glendale "Farm" came into existence it has been a blight on the countryside in an Area of Outstanding Natural Beauty, with old vehicles, building materials and junk lying all over the place and no sign of genuine farming activity.</p> <p>The applicant claims that the field could support the rearing of 30 cattle but even prime grazing, which this field is definitely NOT, only supports about 1 cow per acre. i.e. 15 cattle, certainly not a minimum of 30 as claimed.</p> <p>Furthermore, the field has been allowed to become completely overgrown with ragwort, which is classed as a harmful weed by the Ministry of Agriculture. Responsible farmers strive to keep ragwort under control and prevent its spread onto neighbouring farmland but it is very apparent that the applicant is not concerned about or aware of this legal requirement. As a retired farmer, I have never seen any evidence whatsoever of any farming operations being carried out on the premises over the past years - just a few horses.</p> <p>It is abundantly clear that the applicant is not a genuine farmer and the application should therefore be refused for this reason alone.</p>
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ITEM NUMBER: 5d

22/00408/FUL	Change of use from Class E to Hot food Takeaway (Sui- Generis)	
Site Address:	A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LA	
Applicant/Agent:	Mr F Haque	Mr Douglas Stanley
Case Officer:	Elspeth Palmer	
Parish/Ward:	Hemel Hempstead (No Parish)	Hemel Hempstead Town
Referral to Committee:	Called in by Councillor Beauchamp	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 It is recommended that the application be **GRANTED**

2.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale, and siting to the rear of the row of buildings and its sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene.

2.3 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent would be required for the proposed works.

2.4 Despite concerns being raised regarding noise from machinery, disturbance caused by late night use, waste and odours the proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition limiting operating hours and a pre-commencement condition on the formal planning permission requiring a scheme for the storage and collection of waste generated by the development to be submitted to and approved in writing by the Local Planning Authority. The extraction system and flue are industry standard and will be appropriately muffled and prevent any unreasonable odours or smoke from being created.

2.5 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.

2.6 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The site lies on the eastern side of The Marlowes opposite West Herts College (Dacorum Campus). The site comprises a two and a half storey mid-terrace building with a shop use at ground floor (previously "A Class Tailoring") with a residential unit above.

3.2 The site is part of a row of similar uses with Class E and Sui Generis uses at ground floor with residential use above.

3.3 Many of the residential units have amenity space to the rear of the building on an elevated platform at first floor level. The site backs onto “Iveagh” a flat development with a car park area between the two developments.

3.4 The site is located within the town centre of Hemel Hempstead.

4. PROPOSAL

4.1 Planning permission is sought for the change of use of the existing building at ground floor level from Class E (shop use) to a Hot Food takeaway (sui generis use). In order to facilitate this change of use, the application also proposes the installation of an extractor flue pipe.

Background

4.2 A previous application for a change of use from Class E to Hot Food Takeaway (Sui Generis) 21/04451/FUL was submitted on 3rd December 2021 and withdrawn due to insufficient information being received in relation to noise / odour control and on the proposed opening hours.

4.3 The following information has now been submitted:

- Activated Carbon Filters – Absolair – for odour and smoke particulate abatement.
- Cleanpak CP4 Bag Filter - Jasun Envirocare PLC – for fumes.
- Woods Fan Catalogue - JM Aerofoil – information on internal extractor unit.
- Proposed opening hours.

4.4 The Environmental Health Officer is now satisfied that sufficient information has been provided.

Member Call In

Reason for Call in provided by Councillor Beauchamp

“The resident lives at 15a Marlowes, which is located directly above the proposed change of use location. He is very concerned that the planned extractor flu would run over his roof and could therefore damage the integrity of this structure. The resident is also very concerned with regard to the fire risk to his property, from having a hot food takeaway business situated directly below his home, together with the noise from the proposed late night opening hours that would continue up to 1.00 am. There are also concerns as to where food and general waste would be stored for the new business, as the plans indicate that this would be placed directly in front of his front door, which is the only point of access and exit from his property.”

These issues have been addressed in the Impact on Residential Amenity and Response to Neighbour Comments sections.

5. PLANNING HISTORY

Planning Applications

21/04451/FUL - Change of use from Class E to Hot food Takeaway SUI Generis.

Withdrawn - 25th January 2022

4/01172/90/FUL - Second floor rear extension

Refused - 11th October 1990

4/01701/89/FUL - New shopfront

Granted - 15th December 1989

6. CONSTRAINTS

Smoke Control Order
Parking Standards: New Zone 1
EA Source Protection Zone: 1
EA Source Protection Zone: 3
EA Source Protection Zone: 2

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

- 9.2 The site falls within the Town Centre of Hemel Hempstead, wherein Policies CS1 and CS4 of the Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) states that Hemel Hempstead will be the main centre for development and change. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) encourages a mix of uses in town centres with catering establishments amongst others being encouraged, provided it is compatible with its surroundings.
- 9.3 The proposed development is considered to be acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

Quality of Design / Impact on Visual Amenity

- 9.4 Para 130 of the NPPF (2021) states that planning decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.5 The application proposes the change of use of the ground floor of the existing building from Class E (shop use) to a Hot Food takeaway (sui generis use). The only external alterations proposed to the existing building relate to the installation of a new extractor flue pipe and the insertion of new signage.

New Extractor Flue Pipe

- 9.6 The proposed extractor flue pipe is of a reasonable scale and has been sympathetically positioned to the rear of the existing building to ensure that it does not appear a visually prominent addition to the building and wider street scene. There are other extractor flue pipes along this rear view of the row of buildings of similar scale and height. Many are silver in colour and do not blend in with the buildings they are attached to. It is considered that a black matt finish to the proposed Flue Pipe will allow it to blend in more with the surrounding materials and make it less visually prominent along the rear view of this row of buildings.
- 9.7 The flue is to be attached to the roof of the flat above the site and concern has been raised regarding structural damage to this roof. This concern has been addressed in the section covering response to neighbour comments.
- 9.8 It is considered that this addition would be acceptable in design/visual amenity terms and in terms of its impact on the character and appearance of the existing building and the street scene. The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy (2013), and the NPPF (2021).

Impact on Residential Amenity

- 9.9 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.
- 9.10 Given the nature of the development and scale/positioning of the new extractor flue, it is not considered that the resultant building would appear visually intrusive or result in a significant loss of light or privacy to neighbouring properties.

- 9.11 The site is however, surrounded by built form, including residential dwellings above the commercial uses along this side of Marlowes. Taking this into account, and given the nature of the development, concerns were, however, raised that the proposal could cause significant disturbance to neighbouring properties, by way of generating harmful levels of noise both from the extractor and ventilation units, waste and offensive odours.
- Noise disturbance was also raised as a concern particularly at night from people coming and going by car or on foot. This has been covered in the section on Operating Hours.
- 9.12 The Environmental Health Officer has advised that the entire system and plant is being installed onto anti-vibration mountings, the noise most commonly associated with extraction units is a low end 'rumble' which is caused by the motor and initial ducting work vibrating against the fixture points, for example a wall or ceiling, which then amplifies the sound, the use of the anti-vibration mounting system as set out in the extraction system drawings will isolate this issue and therefore mitigate this phenomenon. There is no evidence that the noise from this use would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity – therefore no noise conditions are suggested.
- 9.13 The Environmental Health Officer has raised no objection to the proposed extraction system and flue. The equipment is industry standard.
- 9.14 The Environmental Health Team have however confirmed that additional details are required, detailing the storage and collection of waste likely to be generated by the development.
- 9.15 The Environmental Health Team have confirmed that the current application can be determined, subject to three conditions being attached to the formal planning permission, one of which requires the Applicant to submit a scheme for the storage and collection of waste to the Local Planning Authority for approval prior to the commencement of the development.
- 9.16 The conditions set out by the Environmental Health Team are considered to meet the relevant tests, in particular, being both reasonable and necessary to ensure that the proposal would not cause significant disturbance to surrounding properties. The Applicant has agreed to the above pre-commencement condition being attached to the formal planning permission.
- 9.17 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 and CS32 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

- 9.18 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) 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.
- 9.19 With regards to parking, the application site would not provide any off-street car parking provision for users of the Hot Food Take Away shop. Given that the Parking Standards Supplementary Planning Document (2020) states that buildings of sui generis (formerly A5 uses) should if located in Accessibility Zone 1 be assessed on an individual case basis the following analysis is made.

- 9.20 The proposal would not involve any changes to the existing site access or adjacent public highway. Whilst the proposal would intensify the use of the site, based on its town centre location with regular bus routes along the Marlowes and the fact that many people would arrive on foot due to the college across the road and many businesses being located nearby the proposal would be unlikely to have a significant impact on the safety and operation of the surrounding highway network.
- 9.21 The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

Other Material Planning Considerations

Waste Management

- 9.22 This matter has been raised as a concern by a local resident so has been addressed in the section relating to impact on amenity.

Operating Hours

- 9.23 The applicant has proposed that the Hot Food Take Away be open the following hours:
Monday to Friday 11am till midnight
Saturday 11am till Sunday 1am
Sunday and Bank Holidays 11am till 1am next day
- 9.24 Similar Hot Food Take Aways granted planning permission along this row of shops have their operating hours conditioned to be:

“The premises shall not be open for customers before 8 am or after 11.30 pm on Mondays to Saturdays or before 11 am or after 11 pm on Sundays, Bank Holidays and Public Holidays.”
- 9.25 Based on the units above the hot food takeaways being for residential accommodation it is considered necessary to limit opening hours in line with others nearby, to ensure that there is no loss of amenity for those residents.

Response to Neighbour Comments

- 9.26 The following objections were received from the owner of the residential unit above the site 15A Marlowes:
- Possible that the commercial waste bins will block their entrance to their front door;
 - Noise due to the late opening hours of the proposed use;
 - Smells entering their living accommodation;
 - Drains to the rear of the buildings regularly fill up with food waste (from the existing take away businesses along this stretch of the Marlowe's), resulting in flooding to the alleyway affecting the access to their flat;
 - Damage and potential leaks to 15A Marlowes as the extractor ducting will run over the flat roof of the lounge and then extend up and over the principle roof of the property;
 - Fire risk to flat above due to wooden flooring and there only being a single point of exit at the rear of No. 15; and
 - Construction work could adversely impact upon the integrity of 15A Marlowes.

- 9.27 These points have been addressed above other than the last three points which are more civil matters or related to Building Regulations.

Community Infrastructure Levy (CIL)

- 9.28 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

10. CONCLUSION

- 10.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its scale, siting and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or street scene.
- 10.2 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent is required for these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition on the formal planning permission requiring submission and approval of a scheme for the storage and collection of waste prior to commencement of the proposed use.
- 10.3 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 10.4 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

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 duct "extractor flue" shown on the approved plans will be finished with a matt black appearance.**

Reason: To make sure that the appearance of the development is suitable and that it does not detract from the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. The premises shall not be open for customers outside the following hours:

8 am to 11.30 pm on Mondays to Saturdays; and
11 am to 11 pm on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. Prior to the commencement of the use hereby approved a scheme for the storage and collection of waste (including a suitable location for the wheelie bin located to the rear of the approved use) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

5. Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

6. Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

7. Notwithstanding the details shown on the approved plans the location of the wheelie bin to the rear of the approved use does not form part of this proposal. The bin is not located within the red line and is on land belonging to the owner of the flat above 15A Marlowes.

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

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

**Site Location Plan DRG No 24/21 SHT 1
Amended Existing/Proposed Ground Floor 24/21/SHT2 REV A
Amended Existing/Proposed Elevations 24/21/SHT3 REV A
Amended Proposed Ground Floor Plan NVGE/HH01 REV A
Existing/Proposed Elevations 24/21/SHT 4**

**Specifications:
Activated Carbon Filters - Absolair
Cleanpak CP4 Bag Filter - Jasun Envirocare PLC
Woods Fan Catalogue - JM Aerofoil**

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. The applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.

www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations

3. The public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>11.5.22 The applicants have now provided specifications pertaining to the filtration systems in place and the extraction system to be installed.</p> <p>The use of CP4 Filter bags (used in industries such as vehicle spraying etc. to mitigate fumes) and Carbon filters (used to absorb pollutants and odours from the air) in addition to a conical diffuser at the top of the chimney stack will prevent any unreasonable odours or smoke from being created.</p> <p>The specification outlined in the application is industry standard for a business of this type operating in a town centre environment. As such should have no more an impact on nearby residential properties in terms of noise, odour or smoke than any of the similar businesses in the immediate vicinity based on the detail now provided.</p> <p>28.3.22 There was nothing in the application to suggest that noise would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity, therefore no noise conditions were suggested.</p> <p>There is an objection to the above scheme which raises a lot of queries</p>

- I wondered if you may be able to respond to his concerns below:

"I own the flat at 15a Marlowe's and I am very concerned about the application 22/00408/FUL and have the following concerns;

I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.

Conditions requested as part of Pollution Team Feedback:

1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.

Building Regs?

I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?

Conditions requested as part of Pollution Team Feedback:

2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.

3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage

My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety?

Refer to Fire Service?

	<p><i>Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen? Building Regs?</i></p> <p><i>Finally, due to the late opening hours for this this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night."</i></p> <p>Relatively standard opening hours for a town centre takeaway, Planning may wish to restrict these in line with similar local businesses if they generally close earlier?</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>24.3.22</p> <p>Further to consultation on the above application, based on existing issues and complaints around drainage and sewage being emitted from/by/to the existing businesses in the vicinity, please find the below conditions to be considered:</p> <p>1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.</p> <p>Informative: the public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme</p> <p>2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.</p> <p>3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.</p> <p>REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p>

	<p>Food business Informative.</p> <p>Should consent be given the applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.</p> <p>www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations</p>
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
15A Marlowes Hemel Hempstead Hertfordshire HP1 1LA	<p>I own the flat at 15a Marlowes and I am very concerned about the application 22/00408/FUL and have the following concerns; I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.</p> <p>The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.</p> <p>I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?</p>

	<p>My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety? Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen?</p> <p>Finally, due to the late opening hours for this this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night.</p>
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Agenda Item 5e

ITEM NUMBER: 5e

22/00551/FUL	Construction of two semi detached, 2 bedroom houses, with off road parking and all ancillary works	
Site Address:	31 Gravel Hill Terrace Hemel Hempstead Hertfordshire HP1 1RJ	
Applicant/Agent:	Mr N Brand	Mr Jonathan Tucker
Case Officer:	Patrick Doyle	
Parish/Ward:	No Parish	Boxmoor
Referral to Committee:	Called in By Cllr William Allen on grounds of overdevelopment	

1. RECOMMENDATION

That planning permission be DELEGATED with a view to **APPROVAL** subject to completion of a S.106 agreement or Unilateral Undertaking to secure a financial contribution in respect of ecological mitigation for the Chiltern Beechwood Special Area of Conservation (SAC) and off site tree planting.

2. SUMMARY

2.1 The proposals would cause some small scale harm to general character and upon residential amenity of neighbours with some harm identified on outlook primarily to 1 Green End Gardens and the privacy of 2A Green End Gardens, however the scale of harm would is not considered significant and would retain acceptable living conditions and overall character of the locality. The proposals would deliver wider housing choice and increase supply of housing, the small scale harm identified would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or development plan when taken as a whole.

3. SITE DESCRIPTION

3.1 The site is a portion of garden land to the rear of 31 Gravel Hill Terrace which fronts onto Green End Gardens to the east. The site slopes upwards from south to north towards Gravel Hill Terrace.

3.2 The character of the locality is suburban well established verdant character, typically of two storey family sized detached dwellings on Green End Gardens and more broadly detached and some semi-detached dwellings, benefitting from proportionate front and rear gardens.

4. PROPOSAL

4.1 The proposal is for a pair of semi-detached 2 storey 2 bed dwellings, plus basement level, with associated parking and landscaping, following the removal of existing boundary wall and some existing trees and vegetation.

4.2 The application follows the recently withdrawn scheme for the development of 2 no. semi-detached 3 bedroom houses (app ref: 21/04424/FUL). The main areas of difference between the applications include amending the design to be more in keeping with local character and introduction of hipped roof form instead of gable ends and rear box dormer.

5. PLANNING HISTORY

Planning Applications

21/04424/FUL - Development of 2no. semi-detached 3 bedroom houses with off road parking and all ancillary works
WDN - 19th January 2022

4/00360/75/FUL - Ground floor rear extension and first floor front Extension.
GRA -

4/00479/12/FHA - Single storey front and side extensions
GRA - 26th April 2012

4/01235/06/FHA - Single storey front and rear extensions, loft conversion and alterations
GRA - 21st July 2006

6. CONSTRAINTS

CIL Zone: CIL3

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Residential Character Area: HCA8

Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

7.3 In total 16 objection comments were received concerns relating principally to the negative impact upon character and appearance, parking and highway safety, harm to residential amenity, unsustainable form of development and loss of ecology and biodiversity

7.4 In total 1 comment of support was received and cited the improved housing supply and overall acceptable character of the development

7.5 Cllr Allen called in the application for consideration by planning committee due to the following concerns:

- It is overdevelopment
- The Streetscene is cramped in an area where there is generally plenty of space between houses
- Amenity space is limited

8. PLANNING POLICIES

National Policy/Guidance

National Planning Policy Framework (2021)

National Planning Practice Guidance (NPPG)
National Design Guide (NDG)

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

Relevant Policies:

NP1 Supporting Development
CS1 Distribution of Development
CS4 The Towns and Large Villages
CS8 Sustainable Transport
CS9 Management of Roads
CS10 Quality of Settlement Design
CS11 Quality of Neighbourhood Design
CS12 Quality of Site Design
CS13 Quality of the Public Realm
CS17 New Housing
CS18 Mix of Housing
CS26 Green Infrastructure
CS29 Sustainable Design and Construction
CS30 Sustainability offsetting
CS31 Water Management
CS32 Air, Soil and Water Quality
CS35 Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 10, 13, 18, 21, 51, 54, 55, 58 and 99. Appendices 3, 5 and 7

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)
Area Based Policies - Residential Character Appraisals (2004)
Environmental Guidelines (2004)

9. CONSIDERATIONS

Principle of Development

9.2 The application site is located within a residential area of Hemel Hempstead wherein accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the national and local policies outlined below. The main issues of consideration relate to the effect of the development on the street scene and the surrounding area and the potential impacts on the residential amenity of neighbouring properties.

Tilted Balance

9.3 It is acknowledged the Council do not currently have a 5 year land supply and the contribution of 2 dwellings would make a modest but valuable contribution to the local housing choice and supply. Paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the

development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Paragraph 12 goes on to state “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”

Quality of Design / Impact on Visual Amenity

9.4 Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and paragraph 130 of the NPPF (2021) all seek to ensure that any new development will function well and add to the overall quality of the area. Proposals should be visually attractive and sympathetic to local character whilst not discouraging innovation in design and optimising the potential of a site.

9.5 The site is located within the Counters End (HCA8) Character Appraisal Area from the Area Based Policies SPD which despite its age remains compatible with the objectives of the NPPF and is material consideration. The SPD describes the area as “*A spacious, high quality and largely informally laid out area of planned detached housing featuring large areas of amenity land, open plan front gardens and mature landscaping, dating mainly from the late 1960s/early 1970s.*” The development principles outlined for this area give scope for some variety in design, detached dwellings are strongly encouraged and should not normally exceed 2 storeys in height, informal layouts are acceptable although dwellings should follow a defined building line and spacing should be provided in the medium range (2m of 5m). Density should be compatible with the existing character in the existing range of 15 dwellings/ha.

9.6 The proposed development would be complementary in style and appearance generally in keeping with the design characteristics of other dwellings in the streetscene of late 20th century development which draws from the faux tudor and arts crafts style. The proposed materiality of ibstock multi brown brick walls, white finish cottage casement windows and Redland antique red tiles are considered an appropriate choice of materials, complementary to the locality.

9.7 As the character appraisal identifies there is an informal layout and previously other garden developments have occurred in the locality such as 2A Green End Gardens directly opposite the site. Given the site location, there is no firm build line at this point in the road with no.1 Green End Gardens and 31 Gravel Hill terrace offering up their side elevations to the road frontage, although they are set back at first floor level from the side boundary which does contribute to the more spacious character of the streetscene.

9.8 The proposals would remove a brick wall and some trees and vegetation adjacent the footpath to facilitate the development. The exposed flank elevations and scale of development risk being visually intrusive upon the streetscene given its slightly more isolated and exposed position in the streetscene and proximity to the footpath, particularly in the side elevation when viewed from lower down Green End Gardens. The use of hipped roof form helps lessen the overall scale and bulk as well as the variety in the front elevation and use hanging tile and brick to offer some visual interest in the building overall. The side elevations would benefit greatly in time from a climbing plant feature which would further soften the impact of the development overall (this shall be secured by condition).

9.9 The proposals are for semi-detached pair of dwellings, whilst it is noted that Green End Gardens consists of detached dwellings, there is greater variety in housing typology along Gravel Hill Terrace with semi-detached and terraced dwellings present, semi-detached dwellings is considered consistent with the suburban character of the locality.

9.10 Given the surrounding variety in rear garden depths the proposed 10m deep gardens are not deemed to be uncharacteristic for the local, notwithstanding the guidance of saved appendix 3 for gardens of 11.5m depth for family sized homes

9.11 The street scene in the vicinity of the proposed development is well established, benefitting from a mature verdant setting. The proposed dwellings would necessitate the loss of existing trees and landscaping, although none that formally protected. Given the limited front areas to the dwellings, there would be limited scope for plant trees, however some soft landscaping would be introduced to the front of the properties which would help assimilate the development and integrate with the verdant and spacious streetscape character, nor negate the positive contribution the current trees and does make to overall character and appearance of the locality.

9.12 The applicant has agreed to provide funding for off site tree planting in addition wall climbing planting is to be secured by condition which will soften the appearance of the side elevations of the building and assist integrating with local verdant character.

9.13 NPPF paragraph 125 states “Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

9.14 The site area is approximately 0.04 Hectares an additional 2 dwellings in this location would represent a density of 50 dwellings per a hectare. Whilst this is well above the indicative density of Area based policies SPD (2004) character appraisal, the increased density reflects the more modest 2 bed dwellings compared to larger family homes prevalent in the area, therefore if density were to be based on more modern metric of number of bedrooms or habitable rooms per hectare this would likely reflect the prevailing density in the area. It is considered more modest 2 bed dwellings would optimise or make more efficient use of land, deliver wider housing choice consistent with saved local plan policy 10 and the NPPF para 125, without unduly compromising local character.

9.15 The proposed built form in this location would create a visual change upon the street scene, given it's exposed position, visual prominence and proximity to the road. There is some scope for mitigation with positive landscaping and overall the development would be consistent with the suburban character of the locality and integrate with the streetscene. The proposals are considered to have some slight harm to the streetscene, however would not significantly and demonstrably outweigh the benefits of additional housing choice and delivery when assessed against the policies in the NPPF when taken as a whole

9.16 In addition it is appropriate in this instance to remove permitted development rights in this instance due to additional scale of development being harmful to character and appearance of the locality and residential amenity of others. Additions to the roof and extensions to the rear or side would create an overly cramped appearance and excessive bulk and scale, harmful to the character and appearance of the locality and contrary to Core Strategy policy CS11 and CS12 and NPPF para 130.

Impact on Residential Amenity

9.17 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties

and their amenity space. Thus, the proposed should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.

9.18 Consistent with saved policy appendix 3, Building research establishment report "Site Layout for Daylight and Sunlight" is a useful starting point to indicate if a development will likely have a negative impact upon daylight/sunlight issues. There are some concerns about the scale of the development and its potential impacts upon daylight and sunlight to neighbouring properties. If a new building or extension breaches a perpendicular line at an angle of 25 degrees above the horizontal taken from a point 2 metres above ground level on an existing house, it is likely that windows in the existing house will have adverse daylight and sunlight impacts. The proposals would appear to respect this rule. Whilst due to the orientation (directly north of the 1 Green End Gardens) this is unlikely to impact sunlight significantly. There is some scope elevated relationship in the site and height and bulk of the proposed building it is likely to have some impact upon the daylight received to the rear aspect to 31 Gravel Hill Terrace.

9.19 The applicant has suggested given the existing presence of trees and vegetation on the boundary the difference would be negligible, however in officer's view there is a considerable difference between solid brick wall of considerable scale and mass and the light permitted by trees of seasonal variation of leaf coverage and opaqueness to natural light

9.20 The proposals are 12.6m away from the rear windows of 1 Green End Gardens and 2.6m away from the shared garden boundary. Due to the proposed development height, mass bulk and scale and elevated positioning in relationship to 1 Green End Gardens it is considered there would be some negative change in outlook to 1 Green End Gardens and 31 Gravel Hill Terrace. The use of the hipped roof form has softened the overall impact and the further use of climbing plants will aid in breaking up the mass of the wall further. Whilst some harm is identified overall due to the offset relationship between the rear and side elevations these properties would retain good living conditions and reasonable enjoyment of their property. It also noted the proximity of this relationship between side and rear elevation is not unusual in the locality as there other examples such as 58 Gravel Hill Terrace and 77 Gravel Lane.

9.21 Saved Appendix 3 of the LP gives guidance of a minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy retained between premises. The relationship with the properties is such to the main rear elevation would afford rearward views over several neighbouring gardens. Several larger trees are to be retained which would mitigate some overlooking from first floor rear facing windows. Nonetheless given the windows would afford views over the rearmost portions of neighbouring gardens form a distance of at least 10 metres, in day to day living this is not considered to afford adverse harm to privacy in a suburban setting, where some reasonable degree of overlooking is to be expected.

9.22 The proposals are in relatively close proximity to the front of 2A Green End Road, which at its closest (in terms of window to window distances) to the proposed development is approximately 13.5m between habitable room windows, with others approximately 15m away. This would give rise to some privacy concerns between the proposed dwellings and 2A Green End Road in particular. However consideration is given to the context of street activity and expectation of some degree of two way natural surveillance that occurs, furthermore the separation between these two properties generally reflects the proximity of other interfacing properties on Green End Gardens.

9.23 There are no habitable rooms windows in the side elevations of the proposed structures, any windows could be conditioned to be obscured and below 1.7m above finished floor level to mitigate this potential harm if this were the case.

9.24 The living conditions of future occupiers would be acceptable, providing 110 sq.m of accommodation each, well in excess of the minimum requirements of 2 bedroom dwelling for 2

storey plus basement dwelling outlined in Technical housing standards - nationally described space standards which is a material consideration and an indicator if adequate floorspace is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers.

9.25 The garden depth is approx. 10.5m deep which is short of the 11.5m preferred by Appendix 3. However this garden depth is reflective of local character of gardens of similar depths and is proportionate to the dwelling. There is appropriate outdoor space for occupiers and good living conditions overall. A garden depth of 13m is retained for 31 Gravel Hill Terrace and this would remain a proportionate and adequate amount of amenity space for this dwelling.

Impact on Highway Safety and Parking

9.26 NPPF paragraph 111 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

9.27 The site is located within parking zone 3 as defined by the Parking Standards SPD (2020). The proposals would provide 2 off street parking spaces per a 2 bed dwelling, which is marginally exceeds of the required 1.5 spaces per dwelling required by the Parking SPD. This marginal overall surplus of half a space is not likely to be detrimental to the safe and efficient flow of the highway and therefore not reason enough to refuse the planning application given NPPF paragraph 111. It is noted that there is a basement hobby room, in the eventuality that this may be used as a bedroom, the excess parking provision would enable appropriate parking for the theoretical use of this space as a bedroom.

9.28 Tandem parking arrangement for one of the dwellings is considered acceptable in line guidance (para 8.5, pg.26 of the Parking SPD) where it would serve one dwelling only. The developer would have to enter into an agreement with the Highway authority for the provision of dropped kerbs and a condition would be required for parking layout which ensures adequate sight lines for vehicles to enter and leave the site safely. These matters could be secured by condition. Provision for electric vehicle charging will soon be required for new dwellings under building regulations and it is not necessary to impose an additional planning condition in this regard. The proposals overall are unlikely to give rise to unacceptable or severe impacts to the highway and are therefore considered complicit with the aims of Core Strategy policy CS8 and CS12.

Other Material Planning Considerations

9.29 The Councils tree officers have made an assessment of the trees and note none of the trees to be removed are not capable of being protected by a preservation order and of limited quality. Retained trees could be adequately protected subject to appropriate conditions. In this instance there is limited scope for replacement planting given the constraints of the site.

9.30 Officers are satisfied it should be possible to achieve sustainable design and construction of the development to meet the objectives of CS29 by condition, with the exception of providing an additional tree for each new dwelling. A basement impact assessment shall be required by condition, to ensure the sustainable development of the basement and avoid adverse impacts upon the existing water table, increase risk of flooding or contamination of land and soil/structural stability.

9.31 The developer has agreed to make contributions towards off-site delivery of trees on Council owned land to help meet its requirements under CS29 to provide an additional tree per a dwelling.

9.32 Decision makers must have regard to their duties to protect wildlife under other sources of legislation including:

- The Environment Act 2021
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- Wildlife and Countryside Act 1981 as amended.
- Countrywide and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.

9.33 There is limited information to suggest there are protected species or areas of ecological or habitat significance in the vicinity, Whilst Biodiversity is encouraged on sites it is not yet mandatory. Mandatory biodiversity net gain as set out in the Environment Act requires amendments to the Town & Country Planning Act (TCPA) and is likely to become law in 2023. Informatives shall be attached to a grant of permission to remind the developer to keep watching brief and to comply with their duties under other areas of legislation with regards to the enhancement and protection of biodiversity, wildlife and statutory protected species.

9.34 Whilst some construction noise will inevitably occur during the construction phase this can be controlled either by condition or through environmental health legislation regarding reasonable hours of construction. The addition of two houses in a residential location would not give rise to adverse noise impacts.

9.35 Policy CS31 of the Core strategy requires development to avoid Flood Zones 2 and 3 unless it is for a compatible use. Additionally, it should minimise water run-off.

9.36 Policy CS29 of the Core Strategy states that development should normally provide an adequate means of water supply, surface water and foul drainage.

9.37 As the site area is below 1 hectare, is not located within an area at risk of flooding (Flood Zone 1) and is not located within a Critical Drainage Area, no flood risk assessment is required. As the application is not for major development, therefore the Lead Local Flood Authority have not been consulted on the application.

9.38 Whilst noting that no details of proposed drainage have been provided at this time, National Planning Policy Guidance states that conditions requiring compliance with other regulatory requirements (e.g. Building Regulations) will not meet the test of necessity. A basement impact assessment condition is proposed to ensure appropriate consideration of any potential risk to flood is considered from this aspect of the development.

Chiltern Beechwood Special Area of Conservation

9.39 Following a letter from Natural England on the 14th March and publication of Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chiltern Beechwoods Special

9.40 Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.41 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and once adopted this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.42 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional reactionary pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.43 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy its legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

Response to Neighbour Comments/Councillor Call in

9.44 These points have been addressed above.

Community Infrastructure Levy (CIL)

9.43 The proposals would be CIL liable if approved. As currently indexed, in zone 3 areas £130.71 per sq.m is chargeable. The development proposes 220.8 sq.m and therefore liable to pay £28,886.91 in the absence of any exemptions which may be applied for such as Self-build relief.

Planning Obligations

9.44 Contributions shall be secured for off site planting of two trees at a cost £500 each for the planting and aftercare.

9.45 Contributions will also be secured for mitigation measures necessary for the protection and enhancement of the Chiltern Beechwood SAC

10. CONCLUSION

10.1 To conclude, the proposals would cause some small scale harm to general character and upon residential amenity of neighbours with some harm identified on outlook primarily to 1 Green End Gardens and the privacy of 2A Green End Gardens, however the scale of harm would not be considered significant and would retain acceptable living conditions and overall character of the locality. The proposals would deliver wider housing choice and increase supply of housing, the small scale harm identified would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or development plan when taken as a whole.

11. RECOMMENDATION

That planning permission be DELEGATED with a view to **APPROVAL** subject to completion of a S.106 agreement or Unilateral Undertaking to secure a financial contribution in respect of ecological mitigation for the Chiltern Beechwood Special Area of Conservation (SAC) and off site tree planting.

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:

2PL01B; 2PL02; 2PL03; 2PL04; 2PL05; 2PL06; 2PL07; S793-J"-IA-3 Report (Tree Report and Arboricultural Method Statement)

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

3. No construction of the superstructure shall take place until a soft landscaping plan that includes number, size, species and position of trees, plants, shrubs and wall climbing planting 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 10 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).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

Classes A, AA, B, C, D, E of Schedule 2 part 1;.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

5. Prior to the first use of the development hereby permitted the vehicular accesses shall be completed and thereafter retained as shown on drawing number 2PL 01 B to a maximum size of 5.4 metres each (4 dropped kerbs and 2 risers) in accordance with HCC Highways dropped kerbs

Prior to first use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site, sufficient, safe and convenient parking, and avoid carriage of extraneous material or surface water from or onto the

highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy policy CS8 and CS12

6. 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).

7. The measures set out in S793-J"-IA-3 Report (Tree Report and Arboricultural Method Statement) shall be implemented in full during the construction process . The works must then be carried out according to the approved details and thereafter retained until completion of the development.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

8. No development shall take place until details of the basement impact assessment and proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28, CS29, CS31, CS32 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and chapter 14 of the National Planning Policy Framework (2021).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. 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.

4. Highways

AN 1) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.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 County Council website at: <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) 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: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) 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.

5. Acoustic Separation Informative

The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

Sustainability informative

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>AMENDED PROPOSAL</p> <p>Construction of two semi detached, 2 bedroom houses, with off road parking and all ancillary works Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted the vehicular accesses shall be completed and thereafter retained as shown on drawing number 2PL 01 B to a maximum size of 5.4 metres each (4 dropped kerbs and 2 risers) in accordance with HCC Highways dropped kerbs</p> <p>Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>

Highways 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) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment,

apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.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 County Council website at: <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) 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: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 4) 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.

Comments

The proposal is for the construction of two semi detached, 2 bedroom houses, with off road parking and all ancillary works at 31 Gravel Hill Terrace, Hemel Hempstead. The new dwellings will enter the highway network via Green End Gardens, a dead-end 30 mph unclassified local access route that is highway maintainable at public expense.

Vehicle Access

The existing site forms the garden for 31 Gravel Hill Terrace and has no current vehicle access onto Green End Gardens. The proposal is to create two semi-detached dwellings each with their own dropped kerbs to facilitate parking for 2 vehicles each. The dropped kerbs must not be built greater than 5.4 metres each and must be completed by a contractor chosen by HCC Highways under a section 184 agreement or section 278- please see informative 1 and condition 1 above. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them. The two new dwellings are not considered to greatly impact the surrounding highway network in terms of trips or safety issues. Each dwelling has secure cycle parking which encourages the occupants to travel sustainably.

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 driveways would need to be collected and disposed of on site.

Sustainability

	<p>The dwellings will be located 100 metres from the nearest bus stop and 1 km from Hemel Hempstead station. Both these location are within achievable walking and or cycling distance from the dwelling and therefore are in line with policies stipulated in HCC's Local Transport Plan (adopted 2018).</p> <p>Refuse / Waste Collection Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 184 Agreement) and conditions.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Please find the below informative comments in regards to the proposed development however, which we respectfully request to be included in the decision notice.</p> <p>Acoustic Separation Informative The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday,</p>

8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

If you need anything further please let me know.

Kind regards

Having reviewed the documents submitted in support of the above application and the ECP Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions.

However, given that the application site is a brownfield site (albeit only a residential plot) and that there will be a degree of groundworks needed to facilitate the proposed development it is recommended that the following land contamination informatives are included on any permission that might be granted.

Contaminated Land Informative 1:

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

Following consultation for the above application, this team would not look to add formal conditions on the permissions.

Please find the below informative comments in regards to the proposed development however, which we respectfully request to be included in the decision notice.

Acoustic Separation Informative

The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside

	Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants
Trees & Woodlands	<p>There are a number of trees proposed for removal but none would merit TPO protection. The line of sweet gums have been significantly reduced and likely be in poor condition owing to this excessive pruning. The other trees proposed for removal do not appear significant in size and would not be easily visible.</p> <p>If you consider a planting scheme should be included then I would support this option owing to the number of trees being removed. However, there are a number of tree being retained to the rear of the properties and it's difficult to visualise where the space would be to plant any new trees.</p>
Hertfordshire Highways (HCC)	<p>Decision Interim</p> <p>This is an interim response owing to the lack of information in relation to the dropped kerbs. HCC Highways would only allow dropped kerbs of up to 5.4 metres (4 dropped kerbs and 2 risers) as per highway stipulations. The plans just state that they will be new dropped kerbs. Before HCC Highways can make an informed recommendation we would like the dropped kerbs to accurately show their width to ensure that they meet our standards. Once this has been achieved then HCC Highways will be able to make an informed recommendation regarding highway issues.</p>
Affinity Water - Three Valleys Water PLC	Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
19	18	1	16	1

Neighbour Responses

Address	Comments
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<p>1 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>In addition to this comment i have sent a letter to the planning department outlining our detailed objections.</p> <p>I object for two main reasons:</p> <p>A) From the plans that are submitted</p> <p>i) This will result in an adverse impact on the character and appearance of the area;</p> <p>ii) The proposal will inflict severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance;</p> <p>iii) The development will result in the loss of trees and impact on biodiversity interests at the site;</p> <p>iv) Adverse impact on highway and pedestrian safety; and</p> <p>v) Increased flood risk and the effect on surface water and foul drainage.</p> <p>And</p> <p>B) There is a severe lack of information provided to the concerns raised in the previous planning application.</p> <p>I therefore object in the strongest possible terms to this clearly overbearing, out of character development.</p>
<p>4 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>Out of character: A development of five 4 bedrooomed detached properties is currently taking place in Green End Gardens.This expansion is in keeping with the immediate area and Boxmoor has a whole.This can't be said of this proposal. These properties are out of keeping with the surrounding properties.To build them would be detrimental to the local area.</p> <p>Environmental Impact: We continue to abuse our environmental responsibilities. We need to preserve our green spaces, trees and local habitats, not build on them.</p> <p>Safety: The designated parking spaces in Green End Gardens are already full. The parking spaces for these properties are not practical. This will result in 'on kerb' parking on the only pedestrian pathway in/out of Green End Gardens</p>
<p>6 Green End Gardens Hemel Hempstead Hertfordshire</p>	<p>Re: Planning Reference: 22/00551/FUL Proposal for Development of two semi detached houses at 31 Gravel Hill Terrace, Hemel Hempstead, Hertfordshire, HP1 1RJ</p>

<p>HP1 1SN</p>	<p>We have previously objected to a previous scheme for two dwellings at the site under planning reference 21/04424/FUL that was subsequently withdrawn by the applicant.</p> <p>The new scheme has not changed substantially and therefore as residents of Green End Gardens we are writing to register formally our OBJECTION to the above planning application on the following grounds:</p> <ul style="list-style-type: none"> - The proposed development is not in keeping with the other properties in Green End Gardens and is over development of the site - The lack of a clear drainage strategy - The adverse impact on the environment - The lack of any plans explaining how the developer will minimise the impact on the neighbourhood during the development <p>Our specific points are described below.</p> <p>We have also jointly commissioned LRJ Planning to prepare a response in order to highlight our serious concerns with the application proposed on purely Planning grounds. This is being provided separately.</p> <p>Inappropriate development</p> <p>Green End Gardens is a cul-de-sac development of 14 detached houses set back from the road with garages and off-road parking in front of the properties. Built in the early 1990s the properties are brick built with either tiled or mock beamed facia. The proposed houses are neither in keeping with the type nor the aesthetics of the existing properties in that they are semi-detached and without garages.</p> <p>The proposed three storey houses have been shoehorned into the back garden site and positioned adjacent to the existing footpath rather than set back as per the other properties in the road.</p> <p>The plot 2 parking spaces are aligned front-to-back without sufficient access to the rear of the property to allow the bins to be moved to the front for collection without first moving any cars parked in these spaces. It is likely that in practise these cars will remain parked in the road rather than in their spaces causing additional crowding in the cul-de-sac. The shared parking bay at the top of Green End Gardens is already heavily used by Green End Gardens and Gravel Hill Terrace residents. There isn't the capacity to accommodate additional cars here.</p> <p>The plot 1 parking is located in an adjacent bay cut into the boundary wall. This design is not coherent with the rest of the road.</p> <p>Although the plans refer to the houses as 2 bedrooms, the hobby room in the basement is easily converted into an additional bedroom and therefore should be assessed as such.</p> <p>Taking these points together, the proposal is an over development of the site.</p> <p>The lack of clear drainage strategy</p> <p>No drainage strategy has been provided as part of the planning application. We know from conversations with the civil engineers contracted by the developers of the land off Green End Gardens that connecting the surface water drainage from the new houses to the existing surface water sewer is likely to cause flooding at the far end of Green End Gardens as the pipe work had been specified to cope with the original 14 houses and not an additional 5 houses. Increasing the outflow by adding the proposed 2 new properties will exacerbate the situation.</p>
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	<p>The provision of basements is likely to impact the options for providing soakaways as an alternative.</p> <p>With climate change, we are already seeing more severe rainstorms and the advice from the UK Met Office is to expect an increase in heavy rain. Therefore the impact of any short comings in the drainage solutions will become more significant.</p> <p>Without a drainage strategy it is unclear how any of these issues will be addressed.</p> <p>Impact on the Environment</p> <p>Green End Gardens has already lost a significant area of mature trees and permitting the proposed development will further degrade the environment by removing the line of mature trees bordering Green End Gardens and at the foot of the original garden for 31 Gravel Hill Terrace. These trees are a prominent visual feature of the area as well as providing habitat for the local wildlife.</p> <p>Furthermore, the proposed basements and any soakaways are likely to threaten the remaining mature trees as they will disturb and potentially damage their root systems. The developer has not described how they will compensate for the loss of habitat.</p> <p>Impact during the development.</p> <p>It is clear that the proposed site is cramped with limited facility for storage on site of materials or space for delivery vehicles. It is expected that whenever there is a delivery of building materials or concrete, access into and out of Green End Gardens will be blocked for the duration of the delivery.</p> <p>There is no facility for parking of contractors' vehicles so these can be expected to be left on the street and pavement where they will obstruct the movement of resident's vehicles and pedestrians. Several residents have younger children that they walk to the local schools. This will become more hazardous if there is unconstrained movement of developer's vehicles and parking within the road.</p> <p>The developer has not provided any details of how the site will be managed to mitigate the problems for the residents that their work will impose.</p> <p>In summary this speculative back garden development should be refused for the reasons given above.</p>
<p>7 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>Having reviewed the submitted plans and the supporting documents, we have serious concerns with the proposed application and therefore we strongly OBJECT to the application.</p> <p>This is the second application for a development of two dwellings on this site, and our second objection to the proposed plans. The new scheme has not changed substantially, and therefore neither have our reasons for objecting.</p> <p>Our reasons for objecting to the application are as follows:</p> <p>1 The proposed housing designs are totally out of keeping with the character of the existing properties in Green End Gardens. Therefore, the proposed development will have an adverse impact on the character and appearance of the area and will be a real eyesore for local residents.</p>

	<p>2 The proposal will result in an unacceptable increase in overlooking of neighbouring properties, and lead to a significant loss of daylight.</p> <p>3 There will be an unacceptable increase in noise and disturbance for nearby residents.</p> <p>4 The development will result in the loss of many trees and impact on biodiversity interests at the site. There are several established mature trees at the proposed site that are in keeping with, and impact positively on, the character of the area.</p> <p>5 There will be an adverse impact on highway and pedestrian safety, in a road where parking is already a daily challenge for current residents. Two additional family homes with potentially multiple cars, and visitor cars, will lead to unacceptable parking congestion issues in the road, especially as there are already five additional homes under construction currently in Green End Gardens.</p> <p>6 Safe access in and out of Green End Gardens for residents during the period of development is a serious concern for us. There is extremely limited space available for construction vehicles and machinery to access or park at the site, unless paths and the road are continually blocked. We walk in and out of the road at least twice a day most days with our two young children, and feel the proposed development poses serious safety concerns.</p> <p>7 The development will lead to increased flood risk. There is no plan for water dispersal or sewage disposal, which could have a significantly detrimental impact upon existing nearby properties.</p>
<p>14 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>Re: Planning Reference: 22/00551/FUL Proposal for Development of two semi detached houses at 31 Gravel Hill Terrace, Hemel Hempstead, Hertfordshire, HP1 1RJ</p> <p>We have previously objected to a similar scheme for two dwellings at the site under planning reference 21/04424/FUL. Comparing this latest scheme (22/00551/FUL) with the previous application, it is glaringly obvious that the new proposal has not addressed the concerns previously raised by ourselves and our neighbours, nor has it changed substantially, and therefore we are writing to register formally our OBJECTION to the above planning application on the following grounds:</p> <p>1. This is inappropriate development of greenfield site and not in keeping with the character and appearance of Green End Gardens and surrounding area.</p> <p>2. The access, parking and rear garden areas are not compatible with the pattern and existing grain of development, which will set a dangerous precedent inflicting significant harm on the character and appearance of the area.</p> <p>3. The proposal completely fails to integrate effectively with the</p>

	<p>character of surrounding builds.</p> <p>4. There is a minimal separation distance between the dwelling and the boundary of neighbours which will jeopardise the current peace and tranquil surroundings. The proposal will have an unacceptable effect on the living conditions by way of loss of privacy, overbearing impact, loss of day light and overshadowing.</p> <p>5. There will be an increase in noise and disturbance emanating from the site. The proposed increase in traffic to and from the site will be harmful to local air quality.</p> <p>6. The proposed development would have a severe impact on highway and pedestrian safety and it is not clear how safe means of access can be achieved.</p> <p>7. A proposed drainage strategy is required to deal with the surface water that will be generated at the site. There are also further concerns about the connection to the public sewer.</p> <p>8. The proposal is contrary to both local and national planning policies and does not comprise sustainable development.</p> <p>Allowing this development could set a dangerous precedent. It is respectfully requested that the planning application is refused.</p>
<p>12 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>I strongly OBJECT to this proposal. I reference a letter submitted on behalf of all residents of Green End Gardens together with Nos.27 and 33 Gravel Hill Terrace such is the collective objection to this proposal. However, this is my personal objection.</p> <p>I have many reasons to oppose this proposal and will summarise as follows: This proposal is probably the worst example I have ever seen of over-development. Whilst I acknowledge the need for additional housing and a governmental encouragement to view each strip of land or garden as a potential development site; I believe that just because you can, does not mean that you should! I am also aware of proposals to build thousands of houses to the west, north and east of Hemel Hempstead. In terms of immediate vicinity, Green End Gardens is currently being increased at its eastern point by the addition of 5 detached residences.</p> <p>This proposal will result in overlooking - some of it at very close quarters where private gardens and habitable room windows are visible. The council's development plan policies require such developments to preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. This proposal very clearly does not adhere to such policies.</p> <p>My understanding is that Local Planning Authorities have a duty to conserving biodiversity as part of its decision making. On the proposed site there are approximately 12 mature Eucalyptus trees. I</p>

fail to see how the proposed development would conserve any of them. In addition, the tree survey which has been submitted made light of trees being considered local amenities! This is wholly inaccurate as the trees are home to birds, squirrels, and I assume a whole eco-system of natural life. suggests a blatant disregard for biodiversity. We have already lost many trees; a habitat for bats no less - as part of the current 5 house development in Green End Gardens., - I am advised - without sufficient approval to do so - or without a submission of a tree survey. This indiscriminate removal of trees to make way for small developments should not be approved. As a local resident of Boxmoor since 1989 I am fully aware of the presence of leafy tree-lined roads which provide much of its character and attractiveness. We have raised the concern of more trees being felled to our local elected councillors whose advice, should arborists descend upon in Green End Gardens is to "call the police!". I urge you as a key part of my objection to please consider what we have already suffered and ensure these trees and the natural habit within/beneath are preserved.

There are so many compelling reasons why the application should be refused:

Whilst attempts have been made in this second planning submission, the proposed development is not in keeping with the character and appearance of the area. It is an attempt to squeeze an unsightly quart into a pint pot!.

The proposal comprises inappropriate development, shoehorning two houses over 4 stories into a site way too small to be considered for any development.

Backland development or 'garden-grabbing' in this case is to me an abhorrence. I believe a precedence exists where planning was refused on a much less intimate site at 1. Barberry Road.

The proposal will result in a loss of a tree-lined buffer site - to the detriment of the appearance of the area.

There is insufficient space for such a development - arguably for any development on this site. There is minimal separation between adjacent properties. There is insufficient space to park vehicles and move bins etc. Visitor car parking will cause further constraints, no doubt causing cars to be parked on pathways - a safety hazard for those with small children.

This proposal breaches the building line set back off Gravel Hill Terrace.

In summary

This development will result in an adverse impact of the character and appearance of the area.

This proposal will inflict severe harm on the residential amenity of the area through an unacceptable level of overlooking, overbearing impact, loss of daylight/outlook and an increase in noise and disturbance. We are currently enduring the latter scenario through the ongoing development.

This proposal will result in the loss of (more) trees and the impact on biodiversity in the site.

This proposal will have an adverse impact on highway and pedestrian safety. Furthermore, additional parking (visitors etc) will only serve to compound the issue.

	<p>This proposal (with a thinly veiled possibility of the basements being converted to additional bedrooms) will result in increased flood risk and a further impact on surface water and foul drainage in the area.</p> <p>I vehemently OBJECT to this proposal.</p>
<p>10 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>No.10 Green End Gardens would like to formally OBJECT to this planning application (reference 22/00551/FUL), for the following reasons:</p> <ul style="list-style-type: none"> - Out of character: This revised proposed development is not in keeping with the immediate local area. The proposed houses are semi-detached, whereby all local neighbouring properties are detached. The gradient of the road on the plans, not only looks inaccurate, but would mean the existing neighbouring residents and beyond would suffer an unnecessary total loss of privacy. - Trees: The development of this residential back garden would mean the loss of a number of mature trees. These have the benefit of creating an effective sound barrier, give privacy to neighbouring dwellings and provide biodiversity to the area which encourages wildlife. The removal off these well-established trees will have a significant impact on the environment and local eco-system we currently enjoy. <p>*A tree is a tree, regardless of its 'quality'. It offers an essential habitat for all wildlife. The tree survey states that the trees in question are not 'of quality'. Clarification on what determines a 'quality tree' would be appreciated.</p> <ul style="list-style-type: none"> - Parking Provision: Due to the lack of garages (on the plans) and 2 inadequate parking spaces for each dwelling, parking on adjacent pavements and kerbs would be inevitable. Every house in Green End Gardens has a garage, which provides adequate residential parking. Inconsiderate parking on pavements and junctions due to a lack of proposed adequate parking, raises the issue of safety for pedestrians and cyclists using this amenity. - Drainage concerns: Over the last year. 3 different companies advised us that our current drainage system is inadequate for more dwellings. I would like to see a full report of the proposed drainage plans please. -Basements: The plans show 2 basements. Are these a smokescreen for an extra 'bedroom'? No houses in the immediate local area have basements. I would like reassurance that the construction of basements would not cause structural damage to neighbouring properties and beyond. - Health & Safety: I am concerned that there will be a lack of building control. Access to the site would have safety issues for residents and road users (e.g. Storage of building materials and heavy goods

	<p>vehicle access). The position of the site is such that it will be impossible to access without disruption to the road and path.</p> <p>I have been a resident of Boxmoor for 27 years. There is a general feeling by local residents, that dense back yard overdevelopment, like this proposal in Boxmoor, is changing the dynamics of our village amongst our large town.</p> <p>Please take all my points into consideration when reviewing the plans.</p>
<p>8 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>I am writing to strongly OBJECT to the planning application 22/00551/FUL</p> <p>Reasons - These plans will result in an adverse effect on the character & appearance of the area. This was the overriding factor in the refused plans for the application 4/01857/16/FUL which in my view has absolute similarity to this case.</p> <p>We have previously objected to round 1 of plans on this back yard site, round 2 plans appear to be largely unchanged in that they are over 3 floors, are a pair of 3 bed semi's (not 2 as trying to suggest on plans) are completely at odds with the character of dwellings in the cul de sac & neighbouring properties. These new plans do not take into account any of our concerns and objections as follows:-</p> <p>1) This plan will result in an adverse impact on the character and appearance of the cul de sac known as Green End Gardens & the neighbouring area. The plans are completely at odds with the current detached dwellings layout & character.</p> <p>2) It is overdevelopment. i) This 14 house cul de sac has already been the subject of a 5 house back yard development, with a further 2 dwellings this equates to a 50% increase - this is overdevelopment. ii) The 5 house development currently in mid build is almost in keeping, in that the houses are detached, however we have lost all green space, trees & street amenities to accommodate it. iii) The plans 22/00551/FUL are completely at odds with the character and layout in the cul de sac, they are over 3 floors, are semi detached with no garages.</p> <p>3) Foul Water i) We made it aware in our previous concerns that 3 private Foul Water companies stated that the current 14 house cul de sac system would NOT support any further feeds, it has not been addressed as to how a further 2 semi's would be supported? Do they have a foul water plan? This is an important concern as it will adversely effect the existing 14 houses. Please address this point, it was not addressed in the previous set of plans.</p> <p>ii) Surface Water Drainage - the proposed plans will reduce the capacity of surface water drainage which will adversely effect the existing properties and increase flooding risk.</p>

	<p>4) Impact on Highway safety</p> <p>i) Policy CS12 of the Core Strategy - these plans do not show access arrangements to the highway network. These plans place vehicles opposite the parking bays, with no garages and access in out from both sides off the entry point, this makes for a seriously dangerous junction for both vehicles, pedestrians & cycles, this is a one way entry & the entry junction must not become overloaded with traffic coming from all angles of sight.</p> <p>ii) Losing the 16 trees that align the access in and out opposite the parking bays will also result in an adverse effect of the current buffer effect by way of noise from comings and goings of vehicles in bays. The current street scene is balanced out by the tree line on one side and vehicles parked on the other, to loose this completely changes the street scene to our detriment.</p> <p>5) Biodiversity</p> <p>i) Policy's CS11 & CS12 Core Strategys - the loss of these trees does not preserve the streetscape is harmful to residential to amenities & is contradictory to these Core Strategys. In light of the cease planning at present with regard to Dacorum concerning Ashridge this is a really serious point.</p> <p>ii) I also draw on my previous points made on round 1 plans as to Dacorums commitments and statements made under the climate emergency plans - these comments still stand for plans 22/00551/FUL - all my comments regarding wildlife habitats etc on the previous application stand also on this new application. To allow the new set of plans on this site contradicts everything Dacorum has signed up to and encouraged local residents to do too under the climate emergency plans.</p> <p>6) Although not part of your objection process it still has not been addressed as to how such a build & store of materials could even happen on this site taking into account its a one way junction and the site is sat on the only junction out and has absolute no room for lorries to or pull onto the garden site? Are we to expect a continual road block? Safety? Plausability? Although this is not grounds for refusal surely morally planning can see our predicament in Green End Gardens? Maybe even the people that want to build?</p> <p>In summary these plans are simple further overdevelopment of this small cul de sac and these plans or any further submissions should be refused.</p> <p>Please take our concerns into account. Thank You.</p> <p>There maybe lots of typos as typing on mobile not easy, pls forgive.</p>
<p>9 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>I am writing to OBJECT to the planning application 22/00551/FUL.</p> <p>The reasons are as follows:</p>

Design and Layout

The proposed properties are not at all in keeping with the design used for houses in Green End Gardens nor the immediate surrounding area of Gravel Hill Terrace.

Houses in this neighbourhood comprise two storey detached properties that are set back with parking at the front, the majority of which also have garages. The proposed properties being three storey with parking to the side will have a detrimental impact on the overall character of Green End Gardens and the surrounding neighbourhood.

Height

The proposed plans show houses that have two floors above ground. With their position at the top of Green End Gardens, which has a significantly higher elevation than at the bottom end of the cul-de-sac, the upper floor of the proposed properties will overlook not just the existing adjoining houses and their gardens, but all the existing houses and gardens on that side of Green End Gardens.

This will result in an unacceptable loss of privacy, daylight and enjoyment of use and will lead to overshadowing of the houses in the immediate vicinity.

Overdevelopment

The proximity of the proposed properties to neighbouring properties and their boundaries will result in a high-density environment and consequently represents a cramped overdevelopment of the street scene.

Noise and disturbance

The proximity of the proposed properties to neighbouring properties and their boundaries will result in increased noise and disturbance in the area. This will be further exacerbated by the felling of trees that are currently on the proposed site and provide shielding.

Environment

The plans submitted show that numerous trees will be felled to make way for this development. This destruction of trees represents a huge loss of green space and will result in serious damage to habitat and biodiversity on the site. It will also negatively impact the overall street scene.

It is hard to see how the felling of trees to make way for this development is compatible with the requirements of the Natural Environment and Rural Communities Act 2006.

Foul Water Drainage

No proper drainage strategy has been submitted with this application for foul water and the proposals assume that the new development

	<p>will connect to the existing public foul sewer in Green End Gardens.</p> <p>There are currently 14 houses in Green End Gardens , with five additional houses under construction, all of which will use the existing drainage.</p> <p>Adding a further two houses takes this number to 21 in total - i.e. 50% load increase on the sewer from the original designed drainage capacity. It is unclear how the existing sewer will cope with the demands of still further properties should these plans go ahead.</p> <p>Surface Water Drainage The proposed properties will be built on a greenfield back garden site. Their footprint, including basements and associated parking, will result in reduced capacity for surface water drainage via soakaways. This will impact the proposed properties, existing properties and also the surrounding area, and will be highly detrimental leading to risk of flooding.</p> <p>In addition, the felling of numerous trees on the site to make way for the development will have an adverse effect on the soakaway potential for the existing and proposed properties.</p> <p>Parking The application for the proposed properties states that there are two parking spaces per house, however for one plot, these are in tandem. Therefore in practice, this will increase the traffic on the highway and lead to blocking of the pavement (which is only present on one side of the road, exactly where the development is proposed.</p> <p>This blocking will lead to:</p> <ul style="list-style-type: none"> - serious hazard to the safety of pedestrians, cyclists and other road users - inadequate access for emergency vehicles, waste collection, and servicing and deliveries - inadequate space for cars to enter / exit existing parking bays opposite the proposed properties <p>Construction Management It is recognised that this is not a deciding factor for planning judgements, however, due to the lack of a Phased Building Management plan as part of the current submission, it is unclear as to how these houses will be safely constructed given the constraints around the size of, and access to the site. It is also unclear as to where building materials for the development will be stored.</p>
<p>5 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>In response to the planning application 22/00551, I object to the planning and have sent an email with my detailed objections to planning@dacorum.gov.uk. In Summary, I object on the following grounds.</p>

1. The tree survey appears to give a very one-sided view of the site trees and should not be considered as an independent survey.

According to the "report", any tree that could be within the proposed site is of poor quality and has no amenity. For example, G10 is noted as having a sparse crown and being very unattractive. This is a very recent physical view of the onsite trees. They don't usually look like that and certainly didn't up until November 2021.

I'm not suggesting the owners have tried to pull the wool over your eyes, but a very quick visit to Google street view will give you a good idea of how they usually look.

2. The planned development will result in the destruction of the local tree landscape. An important part of the character and identity of Boxmoor. The large trees on the site provide specific habitat for local wildlife, also of great importance to Boxmoor. This is part of the whole character of Boxmoor and is part of the reason why the area is a very sought after location in Hemel Hempstead.

3. The planned development will result in an increased flood risk, especially for the immediately adjacent properties. The proposed basement is not in keeping with the local area and the long term affect on adjacent properties is not disclosed. I note if there is a flood risk, it won't affect the proposer, as their residential dwelling is on higher ground.

4. The development is over-bearing and will result in a loss of light and a loss of personal enjoyment, for the adjacent properties. The plans do show the top roof-line being within the 25 degree line. However, I dispute their calculations have used the middle of the lowest windows, from all of the 4 properties within the immediate vicinity. Namely Number 1, 3, 2 and 2A.

5. The result of the development being approved, would be an over-development of the Green End Gardens community. Especially taking into account, the new development in Green End Gardens for 5 new houses. These are currently being built and should be completed by late Summer 2022. Green End Gardens is at great risk to becoming an over-dense road in Boxmoor.

6. The planned development is not in keeping with Dacorum planing policy CS11 and CS12.

CS11

respect the typical density intended in an area and enhance spaces between buildings and general character;

CS12

retain important trees or replace them with suitable species if their loss is justified;
plant trees and shrubs to softly screen development and settlement edges;
integrate with the streetscape character; and

	<p>respect adjoining properties in terms of:</p> <ul style="list-style-type: none"> (i) layout; (ii) security; (iii) site coverage; (iv) scale; (v) height; <p>The proposed development will alter the density of Green End Gardens, from an attractive Cul-de-Sac to an over-developed side road in Boxmoor.</p> <p>7. The development will not have any material affect whatsoever on the requirements of an increased housing stock in Dacorum.</p> <p>8. The proposal will mean an increase in local highway usage and exert pressure on the already over-subscribed parking bays. The parking bays at the entrance to Green End Gardens were a requirement of the original planning permission and were calculated to be necessary for the 14 proposed houses.</p> <p>9. Paragraph 10.4 of the DBC Core strategy document states</p> <p>"The Council recognises that residential gardens are not always suitable for development."</p> <p>I agree with them.</p> <p>There are cases where using large residential gardens, especially where multiple residential gardens are sold as a group, for a larger community dwelling, are a very good idea and help to sustain the larger community in the long-term. Green End Gardens was originally a beneficiary of just such a development.</p> <p>However, that should not be used as a benchmark to build on every back garden larger than 600 square feet, in the Dacorum area</p>
<p>1 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>In addition to this comment i have sent a letter to the planning department outlining our detailed objections.</p> <p>I object for two main reasons:</p> <p>A) From the plans that are submitted</p> <ul style="list-style-type: none"> i) This will result in an adverse impact on the character and appearance of the area; ii) The proposal will inflict severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance;

	<p>iii) The development will result in the loss of trees and impact on biodiversity interests at the site; iv) Adverse impact on highway and pedestrian safety; and v) Increased flood risk and the effect on surface water and foul drainage.</p> <p>And</p> <p>B) There is a severe lack of information provided to the concerns raised in the previous planning application.</p> <p>I therefore object in the strongest possible terms to this clearly overbearing, out of character development.</p>
<p>2 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>The following sets out our further reasons in support of our objection to the application, but with specific reference to the Climate Emergency, which YOU as our Local Authority declared in 2019.</p> <p>We therefore confirm our OBJECTION to this planning application as it does not accord with your Climate and Ecological Emergency Strategy.</p> <p>In this letter we make detailed reference to Dacorum Borough Council's Climate and Ecological Emergency Strategy, and ask that you carefully review the proposed planning application in light of this Strategy.</p> <p>We note that Dacorum Borough Council declared a Climate Emergency in 2019 following the release of the International Panel on Climate Change (IPCC) Special Report which announced that we have until 2030 to limit warming to 1.5C or face catastrophic circumstances, and that over 75% of other local authorities in the UK have now also made this declaration.</p> <p>We as local residents are also very pleased to note that as part of your commitment to this work, you have made the Climate and Ecological Emergency one of your key priorities in your Corporate Plan.</p> <p>Your strategy outlines how you will be planning to tackle these environmental issues locally over the next few years based on three fundamental facts:</p> <ol style="list-style-type: none"> 1. We are in a Climate and Ecological Emergency. 2. This has been caused by human actions. 3. This can be solved by human actions, and it is everyone's responsibility. <p>This strategy is a call to action, and you have quite rightly called on the people who live, work, visit and invest in Dacorum, to join with you on this ambitious journey. This presumably includes those who have chosen to submit speculative planning applications such as the one referred to in this letter.</p>

You state that the challenge of addressing the Climate and Ecological Emergency cannot be underestimated and that It requires rapid, far-reaching and unprecedented changes in all aspects of society. As part of your Climate Emergency Declaration and Statement of Intent a number of commitments were made including the following two which are particularly relevant to this planning application:

1. Support the borough in improving biodiversity
2. Support the borough in creating more sustainable communities.

We are pleased to note that Dacorum has become the first borough council in the UK to achieve a Silver level 'Carbon Literate Organisation' accreditation.

The Carbon Literacy Training course was recognised by the United Nations at the Paris Climate Conference, where it was chosen as one of 100 worldwide Transformative Action Programs. Following on from your Climate Emergency declaration, you stated your desire to prepare staff for our net-zero journey by equipping them with sufficient knowledge on climate change, and to this end we are again pleased to note that you have delivered Carbon Literacy Training to 60 key members of staff, including your CEO, making her the second ever CEO of a council in the UK to achieve this. We can only assume that key officers in your planning Department were included. You may wish to confirm this at your earliest convenience.

You state that Staff learned about the science and causes of climate change, the effect it is already having and the predicted future impact, before then exploring the solutions we can all take as individuals, as well as a council.

You state that by completing this training, Dacorum is now accredited as a Silver level Carbon Literate Organisation (CLO), which you claim, demonstrates that you have made a substantial commitment to Carbon Literacy.

It is comforting to know therefore that your staff will understand the very negative impact that the felling of 10 eucalyptus trees of 9 meter in height and around 40 cms girth each and the loss of 372 m2 of garden, proposed in this application on the sequestration of carbon.

You state that the Council is able to make a larger impact through its 'spheres of influence', and where better to demonstrate this than in the decisions you make surrounding new developments.

You state that the Council has limited powers, responsibilities, resources and finances and that many of the changes that will be required to achieve our climate targets will be the responsibility of others including public, private and third sectors and individuals. You further state that it is therefore important that these net-zero targets are understood to be everyone's responsibility.

You rightly state that as a local authority, you are uniquely able to influence other areas outside of our direct control through funding and policy, as well as having additional indirect impacts locally and nationally.

These 'spheres' determine whether the actions the Council undertakes is direct and internally acted upon, done in partnership with others, or whether it is an indirect policy, funding or education role we have to play.

The impact the Council can have should not be underestimated as a third of UK emissions comes from residential buildings, surface transport and waste - all of which are key areas which councils can influence.

You state that as you develop our CEE Action Plan, you will ensure that you will be considering all of the ways in which you can utilise our 'spheres of influence' to achieve the best possible impact and outcome.

You state that you will ensure that the new Local Plan will result in the highest level of sustainable new development that the Planning regulations allow, and that the developing local plan already includes requirements to deliver new development to at least the highest standards within government guidance and to promote net zero carbon development.

You state also that your new Local Plan has very strong protection for biodiversity and the environment requiring developers to ensure a biodiversity uplift. Where they can't they will have to pay the equivalent into a 'Biodiversity Offset Fund' which will help local sustainability action.

It is blatantly obvious to us that achieving a biodiversity uplift as part of the proposed development under consideration here, and paying the equivalent into a Biodiversity Offset Fund, is both impractical and fanciful.

Community action

You state in your Strategy that Community awareness and participation in working towards net zero and improved biodiversity will be facilitated and encouraged. Your rejection of this planning proposal will of course demonstrate to us that you are being true to your word in facilitating and encouraging such participation. Approval of this planning application will of course send out completely the wrong message, and rest assured such a message if it materialises will be spread far and wide. We do however trust that you will do the right thing.

Your strategy states that in the past 50 years, global wildlife populations have decreased by 68%. You also state that we can improve biodiversity on a local level through direct actions such as growing more trees, plants and flowers, improving green spaces for local wildlife, changing how often we cut grass and many more.

It is a shame that you have also not stated that the unnecessary felling of trees is particularly damaging to biodiversity and that the planting of new trees, although to be encouraged does not compensate for unnecessary felling. You might like to explain why you have omitted this very important point from your Strategy.

You state that as a council you will be:

- Developing a Biodiversity strategy to ensure that we are managing council land in a way to maximise biodiversity
- Implementing a Biodiversity Net Gain Supplementary Planning Document
- Developing a Carbon and Biodiversity Offset Fund to help pay for environmental projects

And that in order to support others you will be:

- Working with local organisations such as HCCSP and Herts and Middlesex Wildlife Trust to identify areas of joined up working
- Running a Green Community Grant scheme for local groups
- Running a variety of campaigns, initiatives and events for organisations, local groups, schools and individuals.

In return you want us to:

- Improve wildlife in your garden by looking at resources such as the Herts and Middlesex Wildlife Trust website.
- Live more sustainably, thinking of the direct and indirect impacts of your actions.
- Get involved with local wildlife groups and help to support local projects and initiatives

You state that Biodiversity Net Gain National planning guidance and the forthcoming Environment Bill require development to create a 10% net gain for biodiversity for a site, and where these measures are not able to be achieved onsite, payments can be made to a biodiversity net gain fund equivalent to the cost of achieving the required number of biodiversity units elsewhere. As stated above this proposed development does not sit well with these requirements.

You state that trees are important as they help towards both reducing emissions, as well as improving biodiversity, and that you are developing a tree planting strategy which will see several thousand more trees being added to the borough with over 1000 new trees have already been planted since 2020. Again it's a shame you are not paying as much, if any attention to the unnecessary felling of trees. Your dismissive approach to us as a community when we raised our concerns over the felling of trees on the site currently being developed

	<p>adjacent to our house, does not inspire confidence.</p> <p>Finally you state in your strategy document that as a Council you will be:</p> <ul style="list-style-type: none"> - Introducing Sustainability Impact Assessments to analyse each new project or policy - Rolling out Carbon Literacy Training to more staff and to Members <p>And supporting others by</p> <ul style="list-style-type: none"> - Developing Dacorum's Climate Action Network and using our 'spheres of influence' as far as possible <p>In conclusion, we commend you as a Council for producing a Climate and Ecological Emergency Strategy and commit as a community to doing "our bit".</p> <p>This Strategy is coherent for the most part. However we are interested in assessing how you are delivering on your promises.</p> <p>We trust that you will consider the contents of this letter and our joint letter from Green End Gardens in their entirety when making your decision on the Planning Application for 31 Gravel Terrace.</p>
<p>33 Gravel Hill Terrace Hemel Hempstead Hertfordshire HP1 1RJ</p>	<p>This planning application is evidently excessive at every level and is very similar to the previous scheme put forward for consideration. For that reason my objections are broadly similar. If it is refused or withdrawn, I would expect be consulted on any revised scheme or amendment due to the inevitable impact of this location. We recognise the need for new housing and understand the desire of individuals to maximise return on an asset. However, the content of the planning application is a gross over development of the site, and entirely unsatisfactory.</p> <p>The proposed 3 story dwellings are almost 8m high (not including full basements), which will dominate an area which is currently a beautiful row of mature Eucalyptus trees. We feel that the windows to the 1st floor, with such a short garden backing onto ours, would be a totally egregious and unacceptable infringement on our privacy. I cite a recent planning application 20/01866/FUL in Boxmoor, Hemel Hempstead where the architect has included roof lights at 1st floor in lieu of windows to avoid overlooking neighbouring properties. The impact on our nearby properties would also be significant due to lost light. The host property would likely fall under the 'BRE' acceptable levels of sunlight loss.</p> <p>The issue with the height is only made worse by the very short gardens which are under 10m for 50% of the width of the dwelling, which I believe falls well short of the 11m stipulated in local planning policy. There is no additional justification for not achieving this</p>

	<p>minimum, they are not starter homes and do not benefit from any communal external space or nearby parks. Aside from the impact it will have on the enjoyment of our garden, these are clearly designed as family homes and the outside space simply isn't suitable for this purpose. The revised scheme seems to indicate that these are 2 bed homes with a third unspecified usage room in the basement, which whether by design or not, will become a bedroom and further put strain on local amenities. In addition, there doesn't seem to be a workable bin solution or appropriate parking. The width of the spaces proposed looks to be too narrow and stacking cars as shown is not practical. The addition of two family homes would create a big intensification of parking especially as there are already 5 additional homes currently under construction in Green End Gardens.</p> <p>We have recently moved to the area and a factor in this was the relatively peaceful and private garden we have, in which our children play. Additionally, the view from our bedroom window is particularly lovely in winter with the mature Eucalyptus trees silhouetted against the winter sunrise. The proposed planning application would do irrevocable harm to how we enjoy our new home.</p>
<p>3 Green End Gardens Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>We are the owners of No 3 Green End Gardens and would like to register formally our OBJECTION to the planning application reference 22/00551/FU.</p> <p>This is the second application for a development on this site which directly adjoins the rear of our property and the details of the new application do not change any of the reasons we are objecting, mainly that we will be directly overlooked.</p> <p>Having been residents of Green End Gardens for 18 years, we have always enjoyed the privacy and peace of our back garden and feel very strongly that we do not want this to change. It is one of the main reasons we chose to live here.</p> <p>Once again, I have summarised our points below and we have also commissioned LRJ planning who will be sending a response on behalf of all the residents that will be impacted.</p> <ul style="list-style-type: none"> - Overdevelopment of Green End Gardens - we already have 5 houses being built in our close (of 14 houses), adding another 2 properties equals a 50% increase in dwellings - which in our view constitutes overdevelopment. - The loss of trees and wildlife (birds and bats) and general adverse impact on the environment - The adverse impact on the road and concerns over pedestrian safety - Severe concern over access of building vehicles and how the developer will manage the build during the development. - The lack of a clear drainage strategy and increased flood risk - this has been marked as "unknown" on the application - clearly needs to

	<p>be addressed.</p> <p>- Parking issues, we already have issues as the bays at the top of Green End Gardens are already used by residents other than those in our close (i.e. Gravel Hill Terrace), adding more houses will increase this issue, which poses safety concerns (an issue as there are a number of young children in our close).</p> <p>We will be emailing our letter to the planning office in addition to these comments.</p>
<p>2A Green End Gardens</p> <p>Hemel Hempstead Hertfordshire HP1 1SN</p>	<p>2a Green End Gardens HP11SN Object Planning reference 22/00551/FUL</p> <p>I strongly object to this application and together with the other residents of Green End Gardens have commissioned LRJ Planning to prepare a report for submission to the council Planning department detailing our objections. These include :-</p> <ol style="list-style-type: none"> 1. The lack of a drainage strategy. 2. Increase in noise 3. Loss of privacy through overlooking 4. Increase in traffic 5. Safety concerns for pedestrians particularly during build phase, loss of pavement access 6. Disruption to traffic flow through building works 7. Lack of keeping with the existing properties in Green End Gardens 8. Biodiversity, loss of more trees from Green End Gardens <p>As mentioned this list is not exhaustive. Please see the LRJ report for a full summary.</p>
<p>LRJ Planning, Pen-y-Rhiw, Redbrook Road Newport NP20 5AB</p>	<p>LRJ Planning Ltd has been instructed by a group of local residents who reside at Nos 1, 2, 2a, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14 Green End Gardens and Nos.27 and 33 Gravel Hill Terrace to review and draft a formal response to the above planning application that has been lodged with the Council.</p> <p>Following a review of the submitted plans and the supporting documents with my clients they have serious concerns with the application proposed and therefore OBJECT to the application.</p> <p>Due to the length of the letter it has not been possible to upload a copy to your online portal, so an electronic copy has been emailed to the Council.</p>

	<p>I would be grateful if the electronic copy could be uploaded to the case file and the contents of the objection letter be taken into account by the Council when assessing the application.</p> <p>Regards Lloyd Jones LRJ Planning</p>
Cllr William Allen	<p>If you are minded to approve this application under delegated powers, then I would like it to be called in for consideration by the Development Management Committee on the basis that:</p> <ul style="list-style-type: none"> - It is overdevelopment - The Streetscene is cramped in an area where there is generally plenty of space between houses - Amenity space is limited <p>Thank you for your attention in this matter. Kind regards, William</p> <p>Cllr William Allen Boxmoor Ward</p>
45A Park Road Hemel Hempstead Hertfordshire HP1 1JS	<p>As a young home owner in Boxmoor, I think this is a great development and therefore SUPPORT this application.</p> <p>It is clear that the application has been well thought out and adjusted compared to the previous submission, with the face of the house being more in keeping with the rest of the houses in the cul-de-sac.</p> <p>You can also see that the house has been redesigned to be set back from the front of the path, again making it more in keeping with the rest of the houses, as well as making it less intrusive on the street scene. Even by doing this these 2 Dormers still have larger gardens than nearly 50% of the houses in the close.</p> <p>You can clearly see the house design has been adapted as a result of the concerns of over looking and over shadowing by removing the loft room and as a result bringing the house height down to match the rest of the houses in the close and be in keeping with the 25 degree overshadowing rule which was a previous concern in the last submission.</p> <p>The basement in this application is a great way to maximise living space within the build. Also the recent application of 115 Cowper Road which was accepted also included a basement, therefore a president in the local area has been set and the application should not be rejected on these grounds.</p> <p>Finally the tree removal is inevitable in the garden of 31 Gravel Hill Terrace, with the trees clearly damaging the exterior wall which borders Green End Gardens. With the tree report not stating the removal as significant or a concern, this again should not stop this application from being accepted; particularly when the council have</p>

	<p>set a president by approving a much larger woodland area to be demolished to develop a further 5 houses just off of Green End Gardens just last year. There has also appears to be previsions set out for landscaping and replanting on this development as a result of the concerns raised on the previous application.</p>
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As a young home owner in the area I think this is a great application and has been well thought out since the original plans.

Agenda Item 5f

ITEM NUMBER: 5f

22/00015/FHA	First floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to openings including insertion of bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include rear facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimney stack and infill of existing raised patio area, to include new access steps and glazed balustrade.	
Site Address:	36 Belham Road, Kings Langley, Hertfordshire, WD4 8BY	
Applicant/Agent:	Mr. & Mrs. N. MacDonald	Mr. S. COOK
Case Officer:	Natasha Vernal	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:		

1. RECOMMENDATION

That planning permission be granted with conditions.

2. SUMMARY

2.1 2.1 The principle of residential development in this location is acceptable. The proposed development extension will integrate with the existing dwelling and surrounding area by virtue of its sympathetic design and scale. Whilst visible from the surrounding area, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it impact upon local parking provision.

2.2 The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2021).

3. SITE DESCRIPTION

3.1 The site is occupied by a two storey semi-detached dwelling located on Belham Road in Kings Langley. The surrounding area is predominately residential in character.

4. PROPOSAL

4.1 This application seeks full householder permission for the construction of first floor, part two storey side extension and a first floor rear extension, garage conversion, alterations to fenestration. Works to also include rear-facing dormer with Juliette balcony to extend existing loft conversion, extension of existing chimneystack and infill of existing raised patio area, to include new access steps and glazed balustrade.

4.2 It should be noted that this application is an amended scheme by addressing concerns raised by Kings Langley Parish Council by removing parapet wall from the two-storey side extension and providing 45 sight lines to the proposed scheme to demonstrate no significant harm is given on light levels to the adjacent neighbouring properties at Nos.34 and 36. Lastly, an amended block plan was received on 10th February 2022, demonstrating that the existing driveway will accommodate at least three vehicles as a result of a six bedroomed dwelling.

5. PLANNING HISTORY

Planning Applications (If Any):

21/03881/FHA - First floor, part two storey side extension and a first floor rear extension, partial garage conversion with alterations to openings including bi-folding doors to existing ground floor rear elevation, insertion of front facing roof light to existing roof and insertion of roof light to existing single storey rear extension. Work to also include extension of existing chimney stack and infill to existing raised patio area, to include new access steps and glazed balustrade.

WDN - 7th December 2021

21/03882/LDP - Enlargement of existing side/rear dormer to existing loft conversion, to include rear facing Juliette balcony and re-positioning of front facing roof light. Materials to match existing: tile hung cladding to dormer cheeks, plain roof tiles and flat roof, UPVC windows, UPVC or aluminium doors and metal framed glazed balustrade to Juliette balcony.

REF - 6th December 2021

4/01087/06/FHA - Loft conversion with rear and side dormers (amended scheme)

GRA - 4th July 2006

4/02578/05/FHA - Loft conversion with rear and side dormers

REF - 2nd February 2006

4/02022/01/FHA - Single storey side extension

GRA - 4th February 2002

4/01324/91/FHA - Single storey rear extension

GRA - 1st November 1991

6. CONSTRAINTS

CIL Zone: CIL2

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Kings Langley

Parish: Kings Langley CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located in a residential area of Kings Langley. Core Strategy (2013) Policy CS4 states that appropriate residential development is encouraged in the towns and large villages.

Quality of Design / Impact on Visual Amenity

9.3 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.4 The surrounding area is characterised by semi-detached dwellings, many of which show two storey side extensions, such as at Nos. 8, 18, 24 and 40.

9.5 The proposed development to the front and partly to the side would be visible from the street scene. Due to its scale and positioning, the two storey side extension will not appear subservient but will relate well and not result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area. Furthermore, the

appearance of the front elevation retains the dwelling's overall original identity due to the recessed first floor element by approximately 1.1 metres.

9.6 The proposed rear development would not be visible from the public realm and has been sympathetically designed to appear a subordinate addition to the main house, noting that the single and two storey rear elements of the new extensions are modest in height and would be positioned set down from the existing roof ridge by approximately 2.4 metres and set in from the side boundaries by 1 metre and 2.7 metres. Furthermore, both elements of the extension would be constructed in materials (render, uPVC, tiles hung cladding and plain roof tiles) to match the main house, enabling the new rear extensions to integrate with the original design and character of the property. In addition, it is worth noting that the application site has undergone previous development at the rear consisting of single storey side and rear extensions, thereby change (in comparison to the original dwelling) already exists.

9.7 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

Impact on Residential Amenity

9.8 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.

9.9 It is noted that formal objections were received from the neighbouring property at Nos. 34 and 38 objected on the grounds of loss of light, overshadowing, loss of privacy, noise disturbance, trespassing and inadequate parking.

9.10 The two storey extensions would be closest to the neighbouring property at No.38 and would extend beyond No.38's rear elevation. The plans illustrate that the proposal complies with the 45-degree rule ensuring that there is no significant harm to light levels and overshadowing. It is identified that the side facing windows at No.38 are obscure glazed at first floor and serve non-habitable rooms (bathroom and landing); therefore, it is not considered that the proposed works would result to loss of sunlight / daylight. In addition, No.38 is situated to the south of the site and therefore would suffer very little, if any, loss of sunlight as a result of these proposals. Furthermore, no fenestration at ground and first floor is proposed to face towards No.38. At present there is a large side dormer window and a first floor side window, this would be replaced by two side dormer roof lights. Given that the side dormer roof lights would permit similar views to the existing side dormer windows, the privacy situation would be improved for No.38. Therefore it is concluded that the proposed dormer would not have a significant impact on overlooking or appear visually intrusive.

9.11 The proposed ground floor rear extension would be closest to the adjoining property at No.34 however it would have a similar footprint/structure as the existing rear extension. Therefore, given its single storey nature, it is considered that the proposal would not have a detrimental impact on loss of sunlight / daylight, overlooking or appear visually intrusive or overbearing. The two-storey side extension would be on the far side in relation to No.34 and would not extend beyond No.34's rear elevation. Therefore, it is considered that the two storey side extension would not have an impact on loss of sunlight / daylight, overshadowing or appear visually intrusive or overbearing to No.34. Although the two storey rear extension would extend beyond No.34's rear elevation, the plans illustrate that proposal complies with the 45-degree rule and sufficient space is retained from the side boundary by approximately 2.7 metres. Therefore, reducing harm to light levels and overshadowing. In addition, No.34 benefits from sizeable bi-folding doors and a roof lantern on the

ground floor rear extension, resulting in extra light. It is proposed to introduce a rear dormer with a Juliette balcony at first floor level but this would permit similar views to the existing second floor rear facing windows. It would not be possible to step out onto a balcony and as such there would be no significant overlooking or adverse impact on privacy. The proposed raised patio would have the same height as the existing patio (approximately 1.5 metres) and would permit similar views as the existing raised patio. Given its ground floor nature, it is not identified that the proposed patio would have a detrimental impact on overlooking.

9.12 Given the location of the site, positioning of neighbouring properties and the scale and nature of the proposed works, it is unlikely that the proposal would have any adverse impacts on the residential amenity of neighbouring properties by way of being visually overbearing, visual intrusion, overshadowing or loss of light or privacy.

9.13 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

9.14 In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards SPD (2020). The site resides within Accessibility Zone 3, wherein the parking requirement for a 3-bedroom dwelling is 2.25 spaces.

9.15 The existing dwelling comprises three bedrooms, as a result of the proposed development there would be six bedrooms wherein the parking requirement is assessed on a case by case basis. However, the proposed development will not affect the local parking capacity as this three bedroomed semi-detached dwelling has a sufficient area of hardstanding located to the front that can accommodate at least three vehicles. The amended block plan demonstrate that parking bays are 2.4 metres by 4.8 metres. Furthermore, there are local public transport routes situated in close proximity (within 200m) to the application site.

9.16 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020).

Other Material Planning Considerations

Kings Langley Parish Council

9.17 Kings Langley Parish Council were consulted and objected on the grounds of the proposals design, size and bulk would result in an over-cramping of the site and have a substantial adverse impact on the neighbouring properties.

9.18 Although the proposed two storey side would be constructed along the common side boundary, it is recessed from the front elevation, therefore allowing visual reading of the existing dwelling. The part single, part two storey rear extension is considered modest in scale and height as the proposal is set down from the existing roof ridge and sufficient space is retained from the side boundaries. The single storey rear extension would have a similar foot print as the existing rear extension. Furthermore, 45 degree sight lines provides evidence that the proposal is unlikely to have harm on loss of sunlight / daylight or overshadowing. In addition, it is noted that the surrounding properties have undertaken similar works on Belham Road. The rear dormer would replace the existing dormer and permit similar views as the existing windows at first and second floor.

9.19 Overall, the application site is large enough to accommodate an extension of the proposed side whilst still having sufficient parking and rear amenity space to service the dwellinghouse. Furthermore, the proposal allows visual reading of the existing elevation and is considered to harmonise with the existing dwelling and the surrounding area.

Environmental and Community Protection

9.20 Environmental and Community Protection were consulted and raised no objections to the proposal.

Response to Neighbour Comments

9.21 Formal objections were received from the neighbouring property at Nos. 34 and 38 objected on the grounds of loss of light, overshadowing, loss of privacy, noise disturbance, trespassing and inadequate parking. However, the most of the matters raised are addressed in the neighbour impact assessment.

9.23 Regarding noise disturbance, this related to an existing extension and concerns that the further extensions would exacerbate this. Such noise concerns can be dealt with through Environmental Health legislation, as they relate to the behaviours of the occupiers at a particular time, rather than the development itself. Soundproofing is a matter considered under the Building Regulations.

9.24 Finally, the trespassing point relates to the existing rear extension, which has a soffit overhanging the neighbouring property. As a civil matter, and relating to an existing extension, this is not material to the considerations for this application.

Community Infrastructure Levy (CIL)

9.25 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application is not CIL liable as it would result in less than 100 square metres of additional residential floor space.

10. CONCLUSION

10.1 The proposed development through its design, scale and finish will not have a significant adverse impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021).

11. RECOMMENDATION

11.1 That planning permission be GRANTED with conditions.

Condition(s) and Reason(s):

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

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

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

- 5270-ORD
- 5270-ORD-2
- 5270-P01E
- 5270-ORD-2A
- 5270-ORD-1

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	The Council objects to this application because its design, size and bulk would result in an over-cramping of the site and have a substantial adverse impact on the neighbouring properties.
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
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7	2	0	2	0

Neighbour Responses

Address	Comments
34 Belham Road Kings Langley Hertfordshire WD4 8BY	<p>We would like to object to the application for the same reasons as we objected to the previous applications that were rejected/ withdrawn. We feel the proposed development would impact on our property for reasons of loss of light, overshadowing, loss of privacy and loss of amenity (parking). In detail:</p> <ul style="list-style-type: none"> - Converting what was originally a 3 bedroom house to a 6 bedroom house is overdevelopment, and would be overbearing and out of scale with other properties in the road. - The proposed double storey rear extension around 4m deep, and is therefore considerably in excess of the 3m depth which is stated as the maximum allowable under planning rules. We feel this depth is excessive and would negatively affect our property for reasons of loss of light, overshadowing and loss of privacy. - Due to the east-north-east orientation of our properties, the rear extension would significantly reduce the light available to the rear of our property and would completely overshadow it from late morning, and earlier in the winter months. This would negatively impact the light available to our rear bedroom and dining room which has a roof lantern which would be placed into shadow by the 2nd storey (this was added in 2018 as a alteration to replace a conservatory which had been in situ since 1999). - The rear extension would completely rob our patio area of sunlight early in the day and also impact on the sun available to our garden as a whole, due to overshadowing, as the sun passes over the property. The architect has now added 45 degree angles to the new drawings, presumably to discount our objection on grounds of loss of light. However the drawings still fail to show the full extent of the impact on our property as no detail of our house is included, nor is the orientation of the sun shown. Furthermore, we would like confirmation of the accuracy of the angles on the drawing. - The double storey side extension is built to the boundary with 38 Belham Road - planning rules indicate that a maximum height of 4m is allowed for side extensions, or 3m where within 2m of the boundary. - The plans do not show proximity to (or features of) our property or 38 Belham Road, and therefore are misleading in terms of the potential impact of the proposed building works on our properties. We therefore feel that a visit by the planning officer would be essential to appreciate the true extent of the impact of the proposed development on the adjacent properties. - The rear extension would overlook our garden and would therefore lead to a loss of privacy. - The proposal listing is misleading as it is a full two-storey side extension not 'part'. - 36 Belham Road has already been greatly extended and the existing single storey rear extension is already in excess of the 3m permitted

	<p>depth. The patio area is also at a high level that overlooks our garden as it is adjacent to the boundary. We feel that further development of this area would lead to an additional loss of privacy for our garden.</p> <ul style="list-style-type: none"> - The size and placement of the proposed roof light to the existing single storey rear extension means it protrudes excessively far from the original rear wall of the house. This would mean a loss of privacy for both houses as we would be able to look directly down into the family room of No 36 and they would be able to look directly up into our rear bedroom windows. We would therefore request that this roof light either be obscured glass or be re-oriented/re-sized so that it is located closer to the original wall of the house. - We are concerned about the potential impact on parking as the house only has 2 parking spaces, and on-street parking in the road is already in high demand. The high number of proposed bedrooms could make this property attractive as an HMO in future, which would without doubt attract numerous cars. - The proposed plan shows relocation of the kitchen area onto the party wall adjoining our property, with removal of the chimneybreast and creation of a vast open plan area. We already suffer a great deal of noise disturbance from this area of the house and are concerned that these changes would exacerbate the noise issue. We would therefore request that additional soundproofing be added to this area during building works and that a soundtest be carried out. - The existing rear extension has a soffit which overhangs our property and is not represented on the drawings as such. We have previously requested this to be removed as it partially blocks a gully between our properties and makes clearing this of debris problematic. We would therefore request that this soffit be removed as part of the proposed building works and that the drawings of the existing elevation be amended to reflect this overhanging soffit and its removal on the proposed elevation. We are also concerned that this issue has not been addressed by our neighbour for 3 years - leading us to doubt their integrity in addressing planning matters.
<p>38 Belham Road Kings Langley Hertfordshire WD4 8BY</p>	<p>We live next door and want to object to this application for the following reasons.</p> <p>PREVIOUS APPLICATION DECLINED We are extremely confused over the planning applications submitted by number 36. They submitted 2 applications late last year. 21/03882 was "refused permission" due to the original planning application terms and conditions for the first loft/dormer conversion at number 36. 21/03881 was then withdrawn. Now a new third application has been submitted, 22/00015, combining the elements of the withdrawn application and the "refused permission" application. The reasons for the "refused permission" application have not changed. How is it possible to approve this new application when it contains the elements of the "refused permission" application?</p> <p>DISTURBANCE/DISRUPTION The proposed double story extension is right on the boundary between our properties. Our fence is actually touching their garage wall. This means for any building works, access to our land will be required. This will be extremely disruptive and a source of continual dust and disturbance for the duration of the build, and due to the proximity of the</p>

build to our house, it will be very difficult to use that area which includes our access to the front of our property. This is an unacceptable intrusion and will be very stressful for the family and our dog, who will be home alone during the day with the building work going on and strangers in the garden.

LOSS OF LIGHT

The proposed double storey side extension will result in an ugly, substantial wall that will be just 2.3 metres from our chimney stack and 2.5 metres from our kitchen door. On our house facing the proposed extension are 3 windows and a glass kitchen door. This will cause a large loss of natural light entering our property through these windows and door and impact our "right to light". The structure will also create a tall, narrow tunnel between the properties and increase the probability of dampness remaining there due to the shade it will create.

OVER DEVELOPMENT/OUT OF CHARACTER

Most of the houses in Belham Road started as 3 bedroom semi-detached properties. Several houses have expanded by adding a single storey extension to the side/rear or having a loft/dormer extension. Number 36 has already had both of these extensions carried out. The proposed building plan would make number 36 look very different to the other houses in the Road, and particularly to its adjoining neighbour at number 34. The new enlarged roof structure and elongated chimney stack will be unique and combined with the side extension will visibly make the property look completely out of character with the rest of the road. This is a case of over development.

LOSS/LACK OF PLANNED PARKING

The application states the garage conversion will result in the loss of 1 parking space. The proposed application shows an increase in the bedroom count to a total of 6 but has no provision for additional parking should it be required by the current or future owners. There are already parking issues in Belham Road.

TRESPASS

The proposed second storey side extension shows the new roof extending to the edge of the building. If a gutter is required, it will be overhanging our property, which is a form of trespass.

LOSS OF PRIVACY

The proposed double storey rear extension will result in a loss of our privacy. Our garden is on a slope with only one small area of flat patio where we can sit and entertain our friends and family. The new extension will allow a direct view over this area resulting in a complete loss of privacy. We will feel uncomfortable in our own property. Number 36 have already complained on several occasions about alleged "noise" from us. The proposed plans show the double storey rear extension is to create a bedroom. With an open window they will hear our conversation resulting in no privacy and probably an increase in "noise" complaints.

Agenda Item 5g

ITEM NUMBER: 5g

21/04777/RET	Retention of outbuilding	
Site Address:	34 Coniston Road, Kings Langley, Hertfordshire, WD4 8BU	
Applicant/Agent:	Mr Mohammed Ajab	Mr Martin Ballard
Case Officer:	Laura Bushby	
Parish/Ward:	Kings Langley Parish Council	Kings Langley
Referral to Committee:	Contrary views of the Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The application is for the retention of an outbuilding in the rear garden of 34 Coniston Road. The area of the garden in which the outbuilding is sited is located within the Metropolitan Green Belt. The construction of new buildings within the Green Belt amounts to inappropriate development, which, as set out in the NPPF and Policy CS5 of the Core Strategy 2013 is harmful by definition. The proposal is thus unacceptable in principle unless very special circumstances exist to clearly outweigh the harm.

2.2 There are very special circumstances in this case. A detached outbuilding of identical size and scale could be constructed without the need for planning permission provided it is located more than 2m from the boundaries of the site (0.5m further to the north-east). Given it is concluded that such a building would have the same overall visual appearance to the outbuilding as constructed and now sought for retention, this is considered to constitute very special circumstances. In addition a lawful structure located at a higher land level, closer to the dwelling would have a greater adverse impact when compared to the outbuilding as constructed.

2.3 The proposal would not result in any visual harm to the property, street scene or this part of the Green Belt, would not adversely affect residential amenity, nor would it harm the safety and operation of the adjacent highways to comply with Policies CS5, CS8, CS11, CS12 of the Core Strategy 2013.

3. SITE DESCRIPTION

3.1 The application site is located on Coniston Road in a residential area of the large village of Kings Langley. The rear garden is partially located within the Metropolitan Green Belt. The application site consists of a two storey semi-detached property with a private driveway to the front of the property and a large rear garden.

4. PROPOSAL

4.1 Proposal is for the retention of an outbuilding to the rear of 34 Coniston Road

5. PLANNING HISTORY

Planning Applications:

20/00369/LDP - Hip to Gable, Rear Dormer, 3no Velux windows to front elevation.
GRA - 9th April 2020

20/00411/HPA - Single storey rear extension measuring 6m deep with a maximum height of 3.09m and a maximum eaves height of 2.8m.

PNR - 17th April 2020

20/02291/FHA - Creation of single storey outbuilding for domestic use.

WDN - 5th October 2020

Appeals: None

6. CONSTRAINTS

Article 4 Directions: Land at Abbots Rise, Kings Langley

CIL Zone: CIL2

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Kings Langley

Oil Pipe Buffer: 100

Parish: Kings Langley CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

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

CS4 - The Towns and Large Villages

CS5 – Green Belt

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

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 dwelling itself is located within a residential area of the large village of Kings Langley. The dwelling however benefits from a generous garden to the rear of the property, with the furthest section of the garden being located within the boundary of the Metropolitan Green Belt. The outbuilding which is the subject of this planning application is located within the area of the garden which is within the Metropolitan Green Belt. As such the application must be considered in relation to the Green Belt policies.

9.3 The NPPF (para 149) and Core Strategy clearly state that the construction of new buildings in the Green Belt are not acceptable, save for a number of key exceptions. The outbuilding proposed for retention does not meet one of the exception tests outlined and as such amounts to inappropriate development in the Green Belt, which is, by definition harmful.

9.4 Paragraph 148 of the NPPF sets out 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' 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 In this instance very special circumstances are required to justify the development.

9.6 In this case would be what would be permissible to construct under permitted development rights without the express need for planning permission to be granted and how this relates and compares to what has been constructed would be a material consideration. Under the General Permitted Development Order (GPDO) an outbuilding can be constructed within the Metropolitan Green Belt without the need for permission provided certain size criteria are met.

9.7 The outbuilding constructed measures 10.8 metres in length, 5.4 metres deep with an eaves height of 2.45 metres and an overall height of 3.4 metres. It has been built within 1.5 metres of the boundary with no. 32 Coniston Road. As such the construction does not meet permitted requirements. In order for the outbuilding to meet the requirements of the GPDO it would need to be sited 0.5 metres further from the boundary with No. 32. Whilst the GPDO is clear that if a construction does not meet the requirements it is therefore not permitted development and will require planning permission, in this instance what could be built under permitted development is a material planning consideration and may provide the very special circumstances under which this application could be considered acceptable.

9.8 An identical structure albeit 0.5m further to the north-east would not need permission and is considered to have the same overall visual impact as the outbuilding sought for retention.

The permitted development fall-back position (what can be built without consent) is therefore considered to be a very special circumstance in this instance and would justify the granting of planning permission.

9.9 Furthermore weight should also be given to the fact that had the applicant constructed the outbuilding in the area of their garden closest to the house and thus outside the Green Belt it would not amount to inappropriate development. The potential impact to the setting of and openness of the Green Belt could however be greater, and more harmful due to the differing land levels within the garden. The outbuilding as constructed currently occupies the lowest part of the site. It is therefore noted that the outbuilding constructed is less harmful in visual terms, and has less of an impact on the neighbouring properties (see section below) than one built outside of the Green Belt which again is considered to amount to a very special circumstance.

9.10 The difference between what has been constructed and what could be built without planning permission is limited. Whilst it does require planning permission, the fact that a very similar building could be built under permitted development, and that such an outbuilding would have a very similar, if not worse impact is a material consideration and does in this instance constitute very special circumstances.

9.11 Whilst the outbuilding as constructed amounts to inappropriate development, given its siting and the topography of the area, it does not have a significant adverse impact on the openness and character of the countryside or this part of the Green Belt.

9.12 As such it is considered that the above offers the very special circumstances required for this to be considered acceptable under Green Belt policies within the NPPF and CS5 of the Core Strategy.

Quality of Design / Impact on Visual Amenity

9.13 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2021) all seek to ensure that any new development or alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.14 The outbuilding is located to the rear of the dwelling, and as such is not visible from public vantage points. To the rear of the application site are open fields, which form part of the Green Belt, there are no noted rights of way to the rear and as such the outbuilding would only be visible from the application site and the gardens of the surrounding properties.

9.15 Where visible it is noted that the outbuilding is largely in keeping with other outbuildings seen within the area, and whilst it is acknowledged that the outbuilding is generous in its overall footprint, given the location of the outbuilding to the rear of the garden, the size of the rear garden and spacing from the dwelling it is not considered to be overbearing or of a mass, scale and bulk that is out of keeping with the area. Outbuildings of various sizes and orientation can be seen across the gardens of neighbouring properties.

9.16 The rear of the site slopes down from the dwelling to the end of the garden, and the land then rises to the rear of the site across the open fields. The outbuilding has been located towards the rear of the site where the land levels are lower than that of the dwelling. When viewed from the dwelling the overall mass and scale of the outbuilding is reduced due to the sloping land level, such that the overall height of the outbuilding is less impactful than were it to be located closer to the dwelling outside of the boundary of the Metropolitan Green Belt.

9.17 On balance it is considered that the retention of the outbuilding would not have a significant adverse impact on the character and openness of the countryside due to the location of the outbuilding and specifically at a lower point of the garden than the dwelling. Were the outbuilding to

be located outside of the Green Belt boundary and closer to the dwellings it is likely that due to the land level being higher, the impact on the openness of the Green Belt and surrounding countryside would be greater.

Impact on Residential Amenity

9.18 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

9.19 The rear gardens of Coniston Road are all generous in length, with the boundaries between gardens being primarily constructed of chain link fences, small trees and hedging and therefore of an open nature, without robust boundary fences. The openness of the rear gardens and as such the potential impact of the outbuilding by way of visual intrusion on the neighbouring properties must be taken into consideration. However it is noted that a boundary fence measuring 2 metres in height could be constructed under permitted development without the express need for planning permission.

9.20 Several neighbour comments have been received in relation to the application, primarily in relation to the impact of the development on the residential amenities of the neighbouring properties, whilst these comments are taken on board, it must be acknowledged that a similar outbuilding built 0.5 metres further away from the boundary, or to a maximum height of 2.5 metres would meet permitted development requirements.

9.21 Whilst the outbuilding would measure 10 metres in length the rear gardens on Coniston Road are very generous in size, and there would be adequate garden retained without the outbuilding including the immediate garden area to the rear of the property that serves as the primary outdoor amenity space. Furthermore any visual intrusion caused by the outbuilding would not be considered to be any greater than if a boundary fence of 2 metres were to be built on the boundary, or if the outbuilding were to be moved 0.5 metres across.

9.22 On balance it is not considered that the outbuilding already constructed would cause a significance adverse impact to the residential amenities of the neighbouring properties by way of loss of light, privacy or causing visual intrusion in comparison to what would be permissible under permitted development. As such the application is in accordance with Saved Appendix 3 of the Local Plan and Policy CS12 of the Dacorum Borough Core Strategy.

Impact on Highway Safety and Parking

9.23 The proposed application does not seek to alter the access or parking arrangements for the property or seek to increase the number of habitable rooms within the property. Furthermore off street parking is provided by way of a private driveway. There is further parking available on street on Coniston Road. As such there are no significant concerns regarding parking or highway safety in relation to this planning application.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.24 It is noted that neighbour comments were received in relation to a number of trees and hedgerows being removed to enable the construction of the outbuilding. In this instance due to the property not being within a Conservation Area, or any trees within the site being subject to a Tree

Preservation Order the removal of a tree or hedge is not restricted and can be carried out without permission being required.

Services

9.25 Neighbour comments have been received in relation to the outbuilding being connected to services. The outbuilding can be linked to services such as electricity and water without any additional planning permission being required, furthermore if an outbuilding is constructed under permitted development this can also be connected to major services.

Ancillary Uses

9.26 Neighbour comments have been received in relation to future uses of the outbuilding and whether it may be used as a standalone dwelling in future. This outbuilding will be for uses ancillary to the dwelling know as 34 Coniston Road and a planning condition will be applied to ensure this in perpetuity. The use of the outbuilding separate to the dwelling would require planning permission.

Removal of Class E Permitted Development Rights

9.27 Considering the assessment that has been made in relation to what could be constructed under permitted development, along with the assessment that something built under permitted development may be more harmful to the Green Belt than what has been constructed it is necessary and reasonable to include a condition to remove Class E Permitted Development rights in this instance.

Response to Neighbour Comments

9.28 Representations have been received and the points raised are summarised below. A number of points which have been raised within the neighbour comments are not planning issues, and as such are not covered in the report above.

- Rear Patio – Concerns have been raised regarding the height of the patio attached to the rear extension and whether this is higher than the permitted 30cm. This is not related to the application being considered and as such should not form part of this application.
- Overdevelopment – a neighbour comment has been received regarding overdevelopment. It should be noted that overdevelopment refers to whether a site can adequately accommodate what is being proposed. In this instance the application site is of a suitable size to accommodate both the extensions to the main dwellinghouse and the outbuilding.
- Building Control – some comments have been submitted in relation to the requirement for building control to ensure that building regulations are met. This falls outside of the planning system and as such is not something that is assessed as part of this application.
- Previous applications – it is noted that an application was received 20/02291/FHA for another outbuilding. This application was withdrawn, however does not impact how this application is assessed.
- Incorrect plans – amended plans have been submitted which show the correct distance from the boundary and with the window in the side elevation
- Security lights – lights can be installed in private gardens without the express need for planning permission and in any event lighting does not form part of this planning application.
- Timings – a number of comments received comment on the discrepancy relating to when the building work was carried out. Whilst this would be relevant if this was an application seeking to prove the constructed outbuilding was lawful due to the time elapsed since construction, this is an application for the retention of the outbuilding, it is not therefore necessary to ascertain when it was constructed. This application has been assessed against the relevant

national and local planning policies and as if the structure were not in situ. No weight has been given the fact this is a retrospective application.

Community Infrastructure Levy (CIL)

9.29 The application is not CIL liable

10. CONCLUSION

10.1 To conclude, it is acknowledged that the constructed outbuilding does not meet the requirements of the GPDO Permitted Development Order. However, what could be constructed through permitted development without the requirement for planning permission is a material planning consideration.

10.2 Having assessed what has been constructed, and what changes would be required in order for it to meet the permitted development regulations, it is not considered that the constructed outbuilding will have a greater adverse impact than what could be constructed under permitted development by way of impact on residential amenities, and the impact on the character of the countryside and openness of the Green Belt. This is considered to amount to very special circumstances.

10.3 Furthermore through the removal of Class E permitted development rights the approval of this planning application will enable the Local Planning Authority to safeguard the openness of the countryside and Green Belt in the future.

11. RECOMMENDATION

11.1 That planning permission be GRANTED

Condition(s) and Reason(s):

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

Drawing no. 300
Location Plan

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the 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. **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 34 Coniston Road and shall not be independently occupied.**

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of

residential accommodation within the site in accordance with Policy CS5 and CS11 of the Dacorum Core Strategy.

4. **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**

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 Borough Core Strategy (2013) and Section 13 of the National Planning Policy Framework (2021).

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Kings Langley Parish Council	The Council objects to this application as it is a substantial building in the Green Belt for which no special case has been submitted.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	7	0	7	0

Neighbour Responses

Address	Comments
28 Coniston Road Kings Langley Hertfordshire WD4 8BU	Dear Dacorum Planning The application is misleading and inaccurate and section 13 states that the declaration is true and accurate This shed- summer house- dwelling was built between June 2020 and October 2020 and I have photos taken during that time showing the shed construction

	<p>It was not built between 6-6-21-1.7.21 as stated in section 6</p> <p>Not sure how you could build this structure which is as big as 2 bed room flat in 24 days</p> <p>It does not have a felt roof but a fibreglass / resin all weather finish usually associated with flat roofs</p> <p>There is a window in the side elevation not shown in the drawings</p> <p>The plans show the shed in a central position but it is in fact situated very close the fence line of 36 Coniston, I have not measured it but it looks about 1 metre and as it is 3.4 mts high it contravenes permitted development in location in addition to its excessive size 58.32 m2 almost double the PD size.</p> <p>I was told that if the shed was not 2 metres from the boundary line its maximum size is only 15m2 I do not know if this correct I was under the impression that it was 30m2</p> <p>Many trees and vegetation were felled and burnt and I remember the sound of a chainsaw past 9pm on a Friday night in June 2020 as I was outside trying to enjoy the late summer evening</p> <p>During this time Mr Ajab also submitted an application for a 101.5m2 structure/house on one level 4.4 metres high half way between this structure and his main house 20/02291/FHA 12.08.20 situated next to the boundary line with 36 with no gap</p> <p>the site drawing from that application did not show this shed 58.3m2 although it was mainly built by August 2020</p> <p>combining the two structures their size would be 160m2 which is a larger floor plan than the existing house</p> <p>Why he did not submit an additional application for this shed/summerhouse I do not know, his architect must have been aware of the permitted development rules which I believe state a garden room/summerhouse has a maximum size of 30m2 and if higher than 2.5metres must be more than 2 metres from the neighbouring fence</p> <p>I have a shed summerhouse which is one room 30m2 2.75metres at the pitch and 2.45 metres from my neighbour's fence at 26 therefore complying with the PD rules</p> <p>To conclude if this is structure is allowed it will set a precedent which will give the green light to large dwellings almost twice the maximum PD size to be built on the green belt and if everyone on this side of Coniston Road built a structure such as this it would spoil the rural setting completely and look like a holiday caravan park</p>
<p>50 Coniston Road Kings Langley Hertfordshire WD4 8BU</p>	<p>The building work was not started in June 2021 - August 2021. The work actually started in the Summer of 2020 and went on for many months, late into the evening and over most weekends and bank holidays, with no regard for neighbours who were all at home during lockdown. The applicant said it was a temporary structure to store tools</p>

	<p>in, which it certainly is not.</p> <p>The applicant answered NO to the question: 'Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?'</p> <p>In fact there are several trees which are well within falling distance.</p> <p>The applicant answered NO to the question: 'Will any trees or hedges need to be removed or pruned in order to carry out your proposal?'</p> <p>In fact many trees have already been destroyed in order to construct this 60m2 building building, ruining the local wildlife habitat and natural scenery.</p> <p>The plan shows the building is 3 metres from the boundary, but it's actually less than 2 metres from the boundary.</p> <p>The building is not a 'shed' as the applicant claims. It has french doors, a large overhang (which aren't show on the drawings). I understand from immediate neighbours that it is fully insulated, and has services running to it. Lights are on during the evening, so it's definitely more than a 'shed'. I suspect its intended use is as a dwelling, which contravenes the Green Belt rules.</p> <p>The building does not have a felt roof - it is a poured rubberised material not used on temporary structures.</p> <p>There are security lights installed on the sides and front of the building, which means the ground and neighbouring gardens are frequently lit up - having a huge effect on the local wildlife, of which there are badgers, foxes, deer and bats.</p> <p>They have already considerably overdeveloped their property: a six metre extension to the rear, loft conversion and a large raised patio area at the rear of the house which also requires planning permission due to its height above ground (over 30cm).</p> <p>The building is 58.3m2 and 3.4m high - which is far too big and out of character for the area. More importantly, anything larger than 30m2 needs to go through building regulations, a fact that was pointed out to Dacorum building control and planning department in 2020.</p> <p>The structure is on green belt land and, if approved, it will set a precedent in the road for everyone to build huge outbuildings, which have a huge negative impact on the local ecology.</p>
<p>8, Wander Wharf, Wander Wharf Wander Wharf Kings Langley WD4 8SL</p>	<p>This 'shed' is less than 2 metres from the boundary line with No 36 (not 3 metres as on the plans)</p> <p>It is on Green Belt land and could well set a precedence for more building on the gardens on this side of Coniston Road.</p> <p>The 'shed' has had permanent services channelled down to it and has at least one light inappropriately set to shine over the bottom of the garden of No 36.</p> <p>There has been no thought given to the detrimental affect the light has</p>

	<p>on the wildlife that always come into the gardens or to the fact that it shines directly onto the rear of the garden of No 36 intruding on their privacy and their right to the rural aspect that their property has always had.</p> <p>There has been a number of inaccuracies submitted such as..... The close proximity to No 36 as mentioned before. The roof has not been constructed with felt but has a permanent rubberised roof covering. The 'shed' was constructed in 2020 and not in 2021 as stated. The 'shed' is substantially larger than on the drawings.</p> <p>If this planning is passed, with all the inaccuracies, does this mean that other constructions can automatically go through eventually without any action being taken?</p> <p>Although I now live in another part of Kings Langley I still have a close connection to this property.</p>
<p>26 Coniston Road Kings Langley Hertfordshire WD4 8BU</p>	<p>My objection to this application is that a substantial (it has a footprint of nearly 60 square metres) and permanent building (i.e., it is not a "shed") has been inappropriately constructed, without permission, on protected green belt land.</p> <p>Additionally, the submitted documents contain a number of inaccuracies, for example: the construction dates, the location of the building with respect to the property boundaries, the actual building design (including materials), and information on the removal of trees.</p>
<p>32 Coniston Road Kings Langley Hertfordshire WD4 8BU</p>	<p>A few years ago a neighbour further up Coniston Road intended to construct a large outbuilding in their garden and I objected on the grounds that it was green belt land and out of keeping with the area. Unfortunately I feel I must object to this development for the same reasons:</p> <p>This outbuilding is substantially constructed and large, and is not a temporary building such as a greenhouse or shed. It is inappropriately sited on green belt land at the bottom of the garden at number 34 and is visible from my property. Very bright lights shine from this on occasion leading me to think that services may have been laid to this construction, and leading to light pollution and potentially disturbing the local wildlife of which there are many species at a micro level including two types of deer and more than one species of bat.</p> <p>A temporary structure such as a modest summer house would have been a better option, in my opinion. In addition, although not necessarily pertinent to the consideration of this case, is that for the last two years the immediate neighbours have had considerable noise and dirt to contend with. Internal and external building work continues to take place at number 34 at any time of any day and evening up to late at night, including during Saturdays, Sundays and Bank Holidays.</p>

<p>36 Coniston Road Kings Langley Hertfordshire WD4 8BU</p>	<p>Our objections to the building at the bottom of the garden at 34 Coniston Road are as follows:</p> <p>Situated on greenbelt land and impacts on our rural aspect</p> <p>Not positioned as shown on the plans and less than 2meters from our boundary</p> <p>Considerably larger than stated on the plans and fears that this might set a precedent for future constriction</p> <p>Appears to be a summer house with a veranda rather than a shed</p> <p>Constructed from combustible materials</p> <p>Permanent rubberised roof covering not felt as stated in the plans</p> <p>Permanent services buried in channel the length of the garden</p> <p>Powerful lights including one on the side shining directly into our garden impacts wildlife such as deer, badgers and foxes</p> <p>The building was constructed in 2020 beginning in July, not in 2021 as stated</p>
<p>30 Coniston Road Kings Langley Hertfordshire WD4 8BU</p>	<p>The information on this application is inaccurate in many ways: The applicant has stated that the building work was started in June 2021 - August 2021. The work actually started way back in the Summer of 2020 and went on for months on end, late into the evening sometimes, and over most weekends and bank holidays. This was extremely disrespectful to all neighbours especially seeing as we were all on lockdown and unable to escape the noise and disruption. Neighbours were informed it was just going to be a temporary structure to store tools in. (but it is clearly not temporary).</p> <p>The applicant has answered number 6 in the application incorrectly:</p> <p>'Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?'</p> <p>The applicant answered 'no'. In fact there are several trees which are well within falling distance.</p> <p>The second question in this section of the application asks: 'Will any trees or hedges need to be removed or pruned in order to carry out your proposal?' - The applicant answered 'no'. In fact very many trees have already been destroyed in order to construct this building, ruining the local wildlife habitat and natural scenery.</p> <p>The drawing the applicant has submitted is inaccurate. It shows the building around 3 metres from the boundary, but it's actually less than 2 metres from the boundary. (Hence requiring planning permission). This severely impact the neighbouring property and is a huge blot on the otherwise beautiful, natural landscape.</p>

The description of the building is inaccurate. The applicant claims this is a shed. It is clearly more than a shed. It has french doors, a large overhang (which aren't show on the drawings) and I assume will have a veranda when fully completed. I believe it is fully insulated, and also believe it has some sort of services running to it because I recall seeing a trench being dug with cables being laid. Lights are seen on during the evening, so it's definitely more than a 'shed' as stated, and I am worried it could be used as a dwelling in the future (which contravenes the Green Belt rules).

The application also says the building has a felt roof - this is also incorrect. It is some sort of poured rubberised material. (Not something you would see on a temporary structure).

There are security lights installed on the sides and front of the building, which means the ground and neighbouring gardens are frequently lit up - having a huge effect on the local wildlife, of which there are badgers, foxes, deer and bats.

The construction of this outbuilding has caused significant disruption to neighbours with hammering and other loud building noises continuing into the night and throughout weekends and bank holidays for months on end. On top of this (unrelated to this case) building work on the house itself has continued for almost two years - again causing a lot of stress, dust, dirt and disruption to neighbouring properties.

They have already considerably overdeveloped their property in my view. With a six metre extension to the rear, loft conversion and have also built a large raised patio area at the rear of the house (unrelated to this case I know) which I also believe requires planning permission due to its height from the ground being over 30cm, but none has been granted as far as I can tell.

Claiming it is a 'shed' down-plays what it will be used for, and it's impact on the landscape and local ecology. It is 58.3sqm and 3.4m high - which is far too big and out of character for the area. Anything larger than 30sqm needs to go through building regulations.

The structure is on green belt land which worries me greatly. If this is approved, it sets precedence in the road for everyone to build huge outbuildings, which will destroy a lot of the local nature and totally change the landscape and views over the open countryside.

ITEM NUMBER: 5h

22/00710/FHA	Proposed first floor extension, front gable extension and rooflights and rear dormer windows	
Site Address:	Ponderosa, Barncroft Road, Berkhamsted, Hertfordshire, HP4 3NL	
Applicant/Agent:	Mathew Hicks	Christian Olley
Case Officer:	Cris Lancaster	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Objection from Berkhamsted Town Council	

1. RECOMMENDATION

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

2. SUMMARY

2.1 The property, Ponderosa, received planning permission for a first floor extension and a new front entrance under reference 21/00399/FHA and this development is currently under construction. The proposed development involves additions to this in terms of roof level additions and an amendment to the front gable extension. It is considered that the proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the National Planning Policy Framework (NPPF) (2021).

3. SITE DESCRIPTION

3.1 The site was occupied by a single storey detached dwelling located on Barncroft Road in Berkhamsted. The property is subject to previously permitted first floor and front extension which is currently being implemented which will result in a two-storey development. The surrounding area is predominately residential in character

4. PROPOSAL

4.1 This application seeks full householder permission for a first floor extension, front gable extension and front and rear roof-lights and rear dormer windows. The proposal is a change to 21/00399/FHA which received permission on 25th March 2021 and which is under construction. In addition to the rear dormer windows and the front roof-lights the external cladding at first floor has been changed from vertical timber cladding to horizontal grey composite weatherboarding. The application has been further amended during consideration by the removal of one rear dormer and substitution by rooflights

5. PLANNING HISTORY

Planning Applications (If Any):

21/00399/FHA - First floor extension, new front entrance projection and alterations to existing house.

GRA - 25th March 2021

21/04544/ROC - Variation of conditions 2 (approved plans) and 3 (Materials) attached to planning permission 21/00399/FHA (First floor extension, new front entrance projection and alterations to existing house.)

Condition Number(s): 2 and 3

Conditions(s) Removal:

We want to make some minor changes to the previously approved design.

Condition 2 lists the drawings which were approved previously - we want to revise some of the drawings and therefore change the list to include the latest drawings with new revision numbers.

Condition 3 refers to materials for the proposed development - We want to change the proposed material for the external cladding and the colour of the render.

WDN - 28th January 2022

22/00636/NMA - Non Material Amendment to planning permission 21/00399/FHA - First floor extension, new front entrance projection and alterations to existing house.

WDN - 10th March 2022

4/01429/19/FHA - Proposed first floor extension & alterations

GRA - 8th August 2019

4/00982/18/TPO - Works to trees

GRA - 20th June 2018

6. CONSTRAINTS

BCA Townscape Group

CIL Zone: CIL1

Former Land Use (Risk Zone):

Parish: Berkhamsted CP

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

RAF Halton and Chenies Zone: Red (10.7m)

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

Residential Character Area: BCA12

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

Town: Berkhamsted

Tree Preservation Order: 528, Details of Trees: T4 Western Red Cedar

Tree Preservation Order: 528, Details of Trees: T1 Yew

Tree Preservation Order: 528, Details of Trees: T2 Lawson Cypress

Tree Preservation Order: 528, Details of Trees: T5 Yew

Tree Preservation Order: 39, Details of Trees: A1 - Several trees of whatever species

Tree Preservation Order: 528, Details of Trees: T3 Lawson Cypress

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
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
Saved Appendix 3
Saved Appendix 7

Supplementary Planning Guidance/Documents:

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

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located in a residential area of Berkhamsted. Core Strategy (2013) Policy CS4 states that appropriate residential development is encouraged in the towns and large villages.

Quality of Design / Impact on Visual Amenity

9.3 Core Strategy (2013) Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area, seeking to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. This guidance is supported by Saved Appendices 3 and 7 of the Local Plan (2004).

9.4 The surrounding area is characterised by a mixture of detached two storey dwellings and bungalows in a variety of styles, many of which show alterations and extensions.

- 9.5 The proposed extensions would consist of further extending the development subject to an extant planning permission through the addition of roof level accommodation with resultant dormer windows to the rear and front and rear rooflights together with further extension of the previously approved front entrance feature. There is no increase in height from the recent planning permission granted under 21/00399/FHA, which is currently under construction and will result in a dwelling of approximately 8.5 metres in height. The proposal would not extend beyond the existing rear and side elevation. The proposed front gable extension is approximately 0.5 metres wider than the previous permission and, given the set-back from the street, the impact is not considered to be significant.
- 9.6 The rear dormer windows and front and rear roof-lights are considered to be subordinate to the resultant dwelling.
- 9.7 Due to the set back from the public realm by approximately 7 metres, the development is not considered to have a detrimental impact on the character and appearance of the existing dwelling or the surrounding area. When viewed from the street the changes involve the addition of rooflights and a small increase in the width of the entrance feature which is already subject of an extant planning permission.
- 9.8 The proposal is considered to harmonise with the existing dwelling and the surrounding street scene as the proposal is not prominent when viewed along Barncroft Road. Therefore, it is not considered to result in a massing that would be unduly prominent or out of keeping within the character and appearance of the existing dwelling or the surrounding area.
- 9.9 It is considered that the design, layout and scale of the proposed development respects that of the existing and surrounding dwellings. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2021) in this regard.

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 sited approximately 9.4 metres from the neighbouring property at White Whip. No fenestration at first floor is proposed to face towards this neighbouring property. The proposal would not extend beyond the existing front, side and rear elevations at first floor. No new side facing windows are proposed. Considering the above, it is unlikely that the proposal would have a significant impact on sunlight / daylight, overlooking or overshadowing to that property.
- 9.12 The property is over 20 metres from the rear of No. 1 Crossways, which lies to the east and a greater distance from the Ridge which lies to the south. The development has been amended after submission and one rear dormer window has been removed and replaced by two small rooflights. All potential overlooking is at an oblique angle and at a distance of over 20 metres, which is not considered to have an adverse impact on privacy.
- 9.13 Taking the above into account, it is considered that the proposal will be acceptable with respect to the impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

- 9.14 There would be no changes to the existing access, nor any changes that would affect the adjoining highway. In terms of parking, the parking standards are comprised within Appendix A of the Parking Standards Supplementary Planning Document (SPD) (2020).
- 9.15 The existing dwelling comprises three bedrooms, as a result of the proposed development there would be five bedrooms. However, the proposed development will not affect the local parking capacity as this five bedroomed detached dwelling has a substantial area of hardstanding located to the frontage of the subject property. This area can accommodate at least three vehicles. In addition, the existing garage would be retained to accommodate at least one internal parking space.
- 9.16 It is considered that the proposed development will not have a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Appendix A of the Parking Standards SPD (2020) and the NPPF (2021).

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.17 The existing trees surrounding the application site are subject to Tree Preservation Orders (TPO's) and would be retained on site. The proposals would have no detrimental impact upon any trees or landscaping features of significance in accordance with Policies CS12 of the Core Strategy (2013).

Response to Neighbour Comments

- 9.18 Three letters of objection were received that raised the following issues:
- Development too high
 - General dislike of proposal
 - Loss of privacy
 - Out of keeping with character of area
 - Over development
- 9.19 The Town Council also raised an issue of loss of amenity without being specific and considers the proposal to be overdevelopment.
- 9.20 The issues raised have been considered in the report above.

Community Infrastructure Levy (CIL)

- 9.21 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application is CIL liable as it would result in more than 100 square metres of additional residential floor space.

10. CONCLUSION

- 10.1 To conclude, the proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. No significant impacts are identified in relation to car parking or highway safety. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the Parking Standards SPD (2020) and the NPPF (2021).

11. RECOMMENDATION

- 11.1 That planning permission 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:**

BCH20 110; 115A ;500F; 501H; 502K; 503E; 504A

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

- 3. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The Committee objected on the grounds of (a) overdevelopment of the site and (b) loss of amenity to the adjoining properties.</p> <p>CS12</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
7	3	0	3	0

Neighbour Responses

Address	Comments
Crossways Berkhamsted Hertfordshire HP4 3NH	<p>I am writing to object to this recent amended planning application on the following points.</p> <ul style="list-style-type: none"> - The proposed changes to the plans are a gross overdevelopment of the existing small 1 story bungalow and of the previous submitted plans - The resulting 3 story building will dwarf surrounding properties and is out of keeping with the character of the area - The addition of large dormer windows at the rear of the property would provide a clear line of sight into our back garden resulting in significant loss of privacy and a detriment to our residential amenity - The large dormer windows would also look downwards into 3 of our bedrooms resulting in unacceptable intrusion and loss of privacy - As well as the unfavourable impacts on our property the proposed development would also adversely impact surrounding properties on Crossways, Barncroft and Shootersway, most notably 1 Crossways and Whitewisp, resulting in unacceptable loss of privacy, natural light and social amenity. <p>In addition, it appears the developer has taken a disingenuous approach to these final plans via a series of incremental submissions each increasing the height, scope and adverse impact of the development.</p>
White Wisp Barncroft Road Berkhamsted	<p>We live next door and are extremely affected by the development which badly reduces the amount of afternoon sunshine that we receive in our living area. The proposed dormer windows at the rear of the property</p>

<p>Hertfordshire HP4 3NL</p>	<p>will further affect our light. These dormer windows will also overlook our sun terrace and back garden. The overall development has changed a single storey building with a low roof into a triple storey house which is a gross overdevelopment.</p>
<p>Skerries Darrs Lane Northchurch Berkhamsted Hertfordshire HP4 3TT</p>	<p>Impact of Existing Consent ref. 21/00399/FHA Since the application for a first floor extension to the existing bungalow was permitted in 2021 (ref. 21/00399/FHA) the building works have started.</p> <p>Minimal consideration was given to the residents at 1 Crossways within the delegated report for the proposals at Ponderosa and even though there is a distance of 23 metres, the addition of a full storey at Ponderosa has completely removed all of the evening sun which my clients previously enjoyed. No site visit was made to 1 Crossways to understand the impact of this application.</p> <p>The rear of 1 Crossways is West facing and as such the development of Ponderosa has hugely impacted the sunlight into the rear of 1 Crossways, not only is the evening sun reduced into their once light living space but also the evening sun is lost into the patio area which is the main amenity space enjoyed by the residents directly to rear of the property for dining.</p> <p>This has negatively affected the enjoyment of the property by the residents.</p> <p>Current Application 22/00710/FHA</p> <p>This current application comes as a further addition to the roof by three large dormers. The plans do not show the ridge height being extended but they do show three large windows at a considerably higher level than the first floor rear windows which have already been permitted. The eye level of the permitted rear windows is some 4 metres, but the proposed eye level of the dormer windows would be 7 metres. This would significantly increase the overlooking opportunity in the rear of 1 Crossways.</p> <p>The effected rooms would be the main windows (rear facing) of the Master bedroom and my client's teenage daughter's bedroom window (rear facing). Given the third-floor level of the additional dormer windows, they would look down into these bedroom windows affording the occupiers absolutely no privacy. This privacy has been enjoyed up to now.</p> <p>Very specifically Saved Appendix 7 of the local plan requires rear extensions to be of high design standards to safeguard amenities in the public interest. In particular, this policy requires that extensions MUST take into account individual site factors such as orientation. The orientation of the plots means that these large dormer windows to the rear of Ponderosa would seriously harm the residential amenity of 1 Crossways by an unacceptable level of additional overlooking.</p> <p>It should be noted that 23 metres is a 'minimum' distance set out in</p>

	<p>Saved Appendix 3 for distances between buildings, however this policy notes that this distance can be increased depending on other factors. Therefore, it should not be a given that just because the back-to-back distance is 23 metres then privacy is retained.</p> <p>Applications in the immediate surrounding area for two storey extensions have all been required to have Velux windows in the roof in order to reduce the opportunity for this increased overlooking. For consistency, this policy should be applied in this case.</p> <p>Site visit request It is impossible to perceive the impact of the dormer windows by looking at the plans and google maps and therefore we request that the case officer makes a site visit to 1 Crossways to understand the relationship of the properties and to make a full assessment of the impact of these additional windows at Ponderosa.</p>
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Agenda Item 5i

ITEM NUMBER: 5i

22/00510/FHA	Double storey rear extension	
Site Address:	51 Highfield Road, Berkhamsted, Hertfordshire, HP4 2DD	
Applicant/Agent:	James Grant	Mr Sukhdev Lota
Case Officer:	Laura Bushby	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary views to Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be GRANTED

2. SUMMARY

2.1 The principle of residential development in this location is acceptable, noting the site's location within a designated residential area within Berkhamsted. The proposed two storey rear extension will not have a significant detrimental impact upon the character and appearance of the existing dwelling or the surrounding area. The sympathetic design, form and scale of the proposed development will conserve the Berkhamsted Conservation Area and will be acceptable within the street scene. The impact of the proposal in terms of residential amenity would also be acceptable.

2.2 The proposal would therefore comply with Policies CS4, CS11, CS12 and CS27 of the Dacorum Core Strategy (2013) and Saved Appendix 7 of the Dacorum Borough Local Plan (2004).

3. SITE DESCRIPTION

3.1 The application site is located on Highfield Road within a residential area of Berkhamsted. It comprises of a two storey terraced property with a rear garden. The surrounding area is predominantly residential in character, comprising a mix of terraced and semi-detached dwellings. The site is located within a short distance of Berkhamsted High Street.

4. PROPOSAL

4.1 The proposal is for a two storey rear extension

5. PLANNING HISTORY

Planning Applications:

21/04670/FHA - Demolition of existing rear extension and construction of two storey rear extension
WDN - 10th February 2022

Appeals: None

6. CONSTRAINTS

BCA Townscape Group
CIL Zone: CIL1
Berkhamsted Conservation Area
Listed Building, Grade: Local,
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA2
Parking Standards: New Zone 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

9.2 The application site is located within a residential area of Berkhamsted, whereby in accordance with Policy CS4 appropriate residential development is acceptable in principle subject to a detailed assessment of the impact.

Quality of Design / Impact on Visual Amenity

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2021) all seek to ensure that any new development or alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process. The impact of the development proposals on local conservation areas must also be assessed as required by section 72(1) of the Act.

9.5 Paragraph 199 of the Framework states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development. Policy CS27 requires development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.6 Due to the location within the Berkhamsted Conservation Area the Conservation and Design officer was consulted on this application. The proposal is for a two storey rear extension, which by the nature of its location to the rear of the property is not clearly visible from public vantage points. Whilst the proposed extension would be partially visible from Holly Drive, it would not have an adverse impact on the Conservation Area. The Conservation and Design Officer considered that whilst the design of the proposed rear extension is contemporary and whilst 2-storey extensions are normally expected to feature a traditionally pitched (not flat) roof, in this case the overall design works well and the relatively compact and subordinate nature of the first floor element will preserve the character and appearance of the Conservation Area. The proposal would have a neutral impact on the character, appearance and historic interest of heritage assets (conservation area).

9.7 It is noted that there are a number of different roof forms and designs visible to the rear of Highfield Road, including various additions to existing properties in the immediate vicinity and here is an existing flat roof two storey rear addition several doors away in the same terrace. There is no uniformity in roof design and the proposed flat roof first floor addition would not therefore adversely impact upon the visual amenity of the existing area by virtue of the design, mass, scale and bulk of the proposed extension.

9.8 As such, the application is in accordance with Policy CS11, CS12 and CS27 of the Dacorum Borough Core Strategy. Furthermore, given the above assessment, it is considered that the proposed development preserves the character and appearance of Berkhamsted Conservation Area, to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

9.9 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.10 Neighbour comments have been received in relation to the proposal from both No. 49 and No. 53 who have raised concerns regarding the impact of the proposed extension on their residential amenities by way of the loss of light to the rooms to the rear of the property.

9.11 The application site currently has an existing rear extension measuring 3 metres in depth and 3.8 metres at the highest point on the boundary with No. 49, it has a mono-pitch roof which slopes down towards the boundary with No. 53.

9.12 The proposed extension will, at ground floor extend almost the full width of the property, with a modest set in from the boundary of No. 53 of 0.7 metres. At first floor the set in increases to over 2 metres at the boundary with No. 53 and 1 metre to the boundary with no. 49. Plans have been submitted that show the 45 degree line in plan form is not breached from the nearest first floor window of both neighbours. No 45 degree elevational plans have been submitted, however given the flat roof design and the fact the first floor element is set in it is unlikely to result in any significant loss of light or appear unduly prominent, especially when compared to the existing situation.

9.13 In this instance the existing situation is a key consideration and specifically in relation to the impact on No. 49. The existing single storey mono-pitch structure is higher (than the proposed single storey rear extension) and sited on the common boundary such that it already has a significant adverse impact on the adjacent properties, particularly No. 49 which occupies a lower position. The reduction in height of the extension at the boundary with No. 49, will offer significant relief to the windows at the ground floor and allow more light to reach them, which would be a betterment when compared to the existing situation. The same would apply to the immediate rear garden area.

9.14 It is acknowledged that the first floor element proposed is higher than the existing single storey structure but it is now set 1m away from the boundary with No. 49 which would soften its overall visual impact and ensure it would not appear unduly prominent or visually intrusive. The flat roof design would also help minimise any adverse visual impact.

9.15 Given the favourable orientation and the set in from the common boundary the proposals would not have a significant adverse impact on the rear facing windows or garden area of No. 53. There would be no breach of the 45 degree line in plan or elevation from the ground or first floor windows of No. 53.

9.16 with regard to the single storey element of the proposal it is important to note that a single storey rear extension 3m in depth and 3m in height could be constructed without the need for planning permission and this is a material consideration.

9.17 On balance, it is not considered that the proposed application will have a significant adverse impact on the residential amenities of the neighbouring properties by way of loss of light, privacy or causing visual intrusion, especially when compared to the existing situation. As such the application is therefore in accordance with Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy.

Impact on Highway Safety and Parking

9.18 As a result of the proposed extension there will be no increase in the number of bedrooms, therefore no increase in the parking requirement for the dwelling. The current informal on-street parking arrangements will be maintained, therefore the development will have a neutral impact on local parking provision.

Conditions

9.19 The Conservation and Design officer has requested further details of the parapet and window design. These details would be secured via an appropriately worded condition, should planning permission be granted.

Response to Neighbour Comments / Town Council

9.20 These points have been addressed above. The town council expressed concerns in relation to the impact of the extension on the residential amenities of adjacent properties and that the 45 degree test has not been applied to the ground floor extension. A single storey rear extension of identical size to that proposed could be constructed under Class A permitted development rights without the need for formal planning permission. This is a material consideration.

Community Infrastructure Levy (CIL)

9.21 The application is not CIL liable.

10. CONCLUSION

10.1 To conclude, it is considered that the proposed application will preserve the character and appearance of the existing dwelling, street scene and wider Berkhamsted Conservation Area. The extension will not have a significant impact on the residential amenities of the neighbouring property or highway safety and as such is in accordance with Policy CS4, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy.

11. RECOMMENDATION

11.1 That planning permission be GRANTED

Condition(s) and Reason(s):

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

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

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

HR15

HR16

HR17

HR18

Location Plan

Design and Access Statement

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 development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. **No development (excluding demolition/ground investigations) shall take place until details of the parapet walls and windows to be used in the construction of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained as such.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the Conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The existing dwelling is a mid-terrace Victorian property of brown brick construction with sash windows, it is two storeys with a slate roof. To the rear is a single storey extension with monopitch roof, possibly late 19th or early 20th century. It lies within the Berkhamsted Conservation Area.</p> <p>The proposal entails demolition of the existing rear extension and the construction of a new extension, single storey and part two storey. The single storey element covers almost the full width of the plot whilst the 2-storey part is set in.</p> <p>The design of the proposed rear extension is contemporary whilst referencing the traditional materials of the property and will be built in brick to match with a GPR roof concealed behind a brick parapet. Whilst 2-storey extensions are normally expected to feature a traditionally pitched (not flat) roof, in this case the overall design works well and the relatively compact and subordinate nature of the first floor element will preserve the character and appearance of the Conservation Area.</p> <p>What is not clear from the plans is how the parapet roof of the extension will relate to / be built into the existing roof; also it would be expected that the parapet brick detailing to the first floor extension shown on the rear elevation would continue round on to the side elevations?</p>

	<p>The proposal is considered to preserve the character and appearance of the Berkhamsted Conservation Area in accordance with policy CS27.</p> <p>If approved a condition requiring brick to match existing. A condition requiring details of the parapets and windows subject to be subject to approval.</p>
Berkhamsted Town Council	<p>Objection</p> <p>The Committee objected to the loss of amenity to the neighbouring properties in terms of light and were concerned that the 45 degree rule had not been applied to the ground floor extension in the proposed scheme.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	2	0	2	0

Neighbour Responses

Address	Comments
53 Highfield Road Berkhamsted Hertfordshire HP4 2DD	<p>PLANNING APPLICATION 22/00510/FHA</p> <p>The submission 21/04670/FHA was withdrawn in January 2022 for further consideration by the architects and the residents. This application has only one new element namely, a reduction in the length of the proposed extension by 50cm. No other changes are offered. Comments regarding the roof form, detailing and spurious claims by the architects have not been addressed. The town council objections regarding the character of the conservation area have been ignored. The concerns of Berkhamsted Council with the overbearing mass and bulk of the extension have been met with a reduction in length of the building by 50cm.</p> <p>My objections as the occupant of No. 53 Highfield Road since 1987, were detailed in the submission in January. They remain substantive and are three-fold.</p> <p>1. - Overshadowing and visual intrusion - as the occupant of 53 Highfield Road for over 30 years, I object to the overbearing nature of the proposed ground floor extension for No.51. The architects have vigorously applied the 45degree rule to the upper storey proposal in the direction of No. 49. They have neglected to apply this with regard to the lower floor proposal in the direction of No.53. In their drawing HR12, the addition of a 45degree line completely overshadows the kitchen door</p>

	<p>and window of No.53. There is a puzzling and inaccurate claim by the architects that a 70cm gap has been left between the new structure and the boundary with No.53 in order to facilitate the neighbour's view - this is not so - it is to allow the occupants of No.51 access to the current right of way easement across the rear of No.53.</p> <p>2. The architects design continues to be at odds with the Dacorum Local Plan 2011. It states that "extensions to dwellings will be expected to complement the parent building in terms of its design features and architectural style". I fail to find a reference to this plan in the DBC Planning Department comment of 9 February 2022, other than the questioning of the architects' bizarre proposal to place slates on a flat roof.</p> <p>3. The new proposal has repeated all of the architect's original and erroneous offerings of local comparative extensions.</p> <ul style="list-style-type: none"> - only four of the 60+ houses in the road have three storeys, not "many". - It is patently untrue that "it is reasonable to state that the new structure will have a lower impact on the neighbouring dwellings". - pg7 of the architect's submissions has five photos showing extensions to small houses - none of them are actually from Highfield Road or even Berkhamsted. - pg12 depicts a similar two box extension to No.41 Highfield Road - this is offered as supporting evidence - unfortunately, this was erected over half a century ago and I suspect that planning practice and guidance has evolved considerably in 50 years. - pg8 of the proposal has "it is reasonable to state that the development will coincide with the standards of the Berkhamsted Conservation area" - I am unable to see how a two box, flat roof plan meets these standards. <p>As a resident of over thirty years, I object to the proposed current design. Reference to the Dacorum Local Plan 2011 is absent in the architects' submission.</p> <p>The additional Considerations (pg.10) by the architects refer to "multiple discussions...with neighbours where it was agreed that...a reduction in depth from 3.5m to 3.0m would be deemed necessary". Amicable discussions took place but there was no agreement on this 0.5m reduction whatsoever. This is not correct as reported by the architect. Secondly, the claim that "there will be no overshadowing (of No.53) created by the rear addition regardless of the depth" is posited as an issue of geographical orientation and sunlight. This is not so. The issue of daylight and overshadowing has been swept aside, possibly deliberately.</p> <p>There are ways of improving a home other than by an absent architect pasting in a stock solution which attempts to bypass the quality of local planning practice, the sensibilities of a conservation area and the engagement of the neighbourhood.</p>
49 Highfield Road Berkhamsted Hertfordshire	This Comment was expressed in a letter which was send to Planning Hemel Hempstead as well as in an email send to the Town Clerk of Berkhamsted-

HP4 2DD

I would like to respectfully object to the planned extension. My kitchen and bedroom are right next to the new planned double storey extension, which would result in a substantial loss of sunlight into my property. My property dated from 1861 has small windows and is already quite dark and cold inside. Due to the position of my kitchen, I am already without light for much of the day and this lack of light will also extend to my bedroom.

On page 10 1.Reduction in Depth the architect Mr Sukhdev is mentioning " It is important to reiterate that the extension is an improvement on the level of overshadowing in comparison to the poor-quality existing structure." I would not call the existing structure poor as this a very solid structure which has been there since the day I moved into nr 49 and won't be falling over anytime soon. On page 10 Layout Proposal and Scale it is said that there is a reduction of height from 3.92m to 3, this concerns the ground floor extension, on the other hand the top floor extension will be well above the existing 3.92m and this will have a substantial impact on my sun light not only inside my property, but this will also put me into the shadows on my patio outside of my kitchen. It is in my believe that the submitted project photos which are showing the shadow lines to my property are incorrect and therefor quite deceiving.

Besides the above concerns I also am really having a privacy issue with the top part of the proposal. It will be significantly protruding and as it has a long rectangle window with what seems to be clear fitted glass, this would have a negative impact on my privacy in my garden, which is something I value greatly. There also is no indication as to in what way the top floor window opens. It appears out of balance with the existing windows on the terraces on this side of the house.

Another concern I would like to express is the style of this project. It is in my believe that the existing structure is more in harmony with its surroundings compared with the new plan, which really is just a block on top of a block and looks out of character and has no place in our Berkhamsted conservation area.

Preserving the old beautiful Berkhamsted town should always be a priority and appreciated by anybody who desires to live here. While I have great respect for my neighbours and only have pleasant things to say about them, due to the above reasons, I unfortunately have no other choice than to object to the proposed planning.

As stated in my previous objection; The present wall has been there since I moved into my property December 1989. I have a stone out-house with a roof that consists of the original slates and is of the same time-period as the cottage itself. This outer building not only connects directly onto my house but also connects directly onto the wall which these plans intend to demolish. I would not want this outer building, which is part of the character of my house to be damaged in any way. My kitchen also connects to that same wall. This is as you understand an extremely old cottage, and for that reason it gives me concerns/worry that through the work of the demolishing/building next door my side could very well end up with damage.

ITEM NUMBER: Item 5j

22/00179/FUL	Loft Conversion	
Site Address:	7 Orchard Court, Bovington, Hertfordshire, HP3 0SD	
Applicant/Agent:	Paul Fountain	Neil Kaufman
Case Officer:	Jane Miller	
Parish/Ward:	Bovington Parish Council	Bovington/ Flaunden/ Chipperfield
Referral to Committee:	Officer recommendation contrary to the views of Bovington Town Council.	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application site is located within the large village of Bovington wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the street scene/area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The dormer window would not result in a significant loss of privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8 CS11, CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site is located in the north western corner of Orchard Court, within a residential area close to the High Street in Bovington. The site comprises a first/top floor flat, part of a small development of 8 flats with parking granted under planning reference 4/0740/88.

4. PROPOSAL

4.1 This application seeks permission for a loft conversion with rear dormer.

5. PLANNING HISTORY

Planning Applications:

21/04204/FUL - Loft Conversion
WDN - 10th January 2022

4/00740/88 – Construction of 8 single bedroom flats and car parking
GRA – 23rd June 1988.

Appeals: None

6. CONSTRAINTS

Area of Archaeological Significance: 48
CIL Zone: CIL2
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Large Village: Bovingdon
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 (July 2021)
Dacorum Borough 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
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

9. CONSIDERATIONS

Principle of Development

9.1 The application site is located within a residential area of the large village of Bovington, wherein in accordance with Policy CS4 of the Core Strategy (2013) the principle of residential development is acceptable subject to compliance with the relevant national and local policies. The main issues of consideration relate to the impact of the proposal on the character and appearance upon the existing dwelling house, immediate street scene, residential amenity of neighbouring properties and highway safety.

9.2 Taking the above policies into account, the proposal is acceptable in principle.

Quality of Design / Impact on Visual Amenity

9.3 Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.4 The proposal would result in a loft conversion with rear dormer. No. 7 Orchard Court is currently a first floor one-bed flat sitting under a dual pitched roof, within which is an existing loft space. It is proposed to create an additional bedroom within the loft space, accessed via a new internal staircase.

9.5 Given its limited size, set in from the boundaries and set up from the eaves it is considered that the dormer window does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and will use sympathetic materials to match existing.

9.6 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Impact on Residential Amenity

9.7 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.8 Whilst flats do not have permitted development rights and hence planning permission is required in this instance, loft extensions, including dormer windows, can usually be constructed on a dwelling without formal planning permission if the proposal complies with Permitted Development by virtue of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Consequently, dormers are a common feature within residential areas and are evident within the wider context of the application site.

9.9 Drawing OC-73 shows that there are no side windows proposed to the rear dormer.

9.10 The closest adjacent neighbour is the rear elevation of No.58 Chesham Road, which sits behind the site, and is approximately 27 metres in distance from the proposed rear dormer window. The rear of No.58 is already overlooked from a number of adjacent properties, and the proposed dormer window would not result in any significant additional levels of harm when compared to the existing overlooking levels. In addition it is generally accepted that there is a certain amount of mutual overlooking into rear gardens within residential urban areas.

9.11 Overall, due to the height, positioning and separation distance between the loft conversion with dormer window and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

9.12 The NPPF (2019), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), 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.

9.13 No changes have been proposed to the existing site access.

9.14 The proposal would result in an additional bedroom being created within the loft space resulting in a two-bedroom dwelling.

9.16 There is one allocated parking space for No.7 which is sited by the front door. No additional off street parking is proposed. A parking stress survey has been submitted in support of the application. Drawing OC-74 illustrates that there are 8 parking bays (4.8m x 2.4m each) i.e. one allocated parking space per flat plus two visitor bays, with additional parking in the layby as shown on the map of restrictions within the submitted parking stress survey.

9.17 The site is within Accessibility Zone 3, and the car parking standard as set out in the Parking SPD (Nov 2020) is 1.5 spaces (allocated parking) for two bedrooms.

9.18 Whilst it is acknowledged that following the creation of the additional bedroom, there would be a shortfall of 0.5 of an allocated parking space, Orchard Court sits in a sustainable location close to Bovingdon High Street. During her site visit, the planning officer noted that the walk at a gentle pace to the High Street was less than 2 minutes, where there are bus stops, food shops, dentist, primary school, pharmacy, doctor surgery and a library for example. The larger supermarket, Tesco is also very close. This supports the information on the map sent as part of the stress survey.

9.19 In terms of additional parking, if required there is on-street un-allocated parking available close by, beyond Apples Cottages around Old Dean and in Hyde Meadows opposite.

9.20 Taking the above into consideration, whilst acknowledging the slight short fall in allocated off street parking provision (0.5), the site does retain one off street allocated parking space; is located in a sustainable location close to facilities, and there is additional on street parking available in the area. On balance it is not considered that the level of harm due to the slight short fall in off parking provision which would result from the creation of the additional bedroom is at such a level to warrant a refusal.

9.21 It is considered that the proposal would not result in any significant additional parking stress within the area nor would it have an unacceptable impact on highway safety.

Tree and Hedges

9.22 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Archaeology

9.23 The site is located within an Area of Archaeological Significance. Given the nature of the proposal, with no ground works involved, it is considered that there would be no harm to heritage assets. The proposal complies with Policy CS27 in this regard.

Former Land Use

9.24 Former land uses mean there is the potential for the site to be contaminated. However again due to the nature of the proposal, above ground level, there are no concerns in respect of contamination.

Response to Neighbour Comments

9.25 No neighbour comments have been received.

Response from Town Council

9.26 Objection in respect of the lack of parking. See 'parking and access' section above.

CIL Liable

9.27 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.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.28 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.29 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10. RECOMMENDATION

10.1 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:**

**site location plan
OC - 71 existing and proposed elevations
OC - 72 section
OC - 73 proposed floor plans
OC - 74 parking plan**

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.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object - Due to lack of parking (1 allocated space) as per the comments made at our Planning meeting held on 5 January 2022. note: comments previously received from Bovingdon Parish Council in January on previously withdrawn application reference 21/04204/FUL (same proposal)

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	0	0	0	0

Neighbour Responses

Address	Comments
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Agenda Item 5k

ITEM NUMBER: 5k

21/04741/FHA	Construction of single storey front and rear extensions	
Site Address:	Old Village Hall, 87 Flaunden, Flaunden, Hertfordshire, HP3 0PP	
Applicant/Agent:	Mr Jonathon Timlin	Mr Peter Timlin
Case Officer:	Jane Miller	
Parish/Ward:	Flaunden Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Contrary views of Flaunden Parish Council	

1. RECOMMENDATION

That planning permission be GRANTED.

2. SUMMARY

2.1 The application site is located within the small village of Flaunden wherein the proposed development is acceptable in principle, in accordance with Policies CS1 and CS5 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale and design of the proposed alterations are acceptable, they relate well to the parent dwelling, and would not result in any harm to the character or appearance of the Flaunden Conservation Area. The works are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light. The proposals would not result in a significant loss of privacy.

2.3 Furthermore, it is not considered that the scheme would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS5, CS8 CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

3.1 The application site is located on the north side of Flaunden. The site comprises a two storey historic building in the village. The Old Village Hall sits within the Green Belt and Flaunden Conservation Area.

3.2 The Old Village Hall sits adjacent to the highway, with Rose Cottage, a listed building, to the side/rear, however more generally the immediate area is characterised by larger buildings which are set back from the highway and benefit from off street parking provision. These include a number of large detached dwellings within generous plots, The Green Dragon PH, agricultural barns/structures and fields.

3.3 The highway is wide enough for two cars to pass each other when travelling in the opposite direction comfortably.

4. PROPOSAL

4.1 This application seeks permission for the construction of single storey front and rear extensions

5. PLANNING HISTORY

Relevant Planning Applications:

4/01224/78 - first floor side extension – GRANTED 24 October 1978

4/0828/79 - alterations to elevations previously permitted (ref 4/01224/78 dated 24 October 1978 – GRANTED 23rd July 1979

Appeals: None

6. CONSTRAINTS

CIL Zone: CIL2

Flaunden Conservation Area

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Listed Building, Grade: II,

Parish: Flaunden CP

RAF Halton and Chenies Zone: White (Any Development)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

EA Source Protection Zone: 2

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 Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (July 2021)

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

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

Relevant Policies

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment.
CS29 - Sustainable Design and Construction

Dacorum Local Plan

Appendix 3 – Layout and Design of Residential Areas
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Parking SPD (November 2020)

9. CONSIDERATIONS

The main issues to consider are:

Policy / principle / Green Belt Assessment
The impact on the Conservation Area
The impact on the appearance of the existing building
The impact on the immediate street scene
The impact on residential amenity of neighbouring properties
Highway Safety

Principle of Development

9.1 The site 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.

9.2 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 Paragraph 144 says 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' 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.

9.4 Paragraph 145 states that a local authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;

- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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.

9.5 Policy CS5 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.

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.

Green Belt Assessment

9.6 The NPPF considers an extension or alteration of a building as appropriate development provided it does not result in disproportionate additions over and above the size of the original building.

9.7 This application seeks permission for the construction of single storey front and rear extensions. Approximate dimensions for both extensions are 1m depth and 5m width. The front extension will sit below but not beyond an existing canopy and therefore not increase the existing footprint.

9.8 According to planning records a first floor side extension with carport below was granted under reference 4/01224/78, later amended under 4/0828/79 for this site, described as Flaunden Hall Cottage.

9.9 The current proposal will be compact and would not significantly extend the footprint of the existing dwelling or impact on the skyline. Whilst the historic plans are not clear, it is estimated that the property has previously been increased by approximately 55%. The current proposal would result in a very small additional increase over and above this. The front extension is contained within the existing building lines and is an in-fill. The rear is modest in size and viewed against the backdrop of the existing much larger two-storey property such that the proposals are considered proportionate. It is also considered that they would not cause any visual harm to openness in accordance with the above policy.

Impact on the historic environment and street scene

9.10 The site is located within the Flaunden Conservation Area and as such regard must be given to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires

special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.11 The NPPF (2021) Section 16, paragraph 189 states that Heritage assets range from sites and buildings of local historic value to those of the highest significance These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.12 Conservation Areas are designated heritage assets.

9.13 Paragraph 199 goes on to say 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.... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.14 Policy CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Local Plan (2004) reinforces this, seeking 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 Area.

9.15 More generally, Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states permission should be refused for development of poor design especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

9.16 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.17 The proposal would result in a single storey front and rear extension. This would result in the infilling of the existing undercroft to provide for a dining room and office space. The agent advises that this space, open to the road, is currently used to house a workshop, building /garden stores, occasional car repairs, delivery goods and bins.

9.18 In respect of the front infill single storey element, this will sit below and no further forward than the existing canopy. Following concern from the conservation officer and Flaunden Parish Council, the planning officer requested and received amended plans which replaced the originally proposed ground floor arched windows with a window design to match the existing property (see drawing 3A). Further, the new doors, whilst wider are now more solid in appearance. The conservation officer has no objection to the amended drawings subject to materials matching the existing dwellings, secured by condition.

9.20 Whilst visible from the highway, the amended plans are considered acceptable in this part of the Flaunden Conservation Area.

9.21 A 1m single storey rear extension is also proposed at the rear approximately mirroring the width and positioning of the proposed front addition. Roof lights will be inserted into the mono-pitched roof and doors will open onto the existing patio area. This element is not visible from the highway.

9.22 In conclusion, having given great weight to the proposed alterations and the impact these would have on the character and appearance of the Conservation Area, subject to conditions it is considered that they would preserve its character. The development would therefore comply with saved Policy 120 of the Dacorum Local Plan, Policies CS12, CS12 and CS27 of the Dacorum Core Strategy (2013) and the NPPF (2021).

Impact on Residential Amenity

9.23 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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.24 Overall, due to the height, positioning and separation distance between the proposed single storey extensions and surrounding dwellings houses it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and access

9.25 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), 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.

9.26 There are no changes to the number of bedrooms as a result of the proposal so no additional parking is required.

9.27 It is acknowledged that Flaunden Parish Council object to the application on parking issues, see their full comments below.

9.28 The proposal will result in the infilling of an existing undercroft at The Old Village Hall

9.29 The Old Village Hall and the neighbouring properties have boundaries which extend right up to the road edge. The only paved area along the abutment length is in the ownership of the applicant, as shown within the red outline and confirmed by the completion of ownership certificate A on the application form.

9.30 To clarify the paving to the front of Old Village Hall is not a public footpath.

9.31 The proposal would result in the infill of the existing undercroft. In accordance with the Council's Parking Standards SPD (Nov 2020) the existing undercroft area provides for a single parking space only. This is because a parking space needs to be a minimum of 2.4m x 4.8m in size. Whilst two vehicles may currently park in this area, the space is not sufficient in size to meet the SPD dimensions and thus the proposals have been assessed on the basis of a net loss of a single space.

9.32 The proposal does result in the loss of the existing undercroft parking area such that no off-street parking would be retained. However sketch A shows available parallel parking provision

for up to 3 vehicles at the front of the dwelling on the site frontage/highway. The frontage of the site measures approximately 18m. There is already a wide dropped kerb, with a depth of approximately 2m to the proposed front elevation, at the entrance of the existing undercroft thereby enabling cars to mostly park off the highway and within the application site itself.

9.33 There are no parking restrictions along this section of Flaunden lane. Whilst not the case for the Old Village Hall, generally the immediate area is characterised by larger buildings which are set back from the highway and benefit from off street parking provision. This includes a number of large detached dwellings within generous plots; The Green Dragon, a public house, which has a large carpark; agricultural barns/structures; and fields, such that generally there is little on street parking pressure.

9.34 This was the case during the planning officer's site visit when the only vehicle parallel parked on this stretch of the highway, was the car outside the site, The Old Village Hall. It was noted that there was more than sufficient room for vehicles to easily pass the parked car. In addition as set out there are no parking restriction such that with the exception of the area adjacent to the dropped kerb on-street parking is already possible.

9.35 Hertfordshire County Council Highways have advised that Flaunden lane is a 30 mph unclassified local access route and whilst they acknowledged that the proposal would result in the loss of a parking space within the undercroft, they commented that there is highway parking near the site which will slow down traffic and provides enough space for other vehicles to pass. Hertfordshire County Council Highway have no objection on highway grounds to the proposed development.

9.36 Overall, it is considered that the loss of a single parking space would not result in an unacceptable residual impact on highway safety.

Ground Contamination

9.37 Former land uses mean the site has the potential to be contaminated. property. The Council's scientific Officer has been consulted and has no objection on the grounds of land contamination. No additional investigations or conditions are required.

Tree and Hedges

9.38 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Bin Storage

9.39 Flaunden Parish Council object on the ground of bin storage. It is acknowledged that infilling the undercroft would remove the existing bin storage area. However, there would remain sufficient space to the front of the property which could potentially accommodate bin storage. Given the site is located within the Conservation Area, a condition requiring details of the bins storage arrangement is considered necessary and reasonable to ensure a satisfactory appearance to the site/street scene.

Response to Neighbour Comments

9.40 No neighbour comments have been received.

Response from Town Council

9.41 Objection addressed in report.

CIL Liable

9.42 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.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.43 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.44 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10. RECOMMENDATION

10.1 That planning permission

Condition(s) and Reason(s):

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

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

2. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. **Prior to the first use of the extensions hereby approved details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first use and shall thereafter be made permanently available for the occupants of the dwelling.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

1 site location plan

3 A proposed plans, elevation and section (received 14.02.2022)

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

Informatives:

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

2. Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	This is a historic building in the centre of the village. The oldest part of the building from reviewing the brickwork would appear to be the right

	<p>hand bay. Adjacent to this there is what would appear to be a second phase single storey element up to the garage. Above this the first floor and garage element appear to be of one period.</p> <p>At present there would be some car parking in the garage area. The planning officer should decide if there would be a parking issue with its loss.</p> <p>In relation to the design we would not object to the infilling of the garage area. The proposed amendments to the design now mean that the proposal would be considered in keeping and preserve the character of the conservation area. Therefore we believe that the proposal would be considered acceptable.</p> <p>Recommendation: The proposals are acceptable. Materials to match existing and as shown on the application.</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><u>Highway Informatives</u></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: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <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.</p>

	<p>Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <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><u>Comments</u></p> <p>The proposal is for the construction of single storey front and rear extensions at Old Village Hall, 87 Flaunden Hill, Flaunden. Flaunden Hill is a 30 mph unclassified local access route that is highway maintainable at public expense.</p> <p><i>Vehicle Access</i></p> <p>The existing dwelling has a dropped kerb which serves potential on site parking for the dwelling. This on site parking will be turned into a dining room and an office and will mean that the site will no longer have on-site parking. There is highway parking near the site which will slow down traffic and provides enough space for other vehicles to pass. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them. No work should be completed on the adopted highway network.</p> <p><u>Conclusion</u></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.</p>
Flaunden Parish Council	<p>Original Comments;</p> <p>The Parish Council has major areas of concern regarding this application, which are:</p> <ul style="list-style-type: none"> o Infilling two existing off-street car parking spaces and the adverse impact this will have on the highway and road safety. o More vehicles parking on the road, where there is no public footpath, which is hazardous to all road users, particularly

pedestrians. Dacorum's Parking Standards state that the starting principle is that all parking demand for residential development should be accommodated on site. Heritage or planning statements have not been provided with this planning application, nor have the applicants provided appropriate evidence for consideration by the Council to justify the removal of the two parking spaces and lack of provision for parking.

Having reviewed the amended Plans and Drawings, no justification has been made for the removal of the two parking spaces that the property currently benefits from. The site does not have a driveway and removing the parking area will mean there is no on-site parking for this 4-bedroom property.

Section 8 of the Application Form refers to section 3 (see below) and states that there is no change to the existing parking arrangements, but this is clearly not the case. The addition of a single storey extension where the carport is sited, will remove all off-street parking facilities for this property.

Section 3 (Description of Proposed Works) of the Application Form states that:

"The proposed works provide internal alterations to provide a dining room and Office/Work space in place of the present storage shed/general storage/car repair and House maintenance." ... "The area can be accessed from the main Road and is thought to be an historic arrangement to allow village Hall visitors to park and passes under the first floor of the building. The parking space is now the house garden and is blocked off at the rear of the house. Access to the main road is made unsafe by there being no sight access to the west onto the main road because of neighbour's site ownership restriction.

An unusual feature of the applicants site ownership is that it extends to the kerb of the road i.e. there is no public pavement across the house frontage ... the existing stone pavement belongs to the applicant. If necessary this could provide dedicated lateral parking. In practical terms in this rural area, on road parking is seen to be the safest solution. There is public paving on the other side of the main road."

Contrary to the applicant's statement above, there is no public paving on either side of the road outside of The Old Village Hall. The Parish Council have provided photos of both sides of the road for clarification purposes. On-road parking would result in pedestrians walking in the middle of the road to avoid the parked cars, making it hazardous for pedestrians and horse riders. Nor is there enough frontage to provide dedicated lateral parking.

We believe the planning policy quoted below on provision of parking for new homes, should also be relevant in regard to the removal of parking facilities at existing properties.

The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) 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. Policy CS12b) specifically requires that on each site, development should provide sufficient parking and sufficient space for servicing.

The Parking Standards Supplementary Planning Document (2020) outlines the Council's car parking standards, noting that a four-bed dwelling in this rural location would be expected to provide 2 off-street car parking spaces. This proposal has not taken on board these policies and standards, and if agreed, would generate highway and pedestrian safety concerns. Removing any off-street car parking provision would fail to secure sufficient parking provision for future occupiers of the site.

Consideration has not been given to the fact there is no off-street parking available in this part of the village of Flaunden, further vehicles on this very narrow road are likely to inhibit the movement of refuse vehicles or emergency services and obstruct visibility requirements. Having more cars parked on the road will increase congestion and adversely impact highway safety. The properties in the surrounding area all have provision for private parking off-road. The additional vehicles on the road would affect the setting of the neighbouring listed buildings within the Conservation Area.

The property is over 200 years old and was Flaunden's former Village Hall, as such contributes to the character and appearance of the Conservation Area and therefore forms part of its significance. We are also concerned about the design of the windows and door in the proposed extension, which do not relate in style to the rest of the property or adjacent listed property. It is therefore, the opinion of the Parish Council that the design and appearance of the proposed extension is considered to be inappropriate and does not contribute positively to the Flaunden Conservation Area.

Flaunden Parish Council strongly recommends refusal of this application.

Additional Comments:

PLANNING APPLICATION: 21/04741/FHA (Re-consultation)

The Parish Council has reviewed the Parking Stress survey as well as

	<p>version 3A of the proposed plans that have been submitted. Contrary to what is stated in the Parking Stress survey, the car port is regularly used for the parking of two cars. Furthermore, the survey does not redress the fact that there is not enough frontage to provide dedicated lateral parking. Sketch B indicates that cars could be parked on the pavement, but the pavement isn't wide enough for a car, as proven in the image below (taken from Google Street View - January 2021).</p> <p>The applicant states that "no other method other than roadside parking may have been used since conversion of the building to a residence many years ago." However, when the property was listed on Rightmove in October 2015 there is a photo showing two cars in the car port, so this statement is incorrect:</p> <p>In the photo below (taken in the last few days), you can see quite clearly that two cars are kept in the car port and another car is parked just outside the property.</p> <p>The Parish Council would like to point out that by infilling the car port it would remove any access to the rear of the property and bins would need to be brought through the house, there would be no suitable storage area at the front of the building.</p> <p>We are also concerned about the design of the windows and the double door in the proposed extension, which do not relate to the style of the property or adjacent listed property and as a result do not contribute positively to the Flaunden Conservation area.</p> <p>Flaunden Parish Council maintains that the comments stated in their response dated 27 January 2022 still stand, and strongly recommends refusal of this application.</p>
<p>Conservation & Design (DBC)</p>	<p>This is a historic building in the centre of the village. The oldest part of the building from reviewing the brickwork would appear to be the right hand bay. Adjacent to this there is what would appear to be a second phase single storey element up to the garage. Above this the first floor and garage element appear to be of one period.</p> <p>At present there would be some car parking in the garage area. The planning officer should decide if there would be a parking issue with its loss.</p> <p>In relation to the design we would not object to the infilling of the garage provided that the materials match the existing. However it may be useful to tie in with the overall composition of the building as it already has at least three phases of development. It would therefore be recommended that the windows to the infill area match the existing rather than the proposed arched windows. It may also be useful to consider having applied leading to the lights. In relation to the door it may be beneficial to have the lower two- three panels of the door being solid. This is to relate to the traditional design style of the building. It</p>

	<p>may also be beneficial being a more practical solution given that the road is adjacent a reasonably busy.</p> <p>Recommendation: We would recommend that the above design points be reviewed.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Contamination</p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>noise, odour and air quality - received 10.02.2022</p> <p>With reference to the above planning application, please be advised Environmental Health have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management and construction working hours with Best Practical Means for dust, which we respectfully request to be included in the decision notice.</p> <p><i>Working Hours Informative</i></p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><i>Waste Management Informative</i></p> <p>Under no circumstances should waste produced from construction work</p>

	be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

Neighbour Responses

Address	Comments

PLANNING APPLICATION: 21/04741/FHA (Re-consultation)
Construction of single storey front and rear extensions
Old Village Hall, 87 Flaunden, Flaunden, Hemel Hempstead, Hertfordshire HP3 0PP

The Parish Council has reviewed the Parking Stress survey as well as version 3A of the proposed plans that have been submitted. Contrary to what is stated in the Parking Stress survey, the car port is regularly used for the parking of two cars. Furthermore, the survey does not redress the fact that there is not enough frontage to provide dedicated lateral parking. Sketch B indicates that cars could be parked on the pavement, but the pavement isn't wide enough for a car, as proven in the image below (taken from Google Street View - January 2021).



The applicant states that “no other method other than roadside parking may have been used since conversion of the building to a residence many years ago.” However, when the property was listed on Rightmove in October 2015 there is a photo showing two cars in the car port, so this statement is incorrect:



In the photo below (taken in the last few days), you can see quite clearly that two cars are kept in the car port and another car is parked just outside the property.



The Parish Council would like to point out that by infilling the car port it would remove any access to the rear of the property and bins would need to be brought through the house, there would be no suitable storage area at the front of the building.

We are also concerned about the design of the windows and the double door in the proposed extension, which do not relate to the style of the property or adjacent listed property and as a result do not contribute positively to the Flaunden Conservation area.

Flaunden Parish Council maintains that the comments stated in their response dated 27 January 2022 still stand, and strongly recommends refusal of this application.

**Google Street View from January 2021:
Old Village Hall, 87 Flaunden, Flaunden, Hemel Hempstead, Hertfordshire HP3 0PP**

View of Old Village Hall from the front



Old Village Hall is located on the right (showing the narrow road and lack of pavements)



Car port (space for two cars)



Lack of public pavement across the house frontage and no public paving on the other side of the road (Old Village Hall located on the left)

