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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 14 JULY 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 Stevens

Councillor Tindall

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.

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- (b) 21/01720/FUL - Change of use of agricultural land to dog walking paddock with the use of West Leith Farm existing car parking for customer/ visitor parking West Leith Farm , West Leith, Tring, HP23 6JR (Pages 86 - 145)
- (c) 21/04605/RET - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). Basement At, 65 High Street, Hemel Hempstead, Hertfordshire (Pages 146 - 154)
- (d) 22/01214/FUL - Replacement dwelling 2 Bulbourne Close, Berkhamsted, Hertfordshire, HP4 3QA (Pages 155 - 170)
- (e) 22/01245/MFA - Demolition of existing kennel buildings. Construction of two dwellings with new access and the retention of existing staff accommodation and its use a market dwelling (amended scheme) Hazel Corner Dog Hotel, Windmill Road, Markyate, St Albans (Pages 171 - 182)
- (f) 22/01208/FHA - Double side extension with internal remodelling 15 Cedar Road, Berkhamsted, Hertfordshire, HP4 2LA (Pages 183 - 190)
- (g) 22/00991/FHA - Two storey side/rear extension and single storey rear extension (amended scheme) 24 Finch Road, Berkhamsted, Hertfordshire, HP4 3LH (Pages 191 - 197)
- (h) 22/01353/FHA - Single storey side and rear extensions, and hip to gable roof extension with associated first floor alterations. 9 Parkfield, Markyate, St Albans, Hertfordshire (Pages 198 - 201)
- (i) 22/01856/LBC - Advertising Board and hanging sign. 97 High Street, Hemel Hempstead, Hertfordshire, HP1 3AH (Pages 202 - 205)

6. APPEALS UPDATE (Pages 206 - 221)

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Agenda Item 5a

ITEM NUMBER: 5a

21/03549/MFA	Demolition of existing building and construction of new building to accommodate 28 residential units.	
Site Address:	1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, Hertfordshire, HP3 9RW	
Applicant/Agent:	Mr Hobbs	Ms Emma Adams
Case Officer:	Colin Lecart	
Parish/Ward:		Apsley And Corner Hall
Referral to Committee:	Application called in by ward councillor	

1. RECOMMENDATION

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

1.2 In addition to this, the recommendation is that planning permission be DELEGATED with a view to APPROVAL subject to Section 106 negotiations and the relevant agreement being signed for financial contributions for Canal Towpath maintenance, upgrade works to Durrants Hill Road Park, and offsite affordable housing provision, as well as satisfactory drainage comments being received with any associated conditions tied to this.

2. SUMMARY

2.1 The proposal would provide 28 residential units on a site allocated for housing which would be of a high quality design, representing an improvement upon the existing building and form a positive contribution to the character and appearance of the area, the canal side environment

2.2 Some loss of light to the windows on the Apsley Quay Development would occur. However, the submitted sunlight/daylight assessment reveals that these impacts largely occur due to the design and layout of the existing development itself, with the overhanging balconies, positioning tight to the site boundary, and long rooms greater than 5m in depth served by 1 window. It is considered that due to this, a flexible approach on this allocated site should be taken in accordance with Paragraph 125(c) of the NPPF, where weight is given to providing housing on the allocated site.

2.3 On balance it is considered that the development would provide 28 high quality residential units on an allocated housing site. With regards to the Apsley Quay Development, the development has been set in from the boundary with a reduced height in this location. Due to the layout and design of the existing development, impacts to daylight to some windows cannot be completely overcome. However, it is considered a flexible approach should be taken on this issue. A viability statement has been submitted which shows that the development is only just viable in economic terms, and therefore affordable housing cannot be provided. However, as stated, the development would provide 28 high quality homes on a brownfield site in a sustainable location and broadly complies with the principles of achieving sustainable development contained within Section 2 of the NPPF (2021). Furthermore, the council cannot currently demonstrate a 5 year housing supply and therefore the tilted balance in favour of sustainable development, contained within Paragraph 11 of the NPPF, also weighs in favour of granting the proposal.

3. SITE DESCRIPTION

3.1 The application site currently comprises a commercial building occupied by a bathroom and plumbing showroom and trade counter located on a corner plot between Durrants Hill Road, Frogmore Road and the Grand Union Canal.

3.2 The surrounding area comprises a variety of uses including the Grand Union Canal and its towpath and residential properties to the north/northeast, a flatted residential development granted under permission 4/01331/18/MFA to the east with commercial properties beyond this further to the east and south east. Frogmore Paper Mill is located to the south with residential properties further beyond this.

4. PROPOSAL

4.1 The application seeks planning permission for the demolition of the existing building and the construction of a new building to accommodate 28 residential units with associated car parking and landscaping.

4.2 The development would comprise 13 one bedroom units and 15 two bedroom units with 31 car parking spaces contained at ground floor within the undercroft as well on the eastern side of the site.

5. PLANNING HISTORY

Planning Applications:

4/02011/03/ROC - Variation of condition 4 of planning permission 4/00685/03 to enable opening to 4.30 p.m. On Saturdays
GRA - 10th November 2003

4/00685/03/FUL - Change of use from industrial/storage use (class b2/b8) to storage wholesale distribution/sale of plumbing goods and materials (class b8/a1)
GRA - 23rd May 2003

6. CONSTRAINTS

EA BankTop EPlanning Tool: Banktop 20m Buffer
British Waterways (25m Buffer): GU(S): 25m buffer
British Waterways (25m Buffer): GU(N): 25m buffer
Canal Buffer Zone: Major
Canal Buffer Zone: Minor
CIL Zone: CIL3
EA: Flood Zone 2
EA: Flood Zone 3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Open Land: Open Land
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Parking Standards: New Zone 3
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

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

Core Strategy (2013):

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
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
CS19 – Affordable Housing
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 76 – Leisure Space in New Residential Developments
Policy 99- Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Height of Buildings
Policy 116 – Open Land in Towns and Large Villages
Policy 118 – Important Archaeological Remains
Policy 129 – Storage and Recycling of Waste on Development Sites

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)

British Research Establishment: Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Refuse Storage Guidance Note (2015)
Site Allocations Development Plan Document (2017)

CONSIDERATIONS

9. Policy and Principle

9.1 In the Dacorum Borough Local Plan 1991-2011, the site was located in the Frogmore General Employment Area (GEA) and was allocated for industry, storage and distribution in Policy 31. However, the Site Allocations Development Plan Document (adopted July 2017) reallocated the Frogmore GEA, except Frogmore Mill, for housing development – Site H/13 in the Schedule of Housing Proposals and Sites. H/13 covers an area of 3.0 hectares, and consists of the current application site, the recently completed residential development to the east and the industrial buildings at the eastern end of Frogmore Road.

9.2 A net housing capacity of 100-150 homes is proposed on H/13 in the Site Allocations.

9.3 Paragraph 119 of the NPPF (2021) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

9.4 Furthermore, Paragraph 120 also states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. They should also promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

9.5 Taking the above into consideration with regards to the site's particulars and allocation status, it is considered that the principle of the development is acceptable, subject to the compliance with other planning considerations

10. Design and Impact on Character and Appearance of the Area

10.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is seen as a key aspect of sustainable development.

10.2 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also be sympathetic to local character and history, while not preventing or discouraging innovation or change, establish and maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible.

10.3 Policies CS10, CS11 and CS12 encourage good design providing a number of guiding principles which are referred to within the relevant sections of this report.

10.4 Saved Appendix 3 of the Dacorum Borough Local Plan (DBLP) states that there is a need for variety and imagination in the layout and design of housing so as to avoid residential developments which lack character and identity.

10.5 The scheme initially presented a design whereby the north western bookend to the site comprised more traditionally themed architecture which transitioned into a more contemporary style towards the adjacent development to the east. However, both the case officer and the conservation and design officer considered that the lower, more contemporary styled elements did not sit comfortably with the more traditional main block.

10.6 As such, the scheme was amended to address the above point, and it is now considered the development sits comfortably as a set piece design.

10.7 The development would be 4 storeys which would stagger down to 3 storeys. The adjacent development to the east is a total of 5 storeys at its highest facing onto Frogmore Road. Given this context, it is considered the development would not appear out of scale in the surrounding area.

10.8 It is considered the north western element would provide a suitable book end adjacent to the road with its scaling up in height, but would also not appear out of scale with the adjacent development next door. At its highest point, the development would be approximately 3.38m taller in height than the adjacent development at Apsley Quay, at a total height of 19.46m. However, 1.85m of the development would be situated below the level of the canal tow path and the height increase would largely be due to the pitched roof element of the development. It is considered that this, combined with the overall distance of the pitched roof to the more contemporary style development, means that the height of the development would not appear incongruous in its surroundings.

10.9 The lower elements of the development would appear similar in scale to the adjacent development from the canal tow path, with the taller element providing a strong bookend to the road, responding to the corner plot location of the site. It is considered the vertical emphasis combined with the lower elements of the development are key to the design emphasis.

10.10 Space for soft landscaping along the boundaries would be maintained which would soften the boundaries and assist in maintaining a pleasant canal side environment.

10.11 The design would appear to be well detailed and provide an attractive visual appearance. Whilst the adjacent site is of a more contemporary style, it is considered the wider area exhibits a mixture of both new and older styles of architecture which add to visual interest. The recent scheme at Magenta Court to the south east is an example of more traditional architecture in a canal side environment.

10.12 The façade has been broken down appropriately through the use of brick piers that break the elevations into four sections horizontally and the use of a plinth (housing the car park at ground floor), brick arches and balconies and an upper floor which features smaller windows and would have a lighter brick would break the massing down vertically. The general staggering of heights and set backs on the lower elements of the building would also assist in this regard.

10.13 Overall, the design and conservation officer has stated that provided the details are appropriate such as the brick colours, pattern detailing and that the windows are set back rather than flush with the elevation, the scheme would sit comfortably within its context. These details would be secured by condition.

10.14 Due to the above, it is considered the development would be of a high architectural quality which would add visual interest to the area. It is considered it appear similar in scale to the adjacent development to the east and be an improvement in architectural terms when compared to the existing building.

11. Density

11.1 Policy CS10 of the Core Strategy states that at broad settlement level, development should promote higher densities in and around town centres.

11.2 Saved Policy 21 of the DBLP states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available.

11.3 The policy further states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net but that higher densities will generally be encouraged in urban areas at locations where services and / or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centres.

11.4 The application proposes 28 homes on a 0.134 hectare site, giving a density of 209 dwellings per hectare. This is above the density of the adjacent 170 unit scheme granted under 4/01331/18/MFA, which was 128 dwellings per hectare. The adjacent scheme combined with this scheme would result in a combined development of 198 units, which is above the estimate of 100-150 homes contained within the Site Allocations.

11.5 However, for the adjacent development the Strategic Planning Team confirmed that when the Site Allocations document was prepared, it was uncertain what type of housing would be proposed on the site. The estimate of 100-150 homes reflected the likely density that would be achieved with a scheme of townhouses. As this application, like the adjacent development is for flats, which has resulted in a higher density. Furthermore, the inclusion of some larger flats and the open courtyard areas within the adjacent development would have lowered the density figure for this development, whereas the application site is smaller in size with the proposal only containing one and two bedroom units.

11.6 It should also be noted that some of the larger three bedroom units contained within the adjacent scheme, as well as the open courtyards and space for these available due to the size of the site, would have lowered the density figure here.

11.7 Moreover, Paragraph 6.21 of the Site Allocations document states that:

11.8 *“The net capacity figures specified provide an estimate of expected capacity and should not be treated as maxima. Final dwelling capacities will be tested through the planning application process, where detailed schemes will be expected to demonstrate compliance with specified planning requirements and other relevant policies and guidance.”*

11.9 the NPPF (2021) places an emphasis on making effective use of urban land and increasing densities where appropriate and Policy 21 of the Local Plan allows for greater densities in urban locations, as these would be most sustainable in terms of access to transport options and other amenities. Furthermore, the council cannot currently demonstrate a five year housing supply and therefore the development would assist in the council providing much needed housing in the borough, in a suitable urban location.

11.10 Therefore, there is no in principle objection to the density proposed when considering subject to the other relevant planning considerations.

12. Dwelling Mix

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

12.2 Saved Policy 18 of the DBLP states that the development of a range of dwellings (size and type) will be encouraged. Regard will be paid to the need to provide accommodation for new, small households and the floor area of individual buildings. Units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites (i.e. sites over 2 hectares in area and/or capable of accommodating at least 50 dwellings) and those sites specifically identified in the Schedule of Housing Proposal Site.

12.3 The development would provide 13 one bedroom units and 15 two bedroom units. The strategic planning team have stated that the proposal is a relatively modestly sized new build development where the council would not normally anticipate seeing larger 3 bed flats. The 1 and 2 bed flats to be provided would help to meet the need for smaller-size units. Moreover, the adjacent development provided a number of 3 bed apartments. This was a much larger scheme of 170 homes where there was better scope to secure a wider mix of properties.

12.4 Given the above, it is the view of the case officer and the strategic planning team that a flexible view in terms of housing mix can be taken on this site, whereby the 1 and 2 bedrooms units would meet the identified need for smaller units in the borough.

13. Affordable Housing

13.1 Policy CS19 of the Core Strategy states that affordable homes will be provided on sites of 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes.

13.2 However, a viability report was submitted by the applicant which found that after rounding figures, the residual land value of the development is equal to the benchmark value. This means that the development is viable but as the residual land value does not exceed the benchmark land value, the proposal cannot incorporate any affordable housing provision as this would make the project unviable.

13.3 The council contracted an independent viability appraisal to test the assumptions contained within the applicant's viability statement. The conclusion of this viability appraisal, based on a 100% private scheme, identified a surplus of £105,000.

13.4 It is considered that this value is not large enough to provide onsite affordable housing provision. Therefore, a commuted sum towards offsite affordable housing provision will be secured through a Section 106 agreement. The applicant has not objected to this position.

13.5 It should be noted that the value of £105,000 towards offsite affordable housing provision has been derived without evidence of costs associated to securing mitigation towards the Chiltern Beechwoods SAC. This value may change due to potential contributions that may be required as a result of the currently identified pressure on the Chilterns Beechwoods SAC. Values regarding this can only be determined once the council has published a mitigation strategy with regards to the Habitats Regulations. Once the council are in a position to grant permission having secured financial contributions towards avoiding further damage to the SAC overall figures can be finalised. It is also noted that the applicant may seek to request a re-evaluation of the total viability of the development as a whole which could also affect the affordable housing contribution.

13.6 It should also be noted that the £105,000 figure does not also include upgrades to Durrants Hill Playground which will be requested and also have an impact on the final figure.

14. Impact on Neighbouring Properties

14.1 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.

14.2 Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties and respect adjoining properties.

14.3 The nearest residential properties to the site would be those located along Ebbens Road to the north of the site, as well as the units within the newly constructed development (Apsley Quay) to the east which would face towards the proposal.

14.4 Saved Appendix 3 of the Local Plan refers to a 23m rear to rear separation distance between dwellings. At its closest, the development would be positioned approximately 25.5m-25.9m away from the properties on Ebbens Road. This exceeds to the requirement within Saved Appendix 3 with respect to privacy. In addition to this, the gradual decrease in height towards the eastern section of the development, combined with set backs from the build line of the taller gabled element would effectively break up the massing of the development, providing visual relief. Soft landscaping on the boundaries would also assist in softening the appearance of the development. It is therefore considered that the overall massing of the development, due to its design, layout and distance would not be overtly visually obtrusive to the properties on Ebbens Road.

14.5 With respect to the residential units to the east located within the adjoining flatted development (Apsley Quay), the proposed development at first floor would be located approximately 13m away. It is noted that there is no formal side to side separation distance contained within Saved Appendix 3. Furthermore, a site context plan has been submitted which shows that the development would quickly stagger back from Apsley Quay to a distance of 19.5m, with this increasing further towards Frogmore Road. The element of the building at first floor which would be 13m away also only spans a width of 8.45m when viewed from the east before the separation distance increases. The tallest element of the development would be positioned approximately 32.4m away from these units which is an acceptable distance.

14.6 It is noted that units 03 and 11 would have side windows which face Apsley Quay at a distance of 13m. These can be conditioned to be obscure glazed. The roof terrace on the first floor would also be positioned close to Apsley Quay. However, landscaping is indicated along this area which could screen views and while it has been indicated as a roof terrace, it is considered that due to its width and location and function as a connection between the development and the canal towpath, the area would largely function as a walkway, rather than a permanent amenity area which is regularly used by residents for extended periods of time. Therefore, a condition will state that this area shall not be used as a permanent amenity area.

14.7 Therefore, due to the separation distances, as well as the design of the development which effectively breaks up its massing and bulk, it is considered that the proposal would not have an unacceptable impact on surrounding properties in terms of loss of privacy, outlook and visual intrusion.

14.8 The application is accompanied by a Daylight and Sunlight Assessment which has been prepared using methodology and criteria provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: a guide to good practice'. Each of the surrounding residential properties with windows serving habitable rooms overlooking the site has been included within the assessment.

14.9 The results of the Vertical Sky Component (VSC) assessment show that all windows at 2-12 Ebbens Road would receive adequate daylight. However, within the elevation on Apsley Quay that faces the proposed development, 3 windows at would not meet the BRE guidelines.

14.10 One of these windows serves a ground floor bedroom which is also served by another window. the BRE guidelines allow for additional calculations without the balconies above these windows. With no balconies above them, the calculations show that the windows would meet the

guidelines. As such, the existing balconies, rather than the proposed building, is the main factor in the loss of Vertical Sky Component. Therefore, the design of the development itself with the balconies extending beyond the windows and its positioning tight to the boundary are primary factors in the shortfall.

14.11 A daylight distribution analysis was also conducted on the units which would face the development at Apsley Quay. Out of the 47 rooms analysed, 35 (or around three quarters) would meet the BRE daylight distribution guideline. In the other 12 (or around a quarter of the rooms analysed), the calculations would fall below the BRE guidelines. However, this is again due to the layout of Apsley Quay itself; these rooms being long and narrow. The BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' states that "if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable". Therefore it is considered a balanced judgement would have to be taken on this issue as it appears the development of Apsley Quay itself is impinging on some of the daylight received by the units contained within this development.

14.12 In terms of loss of sunlight, the properties at Ebbens Road would meet the BRE guidelines since they would have greater than 25% annual probable sunlight hours, including more than 5% in the winter, with the proposed development in place. As such, the rooms that these windows light would still receive enough sunlight.

14.13 Loss of sunlight is not an issue to dwellings in Apsley Quay because the relevant windows face north of due west. As such, a sunlight assessment windows has not been undertaken in accordance with the BRE guidance.

14.14 Overall Vertical Sky Component for 3 windows in the Apsley Quay Development would be impacted. Daylight Distribution for 12 windows in this development would be affected. However, the assessment reveals that the Vertical Sky Component for the 3 relevant windows is only impacted due to the existing balconies above them. Furthermore, the layout of some of the units in Apsley Quay, with long and narrow rooms served by a single window, means that impacts on daylight distribution may be unavoidable.

14.15 It should be noted that the development has made every effort to accommodate a respectful relationship to Apsley Quay within the viability constraints and on an allocated housing site. The development at first floor is set in 13m away from the boundary, with this distance quickly increasing to 19.5m and greater towards Frogmore Road. The highest part of the development is also positioned well away from Apsley Quay with the height decreasing towards the adjacent development. The BRE report highlights that the design and positioning of Apsley Quay itself means that some loss of daylight would be unavoidable.

14.16 Furthermore, it is noted that within the living rooms on Apsley Quay that would be effected, the main living/seating areas are located nearest to the windows, meaning these areas should still receive adequate daylight distribution. These areas would be considered to be more frequently used areas throughout the day, with the kitchens located deeper within the rooms. Its is also noted that 12 out of the 47 rooms on the elevation are effected, which represents a moderate proportion of the windows analysed.

14.17 Paragraph 125(c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

14.18 In this sense, consideration is given to the fact that the site is allocated for housing and that the shortfalls upon the BRE daylight guidance in the units to the east would largely be affected by the overall layout of the rooms as well as the presence of the balconies. Furthermore, every effort has been made by the proposal to reduce this impact by setting the development back from the site

boundary and reducing the height towards Apsley Quay. In contrast, Apsley Quay features long rooms served by a single window which are located tight to the site boundary, with balconies overhanging these windows. In addition to this, the scheme at 28 units, according to the viability assessment, is only just viable. Therefore, removing units from the scheme would make it unviable.

14.19 As a result, it is considered a balanced judgement should be taken, with regards to the guidance within the NPPF, the layout of the proposed development, compared to that of Apsley Quay, as well as the need for making efficient use of urban land in the need to provide new homes. When weighed against these factors, it is considered that some of the daylight concerns have arisen through the design and layout of Apsley Quay itself.

14.20 In the context of the site allocation, as well as the viability of the proposal, it is considered a flexible approach in accordance with Paragraph 125(c) of the NPPF should be taken. As such, when taking this balanced approach, it is considered that the impacts of the development on residential amenity are largely acceptable and outweighed by the benefits of providing a high quality scheme for smaller households, in a sustainable area.

15. Amenity Provision

15.1 Saved Appendix 3 of the Local Plan states that all residential developments are required to provide private open space for use by residents whether the development be houses or flats.

15.2 23 of the proposed units would each have access to private amenity space in the form of either balconies or private terraces. Additionally, communal roof terraces would be available at both first, third and fourth levels. These would be of an adequate size with additional space for soft planting to create a pleasant feel to the areas.

15.3 The units which would not have a private balcony/terrace (units 19, 20, 25, 26 and 27) would be positioned in close proximity to these roof terraces where they would be easily accessible.

15.4 Furthermore, the site is located in close proximity to open space located along Durrants Hill Road, the Canal Towpath, and is approximately a 10 minute walk from the Boxmoor Moor to the west.

15.5 Policy 76 of the Local Plan (2004) states that development over 25 units should provide on site leisure space. Due to the constrained nature of the site, this is not possible. However, financial contributions towards upgrade works at Durrants Hill Park adjacent to the site will be requested. It is considered that due to the close proximity of the site to the park, that the development will result in increased pressure on this space, and therefore a planning obligation relating to upgrade works is considered to comply with the tests contained within Paragraph 57 of the NPPF (2021).

15.6 It is therefore considered that the on-site outdoor amenity provision detailed above, coupled with the publically accessible amenity areas close to the site ensures that sufficient amenity and recreation opportunities for occupiers of the new units is provided / available. A financial contribution will be requested for upgrade works to the play area at Durrants Hill Park in lieu of onsite leisure space provision.

16. Trees and Landscaping

16.1 Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges.

16.2 The tree officer has no objection to the proposal, noting that the site comprises limited landscaping at present. There are no trees on site aside from a small cluster on the north western corner of the site, along the towpath and along the western boundary. However, these trees are not considered of particularly high amenity value which would form a constraint to the development.

16.3 Furthermore, the site will allow for increased landscaping planting along the boundaries of the site as well as on the roof terraces. It is considered there would be adequate space on the northern boundary of the site for light tree planting which could improve the canal side environment. This has occurred at the Apsley Quay site.

16.4 Further details regarding soft landscaping will be secured by condition.

17. Towpath/Canal Side Environment

17.1 Saved Policy 106 of the DBLP states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canal side environment. As such, the design, scale and materials of new developments and canal side facilities must be appropriate to the environmental and historic character of the canal and have no adverse impact on its nature conservation interest. Encouragement will be given to proposals to improve pedestrian access to the canal.

17.2 It is noted that both the canal and the towpath, as well as the park to the west are covered by Open Land designation. Saved Policy 116 of the DBLP states that Open Land forming part of the urban structure will be protected from building and other inappropriate development, and measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

17.3 The development would not impact on the integrity or functionality of the park to the west. Along the northern boundary with the towpath, a 1.65m-2.54m planting zone will be maintained.

17.4 As previously mentioned, it is also considered that the development would be of high architectural quality which would improve visual interest along the canal.

17.5 The Canals and Rivers Trust were consulted on the application, with the latest set of comments raising no objection subject to condition securing a detailed Demolition and Construction Method Statement relating to the structural integrity of the towpath.

17.6 The Trust also highlighted the needs for conditions relating to external lighting, landscaping, the retention of the hedge to the towpath boundary, and a detailed design and construction methodology for any access onto the towpath.

17.7 A contribution of £15,000 has been requested for towpath maintenance and upgrade works due to increased use of the walkway as a result of the development. This has been agreed to in principle by the application and would be secured by way of a Section 106 Agreement.

18. Highways Impact

18.1 Paragraph 109 of the NPPF states that 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.

18.2 Policy CS9 of the Core Strategy states that the traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

18.3 Furthermore, Saved Policy 51 of the DBLP states that development must be compatible in locational and general highway planning, design and capacity terms with the current and future operation of the defined road hierarchy and road improvement strategy.

18.4 Hertfordshire Highways were consulted on the application and initially requested further details. These were submitted and as such Hertfordshire Highways raise no objection to the development subject to a number of conditions.

18.5 Overall there is no objection to the existing site access being utilised, the trip generation of the development, vehicle manoeuvrability, accessibility or emergency vehicle access.

19. Parking

19.1 The council's car parking standards are contained within the Parking Standards Supplementary Planning Document (SPD).

19.2 The site is located within accessibility zone 3 whereby the unallocated car parking requirements is as below:

1 bedroom – 1 space

2 bedrooms – 1.20 spaces

3 bedrooms – 1.80 spaces

4 bedrooms – 2.4 spaces

19.3 The development would comprise 13 one bedroom units and 15 two bedroom units whereby the requirement would be 31 unallocated spaces. The development would provide 31 unallocated spaces within the undercroft and within the north eastern corner of the site and therefore satisfies this requirement.

19.4 Approved Document S of the Building Control Regulations came into force on 15th June 2022. Under requirement S1 of this document, the development would have to provide electric vehicle charging points for 28 parking spaces, with the remainder being served by cable routes. This now goes beyond the council's Parking Standards SPD (2020) and therefore there is no need for a condition relating to EV charging provision, as these will be provided in compliance with the updated Building Control Regulations.

19.5 28 secure cycle parking spaces would also be provided within the undercroft area of the development.

20. Ecology

20.1 The application is supported by a Preliminary Ecological Assessment and Bat Survey.

20.2 The application site is characterised by buildings and hard standing with very little ecological potential. The ecological survey carried out on the 2nd September 2021 found negligible potential in the buildings or trees for roosting bat.

20.3 Hertfordshire Ecology have no objection to these findings, noting that the precautionary methods outline within the report should be followed by way of informative.

20.4 In addition to this, enhancement in the form of three bird boxes including a sparrow colony box boxes are recommended in the ecological report. The ecology officer has advised that these, as well as measures for hedgehogs are marked on a Biodiversity and Landscape plan. These details could be incorporated onto the soft and hardscaping condition which will be attached onto any permission given.

21. Heritage

21.1 There is a statutory duty to pay special regard to the desirability of preserving the setting of nearby Listed Buildings / heritage assets under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

21.2 The site is not situated within or close to a Conservation Area. The nearest Listed Building to the site would be Frogmore Paper Mill, which is sited approximately 70m to the south of the application site, on the other side of Frogmore Road. The site and this Listed Building are separated by the road, car park yard area with buildings and mature landscaping.

22.3 As such, the submitted Planning Statement concludes that there is little if any relationship between the setting of the Listed Building and the site and that the proposals do not have the potential to affect the setting or significance of the designated heritage asset. The Conservation and Design officer has not disputed this finding and has raised no objection with regard to heritage assets.

21.4 It is therefore considered the proposal complies with Section 16 of the NPPF (2021) and Policy CS27 of the Core Strategy (2013).

22. Archaeology

22.1 Core Strategy Policy CS27 also states that all development will favour the conservation of heritage assets. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

22.2 Furthermore, Saved Policy 118 of the DBLP states that where advice indicates that a proposed development will affect remains of archaeological significance or areas of archaeological potential, developers will be expected to provide the results of an archaeological evaluation as part of their planning application.

22.3 The local archaeology officer was consulted on the application and stated:

22.4 *"The development site in question is currently occupied by a modern building and has previously only been used for agricultural purposes as watercress beds, evidence of which is not likely to survive below ground. Any below-ground material from the building of the Grand Union Canal has likely already been disturbed through the modern development. The adjacent plot developed for Apsley Quay found the remains of 19th century workers' cottages [HER 31253] but these did not extend West onto the site currently in question".*

22.5 As such, it was considered that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal. No conditions were requested as a result.

23. Air Quality

23.1 Policy CS32 of the Core Strategy states that development will be required to help support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area. Any development proposals which would cause harm from a significant increase in pollution into the air by virtue of the emissions of fumes, particles, or noxious substances, will not be permitted.

23.2 The site does not lie within an Air Quality Management Zone but sits between two such zones located to the south along London Road and to the north along Lawn Lane.

23.3 Environmental Health have been consulted and stated that despite the development being located between the Lawn Lane and London Road air quality management areas the likely traffic generation would not be significant that it would trigger the need for an air quality assessment or attract such volumes of traffic that would lead to significant worsening of air quality. As such, no objection has been raised.

24. Flood Risk and Drainage

24.1 The southern extent of the application site is located within Flood Zones 2, 3 and 3b.

24.2 Policy CS31 of the Core Strategy states that water will be retained in the natural environment as far as possible. Measures to restore natural flows in the river systems and the water environment will be supported. Supply to the Grand Union Canal will be maintained.

24.3 Development will be required to avoid Flood Zones 2 and 3 unless it is for a compatible use. Flood Risk Assessments must accompany planning applications for development in these areas, explaining how the sequential approach to development has been taken into account and outlining appropriate mitigation measures. However, it is noted that the application site is already allocated for housing as previously discussed. It is therefore considered the sequential approach is not necessary, as the site has been identified as appropriate for housing development by the council itself.

24.4 The Environment Agency were consulted on the application and had concerns relating to flood compensation for the development and finished floor levels.

24.5 The applicant's drainage consultant has clarified that the submitted Flood Risk Assessment demonstrates a sequential approach to development, placing less vulnerable uses within the areas most at risk (i.e. the ground floor), whilst still providing a freeboard above the flood level for all internal areas, even those less vulnerable. The FRA states the following: "*All proposed ground floor finished floor levels (FFLs) are to be set 260mm above the 1 in 100 year plus 25% climate change fluvial flood level at a level of at least 78.65mAOD. The car parking area and bin store are to be set at 78.55mAOD, 160mm above the design flood level. First floor FFLs and therefore all residential units will be set approximately 3.3m above the 1 in 1,000 year flood level.*"

24.6 With regards to floor plain compensation, a plan has now been submitted to the Environment Agency and comments on this are awaited. The plan shows that the proposed 1:30 ramp adjacent the bin store will lower ground levels in this area, providing circa 0.54m³ of compensation. Moving the ramp to the north west by 1.7m (changes shown in red) and lowering the area to the east of the ramp will provide a further 0.44m³ of compensation. Therefore, with these changes, a total of 0.98m³ of compensation is provided, 0.37m³ in excess of that displaced.

24.7 As such, the Environment Agency have withdrawn their objection with regards to the finished floor levels of the development and flood compensation. Conditions relating to these aspects will be attached to any permission given.

24.8 The Lead Local Flood Authority also raised a number of concerns regarding the drainage proposals. Full details of these can be found within the appendices of this report. The applicant has been provided with these comments and will begin work to address them.

24.9 Due to the above, the recommendation for the proposal would be to delegate with a view to approval subject to satisfactory drainage comments, as well as any associated conditions requested relating to drainage. It would also be subject to Section 106 negotiations which will be expanded on below.

25. Land Contamination

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

25.2 The scientific officer has confirmed that they have no objection to the development, subject to conditions which request the submission of appropriate Environmental Risk Assessment reports prior to the commencement of development.

26. Refuse Collection

26.1 Policy 129 of the Local Plan states that all major new developments and any other proposals likely to attract large numbers of people should also provide facilities for the public to recycle waste.

26.2 Dacorum's Refuse Storage Guidance Note (2015) also provides guidance on this issue.

26.3 The requirements for waste storage for flatted developments are:

- *A 1100ltr mixed recycling blue lid container. One container is shared between 5 residences.*
- *A 1100ltr non recycling green lid container. One container is shared between 5 residences*
- *For food waste, 240ltr wheeled bins are provided and share by up to 10 flats*
- *Each euro bin is to be separated by a minimum 150mm gap around it.*

26.4 The proposal provides a ground floor storage area for refuse. The area has been designed to provide sufficient capacity to meet the above guidance.

27. Fire Safety

27.1 A Fire Safety Statement has been submitted in support of the application. The building has been designed to comply with building regulations Part B and incorporate a number of fire safety measures that are detailed.

27.2 The statement shows that fire safety measures, from escape routes, protected areas and access etc have been taking into account from the initial design stages of the development.

27.3 Hertfordshire Highways have no objection to access arrangements for a fire appliance.

27.4 The Health and Safety Executive have been consulted on the application and have no objection, noting that it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.

27.5 Therefore, the submission of the Fire Safety Statement has gone above the regulatory procedure required for such an application.

27.6 Hertfordshire County Council's water officer has stated there is a hydrant on the path next to the existing building, so there wouldn't be a requirement to install any further fire hydrants.

28. Sustainable Construction and Design

28.1 Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible including the recycling and reduction of construction waste which may otherwise go to landfill.

28.2 The application has been accompanied by a sustainability checklist which outlines potential measures which have been taken into account in the design of the development.

28.3 It is considered that a more detailed Sustainability Statement and Site Waste Management Plan could be secure by condition to provide further clarification on measures to be incorporated into the development, as well as maximise recycling and reducing the amount of waste going to landfill during the demolition/construction phases.

29. Habitats Regulations Assessment

29.1 As of 14th March 2022 there is a moratorium on all residential development in the Borough. This is a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (SAC) and Councils' duties under law required by Habitat's Regulations. The Council is working with relevant partners to identify suitable mitigations strategy going forward, once implemented will enable the Council to once again to grant residential development in the Borough. The mitigation strategy is likely to require contributions from

developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

29.2 The Council's dedicated webpage provides further information and FAQs: [Chilterns Beechwoods Special Area of Conservation \(dacorum.gov.uk\)](http://ChilternsBeechwoodsSpecialAreaofConservation.dacorum.gov.uk).

29.3 The application, at this stage, does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted.

29.4 However, it is anticipated that once a mitigation strategy is published by the council, the development would be liable for contributions towards this by way of a Section 106 Agreement.

29.5 As such, the application is recommended subject to Section 106 negotiations which in due course, would include contributions towards the mitigation strategy proposed by the council.

30. Developer Contributions

30.1 Policy CS35 of the Core Strategy states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. This may be provided in-kind or through financial contributions.

30.2 At the moment, a £15,000 contribution has been requested by the Canals and Rivers Trust for towpath maintenance and a £105,000 contribution would be sought by the council for offsite affordable housing contributions.

30.3 However, these figures may change once the council's mitigation strategy with regards to the Chilterns Beechwood SAC is published. Financial contributions would also be sought for upgrade works to Durrants Hill playground, a figure for which would be discussed with the Parks and Open Spaces team during Section 106 negotiations.

30.4 Due to this, heads of terms have not yet been drawn up, as the final figures for each requested contribution may change in due course.

30.5 Therefore, the recommendation is to delegate with a view to approval subject to Section 106 negotiations and the signing of a finalised heads of terms.

30.6 In addition to those matters secured by the S106 Agreement, the proposals will be liable to payments arising under the Council's Community Infrastructure Levy Charging Schedule which came into effect on 1st July 2015.

30.7 The site is situated within CIL Zone 3 and as such, is liable to a charge of £100 per square metres.

31. CONCLUSION

31.1 The proposal would provide 28 residential units on a site allocated for housing which would be of a high quality design, representing an improvement upon the existing building and form a positive contribution to the character and appearance of the area, the canal side environment

31.2 Some loss of light to the windows on the Apsley Quay Development would occur. However, the submitted sunlight/daylight assessment reveals that these impacts largely occur due to the design and layout of the existing development itself, with the overhanging balconies, positioning tight to the site boundary, and long rooms greater than 5m in depth served by 1 window. It is considered that

due to this, a flexible approach on this allocated site should be taken in accordance with Paragraph 125(c) of the NPPF, where weight is given to providing housing on the allocated site.

31.3 On balance it is considered that the development would provide 28 high quality residential units on an allocated housing site. With regards to the Apsley Quay Development, the development has been set in from the boundary with a reduced height in this location. Due to the layout and design of the existing development, impacts to daylight to some windows cannot be completely overcome. However, it is considered a flexible approach should be taken on this issue. A viability statement has been submitted which shows that the development is only just viable in economic terms, and therefore affordable housing cannot be provided. However, as stated, the development would provide 28 high quality homes on a brownfield site in a sustainable location and broadly complies with the principles of achieving sustainable development contained within Section 2 of the NPPF (2021). Furthermore, the council cannot currently demonstrate a 5 year housing supply and therefore the tilted balance in favour of sustainable development, contained within Paragraph 11 of the NPPF, also weighs in favour of granting the proposal.

32. RECOMMENDATION

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

32.2 In addition to this, the recommendation is that planning permission be DELEGATED with a view to APPROVAL subject to Section 106 negotiations and the relevant agreement being signed for financial contributions for Canal Towpath maintenance, upgrade works to Durrants Hill Road Park, and offsite affordable housing provision, as well as satisfactory drainage comments being received with any associated conditions tied to this.

Conditions and Reasons:

- 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:**

**1399-SAP-V1-XX-DR-A-30002-S0-02
1399-SAP-V1-00-DR-A-10110-S0-05
1399-SAP-V1-01-DR-A-10111-S0-04
1399-SAP-V1-02-DR-A-10112-S0-03
1399-SAP-V1-03-DR-A-10113-S0-03
1399-SAP-V1-04-DR-A-10114-S0-02
1399-SAP-V1-05-DR-A-10115-S0-01
1399-SAP-V1-XX-DR-A-30001-S0-05
1399-SAP-V1-XX-DR-A-30310-S0-05
1399-SAP-V1-XX-DR-A-30311-S0-05
1399-SAP-V1-XX-00-DR-A-10101-S0-06
1399-SAP-V1-XX-DR-A-20210-S0-02**

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.**

These details shall include external brickwork, mortar colour and detail, window details finishes and setbacks, roof materials, rain water goods and metalwork (balcony railings).

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- retention of the hedge to the towpath boundary
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- location and type of bird boxes to be incorporated into the development, as well as measures for hedgehogs
- details of privacy screening for the roof terrace areas (pleached screening) and for the private terraces serving units 4, 5 (the 4m² terrace), 13 (the 4m² terrace) and 18.

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **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.

- 6. Any contamination, other than that reported by virtue of Condition 5 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.

- 7. Prior to the first occupation of the development hereby permitted any access gate or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6m (5.5m if inward opening) metres from the edge of the highway.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

- 8. Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car and cycle parking and servicing shall be**

implemented in accordance with the approved drawing number DR-A-10101-SO-05 and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004)

9. **No development shall commence until a Construction Environmental 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. The document should also include details of pollution prevention methods during construction. 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; and**
 - k. **Phasing Plan.**
 - l. **how potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided.**

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 CS12 of the Dacorum Core Strategy (2013) and Save Policy 54 of the Dacorum Local Plan (2004)

10. **The parking spaces hereby permitted shall be unallocated and be retained as such in perpetuity.**

Reason: To ensure the number of parking spaces provided complies with the provision requirements of the Parking Standards Supplementary Planning Document (2020).

11. **No development shall take place until a Demolition and Construction Method Statement detailing all proposed earthmoving, and construction works (including**

foundation details),and construction and future maintenance/management of the access onto the towpath have first been submitted to and agreed in writing by the Local Planning Authority. These details shall also include an assessment of the retaining wall to the site boundary with the Grand Union canal (including its depth and foundations) and any necessary mitigation measures or remedial works that may be required and a timetable for their completion.

The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigation measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal in accordance with Policy 106 of the Dacorum Local Plan (2004) and Paragraphs 174 & 183-184 of the National Planning Policy Framework (2021)

12. **No development (excluding demolition/ground investigations) shall take place until details of any floodlighting, security lighting or other external means of lighting the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policies CS12 and CS26 of the Dacorum Borough Core Strategy (2013) and Saved Policy 106 of the Dacorum Local Plan (2004)

13. **No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. These details shall build upon the information within the submitted Sustainability Checklist and Design and Access Statement to show how the energy consumption of the development will be reduced. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

14. **No demolition or groundworks shall take place until details of measures to recycle and reduce demolition and construction waste that may otherwise go to landfill, shall have been submitted to and approved in writing by the Local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the relevant waste planning policies, such as Policy CS29 of the Dacorum Borough Core Strategy (2013) and Paragraph 8 (c) of the National Planning Policy Framework (2021).

15. **The Development shall be carried out in accordance with the submitted flood compensation scheme referenced in plan 6801770-SK01 detailing the following mitigation measure:**

- Compensation storage shall be provided through the lowering of external levels to the bin storage area levels and the relocation of the ramp to ensure no net loss of floodplain storage as a result of the proposed development.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

16. **No development (excluding demolition/ground investigations) shall take place until a scheme to ensure the maintenance of the undercroft parking 'void' has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.**

Reason: To ensure the space is kept clear of debris to reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

17. **The following windows on the development hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving units 03 and 11.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

18. **The following windows on the development hereby permitted shall be non-opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving unit 06.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

19. **The roof terrace are at first floor level, as indicated on plan 1399-SAP-V1-01-DR-A-10111-SO-REV4, shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority. No chairs, benches, tables or other furniture shall be placed within this area at any time. This area shall be only used as a walkway between the canal towpath and the development, as well as escape in the event of an emergency.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

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. The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The Canals and Rivers Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."
3. The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that they are obtained prior to any works being carried out on Trust owned land. For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.
4. 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.
5. Precautionary measures relating to lighting, nesting birds and hedgehogs are suggested in the submitted Preliminary Ecological Assessment and Bat Survey (4 Acre Ecology Limited) should be followed.
6. Extent of Highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx
7. 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.

7. 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.
8. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	<p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ul style="list-style-type: none"> a) The impact on the structural integrity of the canal due to the proximity of the works. b) Impact on the character and appearance of the waterway corridor. c) Impact on the biodiversity of the waterway corridor. d) Accessibility <p>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that further information is required prior to determination and suitably worded conditions and a legal agreement are necessary to address these matters. Our advice and comments follow:</p> <p>The impact on the structural integrity of the canal due to the proximity of the works. With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The site is located directly to the south of the Grand Union canal and the proposed development would</p>

be at a lower ground level than the towpath. However, the submission does not detail what measures are proposed to support the canal infrastructure.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 174 & 183-184 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

The digging of foundations in close proximity to the canal has the potential to undermine the towpath or canal infrastructure or may result in additional loading on the canal. It may also be that water from the canal is present on the site and though this may not currently be having an impact as it is hydrologically balanced it could be encountered during works. Excavating close to the canal may disrupt this balance and reveal these water sources. The applicant would be responsible for addressing this and undertaking any remediation works required. The proposals also indicate a stepped access connecting to the towpath though no further details on its construction have been provided. The applicant / developer will need to discuss the provision of an access directly with the Trust to determine if this is acceptable and any requirements, such as a pedestrian barrier to the waters edge opposite the proposed access. Full details on construction methodology, any works to Trust property and future maintenance and management proposals will also be required. The applicant / developer is advised to contact the Trust separately to discuss this matter further.

Whilst full and final construction details could be required by condition, the applicant / developer should, prior to determination, submit sufficient information to demonstrate that the proposals would not adversely impact on the canal infrastructure at this location and set out any necessary mitigation measures. The Trust wish to be reconulted when this detail is provided.

Impact on the character and appearance of the waterway corridor. The proposals would increase the overall height and bulk of built

development on the site though in terms of scale and mass, it is not considered to feel overly dominant when considering the presence of the bridge, and the scale of the adjacent development.

However, the proposed detailing and design of the building appear somewhat confused and, as a result, do not feel wholly successful as an overall assembly of forms and styles. The western element, alongside the road, is relatively well resolved and detailed. However, the stepped element to the east seems to crash into it and feels less appropriate though this may be due to the western element being so Victorian in appearance. In either case it is felt that the building reads as two separate and distinct buildings with the whole ensemble then feeling something of a compromise as a result.

Both of these elevations would be visible from the canal corridor and our preference would have been for the proposals to follow a more 'modern' route with the mass and scale alluding to historic warehouses, if that is the intention, rather than creating a faux 'Victorian' warehouse where there is no historical evidence that any such structure existed there previously. The proposals might work better if there was a stronger 'break' between the two different blocks/styles reading as a stand-alone 'warehouse' and a modern mansion block linked together.

Impact on the biodiversity of the waterway corridor.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. This could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. The ecological assessment submitted has addressed the need to prevent light spill over the canal though full details of any external lighting should be required. This matter could be addressed by condition.

The plans indicate planting is proposed within the site alongside the canal boundary. However, from the details provided and considering the positioning of the proposed building and balconies it is not clear whether this could be achieved. This should be clarified with the applicant /developer prior to determination.

Any planting should be native species appropriate for this waterside setting and details provided to demonstrate that any planting would not adversely impact on the canal infrastructure. The existing towpath hedge must be retained and maintained at least 1.8m height. There is potential to gap up in places with mixed species such as blackthorn, Field maple, crab apple and hazel to match the hedgerow alongside the recent development adjacent to this site. Full landscaping details, including future maintenance and management regimes and responsibilities should be required by condition.

Accessibility

The Trust encourage the use of our waterways and towpaths for leisure, recreation and sporting activities as part of the natural health service, acting as blue gyms and supporting physical and healthy outdoor activity. The site adjoins the canal corridor and the existing sloped access to the canal towpath at the adjacent bridge. This provides a free public resource for walking and cycling and provides access to green infrastructure, both of which can benefit the wellbeing of future residents.

This benefit to potential future occupiers is recognised in the submitted Planning Statement and the proposals would result in increased usage of the existing access and towpath. The Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The Trust can provide numerous examples of similar situations, such as the adjacent site, where developers have made accessibility improvements as a form of mitigation to either offset additional usage of the towpath to reach a site, or to improve access links onto the towpath for the benefit of both future residents and existing users and it is considered that this is necessary to conform to Policies CS8 (sustainable transport) and CS35 (Developer contributions) of the Core Strategy.

It is recognised that this development is of a smaller scale, and thus any proportionate contribution may be unable to meet the cost of improving a significant length of towpath. It may however be possible to pool contributions to allow a meaningful improvement to be carried out to the Canal towpath in the vicinity of the site, in addition to improvements to the existing access, wayfinding and signage.

The Canal & River Trust therefore request that further discussions take place on this matter to determine if there is support for our request for a contribution, and if so, what would be considered to be an acceptable contribution in line with the Community Infrastructure Levy Regulations 2010 (as amended). Following that discussion, a further revised response will be provided.

We note that the plans show an access from the site to the towpath and as detailed above further information on its proposed construction and future maintenance and management is required to determine whether this would be acceptable to the Trust. The applicant /developer is also advised that any access or connection to the towpath would also be subject to a separate commercial agreement.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."

2) The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that are obtained prior to any works being carried out on Trust owned land.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any

planning obligation.

Further comments received 04.01.2022:

Thank you for your consultation.

Based on the amended information we have the following general advice:

The proposed elevations have been amended with the building now reading as one distinct building. The Trust therefore have no further comments to make on the character and appearance of the proposed development. However, the issues raised in our previous response dated 20th October 2021 relating to impacts on structural integrity, biodiversity and accessibility are still relevant and require consideration prior to determination.

Further comments received 04.04.2022:

Based on the additional information provided our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions and a legal agreement are necessary to address these matters. Our advice and comments follow:

The additional detail submitted has provided some further information on the extent and condition of the existing retaining wall at the site. Further information will be required as the condition survey does not include detail on the depth of the wall or any information about its foundations. However, on the basis of the additional information provided the Trust are satisfied that this detail and the full and final construction details and methodology for the proposed development could now be addressed by condition. The Trust wish to be consulted on these details when available.

Condition - Demolition and Construction Method Statement

No development shall take place until a Demolition and Construction Method Statement detailing all proposed earthmoving, and construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority. This detail shall also include an assessment of the retaining wall to the site boundary with the Grand Union canal (including its depth and foundations) and any necessary mitigation measures or remedial works that may be required and a timetable for their completion. The development shall thereafter only be carried out in accordance with the agreed Method Statement

and the mitigation measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 174 & 183-184 of the National Planning Policy Framework.

In addition, we would reiterate the advice and comments in our previous response dated 20th October 2021, and

our request for conditions relating to the following matters still stand:

- Construction and Environmental Management Plan
- External Lighting Details
- Landscaping
- Retention of hedge to the towpath boundary
- Detailed design and construction methodology for any proposed access to the towpath.

With regards to the S106 contribution we have previously suggested a figure of £15,000 and understand that this has been agreed in principle. We would welcome the opportunity to discuss in detail the means of delivering this contribution and wording on any such contribution in the Heads of Terms. Should planning permission be granted we request that the following informatives are appended to the decision notice:

1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."

2) The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that are obtained prior to any works being carried out on Trust owned land. For us to monitor effectively our role as a statutory consultee, please

	<p>send me a copy of the decision notice and the requirements of any planning obligation.</p>
<p>Planning Liaison Officer</p>	<p>Thank you for re-consulting us on the above application on 25 February 2022. We previously responded to this application on 7 February 2022 (our ref: NE/2022/134085/01-L01) where we objected to the application for two reasons:</p> <ol style="list-style-type: none"> 1. Inadequate / no flood storage compensation has been provided 2. Finished Floor Levels are not above the 1% annual probability + climate change flood level <p>We have now received a response from the applicants flood risk consultants RE: NE/2022/134085/01-L01: 1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, HP3 9RW dated 15/02/2022. Based on this response we are able to remove our objection (2) on Finished Floor Levels, however we maintain our objection (1) on inadequate flood storage compensation for the reasons set out below.</p> <p>Reason for Objection: Inadequate / no flood storage compensation has been provided.</p> <p>The site lies within Flood Zone 3 which is land defined by the planning practice guidance as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.</p> <p>The FRA does not therefore adequately assess the development's flood risk. In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.</p> <p>The submitted FRA states that the southern end of the site may become inundated with flood water, however, fails to address the volume of storage lost because of the increase in built footprint.</p> <p>Overcoming our Objection</p> <p>To overcome our objection, the applicant should:</p> <ul style="list-style-type: none"> o Submit a revised FRA which demonstrates that adequate flood storage compensation arrangements will be made to ensure that there will be no loss in flood storage capacity on site.

- o Take into consideration the fluvial defences including current condition, standard of protection and crest level.
- o Clearly show how the increase in built footprint will affect flood flows and floodplain storage.
- o Demonstrate how the voids will be maintained to ensure there is no loss of effectiveness overtime due to blockages.

The best way to compensate for flood storage loss is to recreate an area of floodplain that mimics the area, shape, and volume of the section of floodplain that has been lost by the development. If this cannot be achieved, we are likely to maintain our objection to the application.

Overcoming our Objection Advice

Please be aware that any increase in built development or raising of ground levels within the floodplain (1% annual probability, plus an allowance for climate change, flood extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the preferred method of mitigation. However, for this to be achievable it requires land on the edge of the floodplain and above the 1% annual probability (1 in 100 year) flood level with an appropriate allowance for climate change to be available. If it is not possible to provide level-for-level and volume-for-volume compensation, then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). However, the FRA must demonstrate that level-for-level and volume-for-volume compensation has been considered and explain why it was not possible to provide it and detail how any associated risks from the chosen form of mitigation can be minimised. For example, the use of voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the proposed mitigation. If voids are proposed as an alternative form of mitigation, then these will need to be floodable, with the underside of the void above the 1% annual probability flood level with an appropriate allowance for climate change.

The LPA must also be satisfied that they can enforce a condition to maintain the voids as designed and that an adequate maintenance plan is in place to ensure the voids remain open for the lifetime of the development. If the LPA are not satisfied that alternative mitigation measures are appropriate, then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

Pre-application Advice

We strongly encourage applicants to seek our pre-application advice to

ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNLsustainablePlaces@environmentagency.gov.uk. Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agencystandard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

Further comments received 16.05.2022:

After reviewing the further submitted information, namely sketch '680177-SK01' we are satisfied that the applicant has demonstrated the exact flood storage loss on site and provided sufficient flood compensation. Therefore, we are now in a position to remove our objection subject to the following planning conditions being included, as set out below:

1. Secure implementation of the Flood Risk Assessment.
2. Scheme to be Agreed.

The inclusion of these conditions is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Condition 1: Secure implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment and in particular the floodplain compensation scheme referenced in sketch 680177-SK01 detailing the following mitigation measure:

- o Compensation storage shall be provided through the lowering of

external levels to bin storage area levels and the relocation of the ramp to ensure no net loss of floodplain storage as a result of the proposed development.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

This condition is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Condition 2: Scheme to be Agreed

The development hereby permitted must not be commenced until such times as a scheme to ensure the maintenance of the undercroft parking 'void' has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure the space is kept clear of debris to reduce the risk of flooding to the proposed development and future occupants.

This condition is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Advice to Local Planning Authority

Sequential Test

In accordance with the NPPF (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- o Adequacy of rescue or evacuation arrangements
- o Details and adequacy of an emergency plan
- o Provision of and adequacy of a temporary refuge
- o Details and adequacy of flood proofing and other building level resistance and resilience measures
- o Details and calculations relating to the structural stability of buildings during a flood
- o Whether insurance can be gained or not
- o Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy

	<p>Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.</p> <p><u>Advice to Applicant</u></p> <p><u>Water Resources</u></p> <p>Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.</p> <p>We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Despite the development being located between the Lawn Lane and London Road air quality management areas the likely traffic generation would not be significant that it would trigger the need for an air quality assessment or attract such volumes of traffic that would lead to significant worsening of air quality.</p> <p>Therefore we have no objections to the proposed development on noise or air quality grounds.</p> <p>Further comments received 13.01.2022:</p> <p>I'm minded to agree with my predecessors comments, while it is in the</p>

vicinity of the Apsley AQMA, it is not within the declared area and therefore not a development that would fall into the scope of being 'at risk' to the extent that comment/objection would be required, in the same way as the residential properties at Fourdrinier Way and White Lion St were not deemed as being required to be within the declarable area.

28:09.2021 (Scientific Officer):

Having reviewed the application documents I am able to confirm that there is no objection to the proposed development. However, because the application is for the introduction of a residential land use on a previously developed site with a historical commercial/industrial land use, I am recommending that the following planning conditions be included on any permission that may be granted.

Contaminated Land Conditions:

Condition 1:

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

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

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

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

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

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

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

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

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

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.
Thames Water	<p><u>Waste Comments</u></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>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</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>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site</p>

	<p>dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><u>Water Comments</u></p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Hertfordshire Highways (HCC)	<p>HCC Highway Authority wishes to recommend refusal of the planning application until further information is provided. The additional details required are as follows:</p> <ol style="list-style-type: none"> 1) Further details for the security of the proposed pedestrian access to the tow path; 2) Details for the design of the car park access (can be addressed by condition); 3) Provide height clearance for the under-croft car park; 4) Swept path analysis of a large car for the proposed car park; 5) Review parking layout to relocate disabled spaces to a suitable location closer to the proposed lift; 6) Show the location of active electric charging parking points on the

proposals plan;
7) Cycle parking type and details of security for cycle store; and
8) Swept path analysis of a fire tender.

Site Description

The site is currently Ebberns Bathroom Centre which provides a bathroom showroom and installation service. The site is located between Durrants Hill Road and Frogmore Road, approximately 200m north of Apsley and 1.1km south of Hemel Hempstead. Access is obtained from Frogmore Road via Durrants Hill Road. To the north the site is bordered by the Grand Union Canal.

Accessibility

Walking and cycling

Frogmore Road has footways on both sides of the carriageway. To the north, Durrants Hill Road has a footway on the eastern side of the road until after the Grand Union Canal bridge when footways are provided on both sides of the carriageway. To the south, Durrants Hill Road has footways on both sides of the carriageway and there is a signalised crossing where the footpath is only on the eastern carriageway. This leads directly to the A4251 London Road in Apsley where there are a number of local facilities and services. On the northern boundary of the site pedestrian access to the towpath of the Grand Union Canal is proposed. Further details as to how this access is secured would be required to ensure the safety of users.

There are no formal cycle routes on Durrants Hill Road however it has a speed limit of 30mph. There is a traffic free route along the towpath towards Hemel Hempstead train station, approximately 2km to the west. This also links with other cycle routes highlighted in the Hertfordshire cycle map.

Public Transport

The nearest bus stops to the site are located on London Road to the south and Belswains Lane to the north, both approximately 250m from the site. These stops are served by routes 1, 2,300, 500/501 and H19 and provide frequent services to Leverstock, Hemel Hempstead, Bennetts End, St Albans Railway station, Watford, Tring and Aylesbury.

Apsley Railway station is located approximately 1km south east of the site and this provides services to London Euston, Bletchley, Tring, Milton Keynes and Northampton.

It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Highway Layout

Road Safety

The applicant has obtained Personal injury accident (PIA) data for the most recent 5 year period, July 2016 to July 2021 for Frogmore Road, Durrants Hill Road and Lawn Road. It shows that there were four PIA's in the study area. The majority were caused by driver error however it is noted that the PIA at the junction of Durrants Hill Road / Frogmore Road involved a pedestrian who had stopped in the road to allow a lorry to manoeuvre. Whilst this is concerning, the proposals provide direct pedestrian access to Durrants Hill Road from the west of the site and to the north via the towpath.

Although the applicant has provided a review including 2020 during COVID-19, HCC has undertaken a review of the surrounding highway network between 2015 and 2019 and has not identified any concerning trends in road safety incidents that vary to those presented in the Transport Statement.

Vehicle Access

Vehicular access would be via Frogmore Road using the existing access road as used by the bathroom store. Access to both parking areas will also be via this road. No details have been provided with regards to access design of the car park access and this will need to be conditioned.

Refuse and Servicing

Refuse collection would be undertaken from Frogmore Road. Drawing ITL17260-GA-001A shows the swept path analysis for a refuse vehicle manoeuvring at Frogmore Road and the proposed drag distance shown in acceptable. The bin store would need to be secure and the quantity of storage is required however this can be conditioned.

Trip Generation and Distribution

The applicant has provided a trip generation assessment for both the existing and proposed uses using TRICS data. The existing use has been based on a retail non-food superstore which is acceptable. The trip generation shows that the existing bathroom store generates 3 trips in the AM peak and 33 trips in the PM peak.

The trip generation for the proposed residential use has been assessed based on flats privately owned. Even though the proposals include 10 affordable flats, the assessment undertaken for privately owned is considered to be robust. This is therefore acceptable. Table 4.2 in the Transport Statement shows that the proposals would generate 15 trips in the AM peak and 17 trips in the PM peak. The applicant has used travel to work data to establish the total car trips and this shows there

would be 10 vehicle trips in the AM peak and 11 in the PM peak. This would result in a net increase in trips in the AM peak of 7 vehicle trips and a net reduction in trips in the PM peak of 22 trips. As the site is located in a sustainable location this is considered to be acceptable.

Parking

The development proposals would provide 30 standard parking bays (min 2.4m x 4.8m) and two bays designed for disabled drivers. 25 of these spaces (including the two disabled bays) would be located within an under-croft car park with the remaining 5 spaces accessed via the existing service road along the southern boundary of the site. The Dacorum Parking standards for Zone 3 require the provision of 31 parking spaces, however the provision of 30 spaces is considered acceptable based on the sites sustainable location. For the spaces within the under-croft car park, height clearance is required. Swept path analysis is also required for this car park for a large car to ensure that the parking spaces in other corner and opposite the disabled spaces are accessible.

Furthermore, although the disabled spaces are located next to the central building entrance, this entrance does not have a lift. Therefore the disabled spaces should be located next to the west of the site where there is a lift available.

The proposed parking will provide 50% active and 50% passive electric vehicle charging points and this is acceptable. However a location of the active spaces must be shown on the proposed site plan.

Cycle Parking

The proposals include the provision of 28 cycle parking spaces which is in line with the Dacorum parking standards. The proposed site plan shows that these will be located in the northern corner of the car park. 4 cycle parking spaces will also be provided for visitors at the front of the development next to the main vehicle access. Cycle parking should be secure and no details of the type of parking and how it will be secured has been provided. This would be conditioned as part of this application response.

Emergency Access

No details have been provided for emergency access and this is required. This should include swept path analysis for a fire tender to ensure proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates). Hertfordshire Fire & Rescue would also be able to provide more specific advice in relation to this if required at administration.cfs@hertfordshire.gov.uk. This would be required prior to permission being granted.

Construction Traffic Management Plan

As stated at pre-application, HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. A construction management plan template may be found at:

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

Summary

In summary, HCC as a highway authority wishes to recommend refusal of the planning application, subject to receipt of additional details as identified herein.

Further comments Received (25.02.2022):

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Access Gate

Prior to the first occupation of the development hereby permitted any access gate or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car and cycle parking and servicing shall be implemented in accordance with the approved

drawing number DR-A-10101-SO-05 and retained thereafter available for that specific use.

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

3. Electric Vehicle (EV) Charging Points

Prior to the first occupation of the development hereby permitted, provision shall be made for 50% of the car parking spaces to have active provision for EV charging and 50% 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).

4. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, 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; and
- 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).

HCC recommends inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by phoning 0300 123 4047.

AN) 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) 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.

Site Description

The site is currently Ebberns Bathroom Centre which provides a bathroom showroom and installation service. The site is located between Durrants Hill Road and Frogmore Road, approximately 200m north of Apsley and 1.1km south of Hemel Hempstead. Access is obtained from Frogmore Road via Durrants Hill Road. To the north the site is bordered by the Grand Union Canal.

Accessibility

Walking and cycling

Frogmore Road has footways on both sides of the carriageway. To the north, Durrants Hill Road has a footway on the eastern side of the road until after the Grand Union Canal bridge when footways are provided on both sides of the carriageway. To the south, Durrants Hill Road has footways on both sides of the carriageway and there is a signalised crossing where the footpath is only on the eastern carriageway. This leads directly to the A4251 London Road in Apsley where there are a number of local facilities and services. On the northern boundary of the site pedestrian access to the towpath of the Grand Union Canal is proposed. Further details as to how this access is secured would be required to ensure the safety of users.

There are no formal cycle routes on Durrants Hill Road however it has a speed limit of 30mph. There is a traffic free route along the towpath towards Hemel Hempstead train station, approximately 2km to the west. This also links with other cycle routes highlighted in the Hertfordshire cycle map.

Public Transport

The nearest bus stops to the site are located on London Road to the south and Belswains Lane to the north, both approximately 250m from the site. These stops are served by routes 1, 2,300, 500/501 and H19 and provide frequent services to Leverstock, Hemel Hempstead, Bennetts End, St Albans Railway station, Watford, Tring and Aylesbury.

Apsley Railway station is located approximately 1km south east of the site and this provides services to London Euston, Bletchley, Tring, Milton Keynes and Northampton. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Highway Layout

Road Safety

The applicant has obtained Personal injury accident (PIA) data for the most recent 5 year period, July 2016 to July 2021 for Frogmore Road,

Durrants Hill Road and Lawn Road. It shows that there were four PIA's in the study area. The majority were caused by driver error however it is noted that the PIA at the junction of Durrants Hill Road / Frogmore Road involved a pedestrian who had stopped in the road to allow a lorry to manoeuvre. Whilst this is concerning, the proposals provide direct pedestrian access to Durrants Hill Road from the west of the site and to the north via the towpath.

Although the applicant has provided a review including 2020 during COVID-19, HCC has undertaken a review of the surrounding highway network between 2015 and 2019 and has not identified any concerning trends in road safety incidents that vary to those presented in the Transport Statement.

Vehicle Access

Vehicular access would be via Frogmore Road using the existing access road as used by the bathroom store. Access to both parking areas will also be via this road.

Refuse and Servicing

Refuse collection would be undertaken from Frogmore Road. Drawing ITL17260-GA-001A shows the swept path analysis for a refuse vehicle manoeuvring at Frogmore Road and the proposed drag distance shown in acceptable. The bin store would need to be secure.

Trip Generation and Distribution

The applicant has provided a trip generation assessment for both the existing and proposed uses using TRICS data. The existing use has been based on a retail non-food superstore which is acceptable. The trip generation shows that the existing bathroom store generates 3 trips in the AM peak and 33 trips in the PM peak.

The trip generation for the proposed residential use has been assessed based on flats privately owned. Even though the proposals include 10 affordable flats, the assessment undertaken for privately owned is considered to be robust. This is therefore acceptable. Table 4.2 in the Transport Statement shows that the proposals would generate 15 trips in the AM peak and 17 trips in the PM peak. The applicant has used travel to work data to establish the total car trips and this shows there would be 10 vehicle trips in the AM peak and 11 in the PM peak. This would result in a net increase in trips in the AM peak of 7 vehicle trips and a net reduction in trips in the PM peak of 22 trips. As the site is located in a sustainable location this is considered to be acceptable.

Parking

The development proposals would provide 31 standard parking bays (min 2.4m x 4.8m) and two bays designed for disabled drivers. 26 of

these spaces (including the two disabled bays) would be located within an under-croft car park with the remaining 5 spaces accessed via the existing service road along the southern boundary of the site.

The Dacorum Parking standards for Zone 3 require the provision of 31 parking spaces, therefore the proposed provision is acceptable.

The under-croft car park would have a height clearance of 2.6m which is acceptable. Swept path analysis for a large car demonstrates that parking spaces are accessible.

The proposed parking will provide 50% active and 50% passive electric vehicle charging points and this is acceptable.

Cycle Parking

The proposals include the provision of 28 cycle parking spaces which is in line with the Dacorum parking standards. The proposed site plan shows that these will be located in the northern corner of the car park. 4 cycle parking spaces will also be provided for visitors at the front of the development next to the main vehicle access. Cycle parking would be secure and accessed via the under croft car park using an electric key card.

Emergency Access

A swept path analysis for a fire tender has been provided which demonstrates that the proposals would be within 45m for a fire tender to access. Therefore in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates). Hertfordshire Fire & Rescue would also be able to provide more specific advice in relation to this if required at administration.cfs@hertfordshire.gov.uk. This would be required prior to permission being granted.

Construction Traffic Management Plan

As stated at pre-application, HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

	<p>A construction management plan template may be found at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans</p> <p><u>Summary</u> HCC as a highway authority has reviewed the application submission and does not wish to object to the development, subject to suitable conditions.</p>
Trees & Woodlands	<p>With regard to Planning Application 21/03549/MFA.</p> <p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p>
Conservation & Design (DBC)	<p>The existing site is located in the base of the valley between the canal and the river. It was an industrial area in the second half of the 20th century. The existing building dates from this period and is of little architectural merit. We would not object to its demolition. Adjacent to the site is the canal linking London and Birmingham. Adjacent is a bridge over the canal which would appear to have a late 19th/ early 20th century date. This has some visual interest. Adjacent to the site is a large redevelopment site under construction by Bellway.</p> <p>The proposed redevelopment to form housing would be acceptable and we would not object to the more traditional canal side warehouse structure for the main block. This could work well and relate and respond to the build environment of the canal and adjacent bridge. With regards to minor alterations we would recommend that the fenestration pattern be reviewed. Perhaps something similar to the canal house in Nottingham may be useful with regards both to the infill windows and the bulleye windows within the gable. One could also consider some form large canal signage as seen on many of the imposing warehouses adjacent to the canals.</p> <p>However we are most concerned with the more contemporary lower element of the scheme. We believe that it does not sit comfortably with either the more traditional main block nor the adjacent more contemporary Bellway development. As a result there is an unfortunate mish mash of development which is not cohesive and fails to integrate well together. If the traditional style is to be followed one should perhaps look at other historic canalside developments perhaps in the midlands and the north of England. One could perhaps off set this from the main building and have a small more contemporary link building perhaps with a flat area to provide an open garden space possibly on a plinth.</p>

However as noted from many canal buildings there are a wide variety of forms of buildings which could be used to create a historic style and sit comfortably within the area.

The lower element of the design should be substantially reviewed as at present it detracts from the proposed larger building and the adjacent new block. This would be detrimental to the character of the area and could not be supported.

It would also be recommended that there be proposals or money towards enhancement to the tow path and the canal to better appreciate and enhance this important historic asset.

Recommendation The application should be substantially reviewed with the lower portion of the building be radically redesigned.

Further comments received 20.12.2021:

The existing site is located in the base of the valley between the canal and the river. It was an industrial area in the second half of the 20th century. The existing building dates from this period and is of little architectural merit. We would not object to its demolition. Adjacent to the site is the canal linking London and Birmingham. Adjacent is a bridge over the canal which would appear to have a late 19th/ early 20th century date. This has some visual interest. Adjacent to the site is a large redevelopment site under construction by Bellway.

The proposal has been reviewed following our previous comments. We believe that it now sits comfortably as a set piece design when compared to the previous proposal. It would provide a suitable end stop adjacent to the road with its scaling up in height. However as noted in the longer section drawing it is not out of scale when compared to the other development permitted onto the site. The design would appear to be well detailed and provide an attractive visual appearance. Whilst contemporary design can be appropriate the area is experiencing a mixture of both new and older styles of architecture which add to the visual interest. The local authority scheme at nearby at Magenta court uses a similar more traditional style. Therefore provided that the details are appropriate such as the brick colours, pattern detailing and that the windows are metal and set back rather than flush with the elevation this would sit comfortably within its context.

On a minor point in relation to landscaping/ contributions it may be useful to consider if an agreement could come forward to replace the palisade fence opposite on the park to the road with a green metal fence similar to that on the park's other boundaries. Not only would this soften the feel of the park and move the character of the area away from

	<p>the industrial estate appearance to a more residential space but also would improve the vista of residents from the main block. This coupled with the overlooking would be most beneficial to users of the park and also the residents who presumably would consider it to be a pleasant green space to enjoy. Hedge or tree planting to this boundary would further enhance its appearance and reduce the impact of traffic on this green space.</p> <p><u>Conclusion</u></p> <p>We would support the proposals and recommend approvals. External materials bricks, mortar colour and detail, window details finishes and set backs, roof materials, rainwatergoods metalwork (balcony railings) subject to approval. Hard and soft landscaping subject to approval</p>
Strategic Planning & Regeneration (DBC)	<p>This proposal is a relatively modestly sized new-build development where we would not normally anticipate seeing larger 3-bed flats. The 1 and 2-bed flats it currently provides for will certainly help to meet the need for smaller accommodation. Generally, I understand that most of the recent flatted developments in this area have been 1 and 2-bed schemes. However, I do believe that there were some 3-bed apartments provided in the adjoining recently completed Bellway (Apsley Quay) development on Frogmore Road, but this was a much larger scheme of 170 homes where there is better scope to secure a wider mix of properties.</p> <p>Given the above, I would suggest that you take a flexible view over housing mix on this site, and in particular the need for 3-bed flats.</p>
Hertfordshire Property Services (HCC)	<p>Hertfordshire County Council's Growth and 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 3 and does not fall within any of the CIL Reg123 exlusions. 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 contracted 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.</p> <p>10.12.2021 (Water Officer):</p> <p>As there is a hydrant on the path next to the existing building, we</p>

	<p>wouldn't require any further fire hydrants to be installed here, so have no comment to make regarding this case.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 21/03549/MFA, Demolition of existing building and construction of new building to accommodate 28 residential units. 1A Frogmore Road Industrial Estate Frogmore Road Hemel Hempstead Hertfordshire HP3 9RW</p> <p>I am pleased to see crime has been considered for this application as detailed in the Design and Access statement (page 39). I would ask that the development is built to meet the physical security requirements of Secured by Design.</p> <p>Physical Security (SBD)</p> <p>Communal door sets: Certificated to BS PAS 24: 2016, or LPS.1175 Access Control to block of flats: Audio or audio visual access control system . Tradespersons release buttons are not permitted. Postal delivery for communal dwellings (flats): Secure communal post boxes within the communal entrances , (Preferably covered by the CCTV) or each flat will have post delivered to it via a letter plate fitted in each flat's door., with the local post office being given an access fob. Individual front entrance doors of flats Certificated to BS PAS 24:2016 Windows: Flats Ground floor windows and those easily accessible certificated to BS Pas 24:2016 or LPS 1175 including French doors for balconies Dwelling security lighting (flats): Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points.. Bin stores and Waste collection: The access doors to these should be to LPS.1175(min SR2), or BS PAS 24: 2016. Car Parking No bollard lighting.</p> <p>Compartmentalisation of Developments incorporating multiple flats.</p> <p>Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised :</p> <p>. Controlled lift access, Fire egress stairwells should also be controlled on each floor , from the stairwell into the communal corridors.</p>

	<p>. Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.</p> <p>Kind Regards,</p> <p>Sophie Groombridge Designing Out Crime Officer (CPDA/DOCO) Covering Dacorum, Watford, 3 Rivers & Hertsmere. Hertfordshire Constabulary Police Headquarters, Welwyn Garden City. AL8 6XF Email: sophie.groombridge@herts.pnn.police.uk</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>The applicant has submitted the following information in support of their application;</p> <p>- FRA and Drainage Strategy reference 680177-R1 (1) FRA dated September 2021 prepared by RSK</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. Therefore, we object to the grant of planning permission.</p> <p>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> <ol style="list-style-type: none"> 1. Assess the existing surface water flood risk and demonstrate no increase in surface water flood risk to the site and the surrounding area up to the 1in 100 year + climate change event. 2. Demonstrate the provision of predevelopment greenfield run-off rates. 3. Demonstrate a viable means of surface water discharge. 4. Provide a detailed surface water drainage strategy to support a full planning application. 5. Groundwater assessment. 6. Assessment of Informal surface water drainage flooding and exceedance events. <p>Overcoming our objection</p> <ol style="list-style-type: none"> 1. Whilst the FRA contains the up-to-date data from the EA Areas susceptible to surface water flood risk mapping, this data has not been assessed any further to

determine the extents, depths and velocities of potential surface water flood risk to the site and possible impacts from the development on the risk of surface water flooding elsewhere.

The applicant will need to demonstrate that as a result of the increased footprint, there will be no displacement of surface water for all return periods up to the 1 in 100 year + climate change event. There should be no impact on the 1 in 30-year event. Any impact on the 1 in 100-year event will require mitigation such as reconsidering the layout of the development or making space for the water to flow to compensate the area lost without increasing flood risk elsewhere.

Whilst we acknowledge that the proposed residential building incorporates a under croft car park which means the units will not be at risk of flooding, the applicant will need to demonstrate by referring to the DEFRA FD23-20 assessment, that occupants can safely access and egress the site to a safe area. It has been stated that there is an area to the north, however the assessment is required to demonstrate this for surface water flood risk as well as fluvial. The proposed use of the site is more vulnerable than the current use, placing people at risk from flooding. It is therefore important that it can be demonstrated that the development will be safe for its lifetime.

The LPA will also need to be satisfied that emergency vehicles can safely access the site. The site access is shown to be within the 1 in 30-year surface water flood risk extent, so we recommend this area is included in the Safe Access assessment.

It is stated that the under-croft car park floor level is above the surrounding ground level and therefore not at risk of flooding. However, the proposed cross section elevations show the ground level of the under-croft parking to be set lower than the surrounding ground level. Therefore, clarification is required as to whether it is intended to allow the car parking to flood or if mitigation is provided to prevent surface water flooding from entering the car park.

2. The applicant has undertaken pre-development greenfield run-off rate calculations which provides a 0.2l/s Qbar rate. However, the applicant has proposed an overall discharge rate of 2.9l/s. We understand that the applicant has cited the concern of implementing a low discharge rate, however there are devices that can accomplish this and even if 0.2l/s is too low, we would require the applicant to provide as close as possible to the calculated pre-development greenfield rate, especially as this is within an area of high-medium surface water flood risk and proposing to discharge into a flood relief channel. The proposed attenuation volumes will need to be altered to accommodate a lower discharge rate.

3. The applicant has assumed that the current site discharges to the existing Thames Water owned culverted flood relief channel beneath Frogmore Road, however the applicant has not yet undertaken a survey of the existing drainage infrastructure. The applicant is proposing to discharge to this culvert, however if this is to be viable, the applicant should provide evidence that Thames Water approve the connection, the location of the connection and that there is sufficient capacity. As this culvert is hydraulically connected it should be demonstrated that the culvert can cater for the development run-off up to and during the 1 in 100 year + climate change event.

4. The proposed drainage scheme is proposed as a 'draft' and indicative drainage strategy. As this is a full application where the layout and other details of the development will be determined, it is important to understand the detail of the proposed drainage strategy at this stage to ensure it is feasible. This includes the exact location and depth of the proposed SuDS measures including the geocellular tanks and permeable paving, their size, pipe runs and final outfall location. Detailed surface water drainage calculations should be provided for all rainfall events up to and including the 1 in 100 year + climate change event. The calculations should also include half drain down times for any storage elements of the scheme for a 24-hour period.

We are pleased to see the inclusion of a green roof as part of the drainage strategy and use of permeable paving.

5. It is stated that due to the location of the proposed development being close to the River Bulbourne and based on the BGS mapping that it is expected ground water levels to be shallow beneath the site, however no intrusive ground investigation has been carried out. It is stated that this will be carried out during detailed design. However, as this has a direct consequence on the viability of the proposed drainage strategy, ground water levels should be determined at this stage of the design and planning process.

It is stated that in order to accommodate the required surface water storage, two tanks at a depth of 0.8m will be required, one of which is cited under the under-croft car park and the permeable paving area at a depth of 0.3m. For the Geocell tanks and permeable paving to be viable, the applicant will need to provide a minimum 1m unsaturated buffer zone from the invert level of the geocell tanks and permeable paving to the worst case recorded ground water level taking into account seasonal variation. We also require any permeable paving and geocells to be lined to prevent a pathway for the ground water to emerge and possible pollutants entering the underlying ground water.

It should be demonstrated that there is no risk of floatation of the proposed geocellular tanks from the hydrostatic pressure of the underlying ground water.

6. When undertaking the detailed surface water calculations, the applicant will need to demonstrate that there is no risk of flooding below the 1 in 30-year event. Any flooding above this up to the 1 in 100 year + climate change event will be considered as informal flooding to the site and it should be demonstrated this can be safely contained within the site and not increase flood risk elsewhere. These areas should be shown on a site plan, showing the extent and depths of flooding and be read in conjunction with the calculations.

An assessment of exceedance events above the 1 in 100 year + climate change event should be provided, showing the flow pathways on a site plan showing the direction of flow and demonstrate this has not been increased as a result of the development.

The applicant can overcome our objection by submitting a Flood Risk Assessment and Surface Water Drainage Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of a Flood Risk Assessment and Surface Water Drainage Assessment will not in itself result in the removal of an objection.

Informative and advice

For further advice on what we expect to be contained within the Flood Risk Assessment and Surface Water Drainage Assessment to support a full planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.

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

This link also includes HCC's policies on SuDS in Hertfordshire.

Please note if the LPA decide to grant planning permission, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Further comments received (11.05.2022):

Thank you for re-consulting the LLFA on the Demolition of existing building and construction of new building to accommodate 28 residential units at 1A Frogmore Road Industrial Estate, Frogmore

Road, Hemel Hempstead, Hertfordshire, HP3 9RW.

The applicant has submitted the following additional information in support of their application:

- FRA addendum and Drainage Strategy reference 134224 dated 24 January 2022 prepared by RSK
- Drainage Report 1036 dated 20 December 2021 prepared by Integrum Site Services

The applicant previously provided the following information:

- FRA and Drainage Strategy reference 680177-R1 (1) FRA dated September 2021 prepared by RSK

We have reviewed the additional information submitted by the applicant in support of the planning application. However, the information provided to date has not overcome our reasons for objection in our letter dated 23 November 2021 and therefore does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. 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, and our detailed comments are provided below including our previous comments (in italics):

Overcoming our objection

1. Whilst the FRA contains the up-to-date data from the EA Areas susceptible to surface water flood risk mapping, this data has not been assessed any further to determine the extents, depths and velocities of potential surface water flood risk to the site and possible impacts from the development on the risk of surface water flooding elsewhere.

Based on the additional information the applicant still needs to overlay the surface water flood extents based on the predicted levels and depths as shown on the EA surface water flood maps for all pluvial flood events up to the 1 in 100 year + climate change event to demonstrate assessment, analysis and understanding of this. The amended FRA states that the risk is 'medium' risk from surface water, however looking at the up-to-date EA maps, this shows parts of the site including the only vehicular entrance to lie within a high-risk area.

The applicant will need to demonstrate that as a result of the increased footprint, there will be no displacement of surface water for all return periods up to the 1 in 100 year + climate change event. There should be no impact on the 1 in 30-year event. Any impact on the 1 in 100-year event will require mitigation such as reconsidering the layout of the

development or making space for the water to flow to compensate the area lost without increasing flood risk elsewhere.

Please can the applicant provide a pre and post development footprint area and confirm the proposed footprint is not encroaching into a higher pluvial flood risk area that may result in displacement of surface water flooding.

Whilst we acknowledge that the proposed residential building incorporates a under croft car park which means the units will not be at risk of flooding, the applicant will need to demonstrate by referring to the DEFRA FD23-20 assessment, that occupants can safely access and egress the site to a safe area. It has been stated that there is an area to the north, however the assessment is required to demonstrate this for surface water flood risk as well as fluvial. The proposed use of the site is more vulnerable than the current use, placing people at risk from flooding. It is therefore important that it can be demonstrated that the development will be safe for its lifetime. The LPA will also need to be satisfied that emergency vehicles can safely access the site. The site access is shown to be within the 1 in 30-year surface water flood risk extent, so we recommend this area is included in the Safe Access assessment.

Whilst the addendum FRA has stated that there is a pedestrian safe access to the north, the applicant still needs to undertake the relevant assessment as stated above. The pedestrian route should be to an area that is wholly dry and considered a 'safe haven' and the LPA will need to be satisfied.

It is stated that the under-croft car park floor level is above the surrounding ground level and therefore not at risk of flooding. However, the proposed cross section elevations show the ground level of the under-croft parking to be set lower than the surrounding ground level. Therefore, clarification is required as to whether it is intended to allow the car parking to flood or if mitigation is provided to prevent surface water flooding from entering the car park.

The addendum FRA has not clarified this point other than stating that the under-croft car parking will allow 'flow' through the car park, we therefore still need clarification on how this will function and where the flow paths are.

2. The applicant has undertaken pre-development greenfield run-off rate calculations which provides a 0.2l/s Qbar rate. However, the applicant has proposed an overall discharge rate of 2.9l/s. We understand that the applicant has cited the concern of implementing a low discharge rate, however there are devices that can accomplish this and even if 0.2l/s is too low, we would require the applicant to provide

as close as possible to the calculated pre-development greenfield rate, especially as this is within an area of high-medium surface water flood risk and proposing to discharge into a flood relief channel. The proposed attenuation volumes will need to be altered to accommodate a lower discharge rate.

The applicant has cited that the system requires additional attenuation which cannot be accommodated on site by lowering the rate lower than 2.9l/s. The applicant has amended the drainage strategy which will now provide 76.8m² of surface water attenuation. This is to accommodate modelling volumes of informal flooding. The scheme will include a tank and permeable paving outside the entrance of the car park which will accommodate 62.4m³. The remaining volume of 14.4m³ will be attenuated in a smaller tank prior to discharge into the Thames Water flood relief channel. Subject to confirmation from Thames Water we find the proposed discharge rate acceptable.

3. The applicant has assumed that the current site discharges to the existing Thames Water owned culverted flood relief channel beneath Frogmore Road, however the applicant has not yet undertaken a survey of the existing drainage infrastructure. The applicant is proposing to discharge to this culvert, however if this is to be viable, the applicant should provide evidence that Thames Water approve the connection, the location of the connection and that there is sufficient capacity. As this culvert is hydraulically connected it should be demonstrated that the culvert can cater for the development run-off up to and during the 1 in 100 year + climate change event.

A CCTV survey has been undertaken and although the amended FRA states that it has been confirmed the site currently discharges to the TW culvert, the CCTV report states that it is 'assumed' this is the case due to blockage from material which prevented the survey being completed. It has been recommended that this is cleared to be able to confirm the discharge location and was not scoped as part of the CCTV survey.

4. The proposed drainage scheme is proposed as a 'draft' and indicative drainage strategy. As this is a full application where the layout and other details of the development will be determined, it is important to understand the detail of the proposed drainage strategy at this stage to ensure it is feasible. This includes the exact location and depth of the proposed SuDS measures including the geocellular tanks and permeable paving, their size, pipe runs and final outfall location.

Detailed surface water drainage calculations should be provided for all rainfall events up to and including the 1 in 100 year + climate change event. The calculations should also include half drain down times for any storage elements of the scheme for a 24-hour period.

We note from the surface water calculations provided the half drain down times can not be confirmed due to the system being too full. The applicant will need to demonstrate that the drainage system can half drain within 24 hours (for all events up to and including 100+cc) to ensure the drainage system can function following a subsequent rainfall event. The applicant should also demonstrate that the system can drain down during a 1 in 30-year fluvial event within the culvert where it is stated the site discharges to.

We are pleased to see the inclusion of a green roof as part of the drainage strategy and use of permeable paving.

5. It is stated that due to the location of the proposed development being close to the River Bulbourne and based on the BGS mapping that it is expected ground water levels to be shallow beneath the site, however no intrusive ground investigation has been carried out. It is stated that this will be carried out during detailed design. However, as this has a direct consequence on the viability of the proposed drainage strategy, ground water levels should be determined at this stage of the design and planning process.

This information has still not been provided.

It is stated that in order to accommodate the required surface water storage, two tanks at a depth of 0.8m will be required, one of which is cited under the under-croft car park and the permeable paving area at a depth of 0.3m. For the Geocell tanks and permeable paving to be viable, the applicant will need to provide a minimum 1m unsaturated buffer zone from the invert level of the geocell tanks and permeable paving to the worst case recorded ground water level taking into account seasonal variation. We also require any permeable paving and geocells to be lined to prevent a pathway for the ground water to emerge and possible pollutants entering the underlying ground water.

As the groundwater levels have not been established at this stage it has not been demonstrated that a 1m buffer can be achieved.

It should be demonstrated that there is no risk of floatation of the proposed geocellular tanks from the hydrostatic pressure of the underlying ground water.

It is stated in the addendum FRA that measures will be provided, however without understanding the groundwater levels, these measures cannot be guaranteed.

6. When undertaking the detailed surface water calculations, the

	<p>applicant will need to demonstrate that there is no risk of flooding below the 1 in 30-year event. Any flooding above this up to the 1 in 100 year + climate change event will be considered as informal flooding to the site and it should be demonstrated this can be safely contained within the site and not increase flood risk elsewhere. These areas should be shown on a site plan, showing the extent and depths of flooding and be read in conjunction with the calculations.</p> <p>An assessment of exceedance events above the 1 in 100 year + climate change event should be provided, showing the flow pathways on a site plan showing the direction of flow and demonstrate this has not been increased as a result of the development.</p> <p>The applicant has amended the drainage strategy to accommodate the calculated informal flood volumes.</p> <p>The applicant can overcome our objection by submitting a Flood Risk Assessment and Surface Water Drainage Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of a Flood Risk Assessment and Surface Water Drainage Assessment will not in itself result in the removal of an objection.</p> <p>Informative and advice For further advice on what we expect to be contained within the Flood Risk Assessment and Surface Water Drainage Assessment to support a full planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage. https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</p> <p>This link also includes HCC's policies on SuDS in Hertfordshire within LFRMS2.</p> <p>We have provided comments from the Lead Local Flood Authority in this letter. However, due to the LLFA SuDS team staff shortages, we may not be able to provide further advice at this site.</p> <p>Please note if the LPA decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.</p>
Hertfordshire Ecology	Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:

	<p>Hertfordshire Environmental Records Centre has no ecological data on the specific site although there are records of bat roosts in the area. However, the application is supported by a Preliminary Ecological Assessment and Bat Survey by 4 Acre Ecology Limited (report date 10/09/21).</p> <p>The application site is characterised by buildings and hard standing with very little ecological potential. The ecological survey carried out on the 2nd September 2021 found negligible potential in the buildings or trees for roosting bats. I have no reason to doubt this conclusion. The site is adjacent to the canal an important ecological feature and providing a commuting and foraging resource for bats. It is also part of an otter's territory as demonstrated by the discovery of otter spate. No further surveys were considered necessary, but sensible precautionary measures relating to lighting, nesting birds and hedgehogs are suggested in the report and these should be followed as an Informative should consent be granted.</p> <p>The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Enhancement in the form of three bird boxes including a sparrow colony box boxes are recommended in the ecological report. I would advise that these as well as measures for hedgehogs are marked on a Biodiversity and Landscape plan which should be submitted for consideration by the LPA and secured by Condition.</p>
Archaeology Unit (HCC)	<p>The development site in question is currently occupied by a modern building and has previously only been used for agricultural purposes as watercress beds, evidence of which is not likely to survive below ground. Any below-ground material from the building of the Grand Union Canal has likely already been disturbed through the modern development. The adjacent plot developed for Apsley Quay found the remains of 19th century workers' cottages [HER 31253] but these did not extend West onto the site currently in question.</p> <p>In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Health & Safety Executive	<p>HSE is the statutory consultee for planning applications that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p>

	<p>- contains two or more dwellings or educational accommodation and;</p> <p>- meets the height condition of 18m or more in height, or 7 or more storeys</p> <p>However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.</p> <p>I have checked the document marked "Fire Statement", which shows that while the total height is 19.4 metres, the height from ground to the upper floor surface of the fourth floor level is 12.4 metres. Please see our guide below:-</p> <p>Buildings in scope of Planning Gateway One are described in the new article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>The height condition is defined as either (a) the building is 18 metres or more in height or (b)the building contains 7 or more storeys. Article 9A(7) states that 'the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms)'; and that any storey which is below ground level is to be ignored. The Gov.uk website contains the following diagram regarding height measurement (Fire safety and high-rise residential buildings (from 1 August 2021) - GOV.UK (www.gov.uk)):</p> <p>Once again thank you for your email, if you require further advice with regards to this application, please do not hesitate to contact the planning gateway one team quoting our reference number (pgo-0761) in all future correspondence.</p>
Natural England	<p>21/03549/MFA</p> <p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.</p> <p>Natural England requires further information in order to determine the</p>

significance of these impacts and the scope for mitigation.

Please re-consult Natural England once this information has been obtained.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at

Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or

	<p>projects, would be likely to have a significant effect on the SAC. Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.</p> <p>Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter please contact the case officer Ryan Rees on 07425 617458 or by email ryan.rees@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
Fire Hydrants	As there is a hydrant on the path next to the existing building, we wouldn't require any further fire hydrants to be installed here, so have no comment to make regarding this case.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
99	20	1	18	0

Neighbour Responses

Address	Comments
25 Regents House Frogmore Road	I am writing to enquire about the plan to demolish the bathroom store at 1a Frogmore Road and to replace it with a number of new properties.

<p>Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>I've already registered my concerns about the plans online, however I only heard of the plans through word of mouth and have not received any information through the post. This is surprising as my flat is one of the closest to the proposed new properties. Could you please let me know if there is a proposed meeting to discuss this new development, or what the next stage is? If there is any communication about the planning process please could my address below be added to the list.</p> <p>We would like start by saying how surprised we are that the residents of Regents House were not notified by the council about this development, given we will be the closest neighbours. We were kindly informed by a resident of Ebberns Road. We can confirm word of mouth would most certainly not have circulated to everyone that needs to know.</p> <p>We are in full support of additional housing in the area and so do not object to the proposal to demolish Ebberns Bathroom Centre and replace it with new homes. However, we do object to the design of the proposed building, notably the size and scale, for a number of reasons.</p> <p>Firstly, we are concerned about the close proximity of the building to our apartment which will be at the closest point to the proposed design. The design mentions 'respecting the neighbours' in various places but this cannot be true if the wall is proposed to move even closer to Regents House and narrow the already small gap. Doing this will reduce the sunlight to a number of apartments in Regents House, increase noise and invade our privacy. We appreciate that the design suggests it will be staggered, however we would prefer the distance between the two buildings to remain the same as it currently is and not encroach any more on Regents House.</p> <p>Secondly, the height of the building seems very imposing for the area; as attractive as the design is, it will block sunlight and views we currently have. It will greatly affect the people who live opposite on Ebberns Road, many of whom have rightly voiced their concerns.</p> <p>Thirdly, we are concerned about the impact the development will have on the local infrastructure, which will surely need addressing. Frogmore Road and Durrants Hill Road is already getting busier, not helped by the impact of Apsley Quay, and this will surely get worse, increasing noise and pollution levels.</p> <p>Our general impression is that 28 units is an ambitiously high number for such a small space and so we welcome the discussion of lowering this number, alongside our design points above.</p>
<p>45 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>When buying the property, we specifically asked if that building would be turned into residential homes.</p> <p>Bellway confirmed it wasn't going to be changed / redeveloped within the next 10 years. We were told Bellway had in fact tried buying it previously but the owner refused to sell, hence why we went to this specific plot in our building.</p> <p>Having a high-rise building right in front of our windows, affects us</p>

	<p>massively with light and privacy. It will also devalue our property when we do sell and we haven't even lived here for a year. If we knew of these plans, we would have 100% looked elsewhere and not bought this property.</p> <p>The fact that it was a non residential building and not planning on being changed within 10 years, was one of the deciding factors in us buying our property. We were given confidence from Bellway that there were no plans for it to be demolished within the next 10 years. There is no way on earth would we have bought this property if we knew we would have to live next to a building site for the next few years.</p>
<p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>We have recently purchased the property at 8 Ebbens Road and moved in beginning of July.</p> <p>On 21 September we have been made aware of the demolition of the bathroom store in 1A Frogmore Road and the planned construction of a new building with 28 apartments.</p> <p>Whilst I don't have a general issue with the construction of additional residential units or with the material that would be used, I would like to express my sincere concerns regarding the planned design, especially the height of the building and the planned number of apartments.</p> <p>The building design includes a 5-storey block which will have a significant impact on the living conditions of several houses in Ebbens Road. The height of the building will result in a loss of light for all the rooms facing the canal and will overshadow our relatively short patios/back gardens. The new construction with several flats being designed near the canal will also cause a significant loss of privacy for many residents on Ebbens Road.</p> <p>Another residential block next to the one being planned has recently been constructed in Frogmore Road. After consultations with community members, the design for this residential block was changed in favour of the residents in the houses on the other side of the canal, opposite this building.</p> <p>I would therefore like to request that the planned design of the new construction would also be changed and that any potential new building on 1A Frogmore Road should not exceed the height of the existing one.</p>
<p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>As a current resident I wish to express my opinion about the demolition of 1A Frogmore Road and the planned construction of a new building with 28 apartments. The residential development is supposedly expected, and there is no concern about the overall design of the new building. It would blend in quite well in the area and is welcome. However, there are several concerns:</p> <ol style="list-style-type: none"> 1. The height of the building. The building will have a significant impact on the living conditions, including loss of sunlight as well as lack of privacy on both sides. As councillors and local community are already aware of, the design of the adjacent residential block of apartments, was changed in favour of the complaints of local residents, several years ago. We hope this sets the right precedent of respecting privacy

and natural sunlight of residents on both sides of the canal. The houses of 2-12 Ebbens Road (which will be affected by the planned construction), have small terraces, which will get even less sunlight and privacy than they currently get. I would suggest to either propose a new 'staggered' design, where there are significantly less stories immediately in front of the canal, and/or significantly minimise the amount of apartments built overall.

2. The level of traffic, noise and emissions. Understandably, the level of noise will start with building works, but more significantly, will increase once the residents move in. The already busy Durrant Hill Road will become even busier and louder. Not to mention the levels of extra emissions from additional cars. Therefore, again, I would suggest to significantly minimise the amount of apartments built.

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<p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>I am very concerned that the height of the proposed development in 1A Frogmore Road Industrial Estate will completely block the light from our houses in Ebbens Road across the canal due to the short distance in between the sites.</p> <p>This is a particular concern for this stretch of the canal. In other places, houses are further set back, but 2-12 Ebbens Rd, directly opposite the proposed building, only have a small distance to the water and the 1a Frogmore Rd.</p> <p>I am also very concerned about the loss of privacy as this will affect our lives significantly.</p>
<p>40 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>With reference to the above I wish to object strongly to the proposal, as it is much too high and will totally block out the afternoon sunshine for nos, 2 to 12 Ebbens Road and also affect 38, 38a and myself 40, where I will lose the setting sun from a newly laid paved area. It will also block afternoon and evening sunlight from all the single aspect westward facing flats in Regent House, the only chance they have to get some sun. I have seen for myself the lovely health giving sunshine illuminating the dining rooms of the Ebbens houses and it would be a terrible thing to do to black this out. A 60ft edifice even higher than the Frogmore Road flats which already block out a lot of the sky will cast a 180 ft shadow at 5.00 pm in the autumn, across the 45 ft canal and obliterate sun from the small gardens of 2 to 12 Ebbens Road. A precedent was established, against our wishes, by Regent House, and now, this is proposed to be even higher. Where does it all end? The outlook for The Ebbens residents would be a huge sunless high, ie towering above them, wall, dominating and darkening their view. Plants in the gardens will not thrive. The canal will turn into a permanently dark strip by reflecting the dark wall in the water. I can bear witness to the healing and calming properties of sparkling water. That advantage would be gone forever. Far from being a gatehouse effect leading into the estate, it obliterates it and imprisons it from both directions. The flats on the top floor will be dark and sunless with their single windows in large rooms and facing north west only, and very noisy at night with open windows directly above the road. The whole top floor needs to go for a start. The architectural detail is attractive and imaginative however. The gable shape is nicer than a flat roof, but adds far too much height, perhaps a flattened gable might work. There are not</p>

enough parking spaces especially considering some flats have 2 bedrooms and, because Ebberns Road is probably not having resident's parking we will have a very unwanted overflow. It is my hope that this proposal will be recommended for refusal by the Case Officer, thus saving us all a lot of trouble.

04.01.2022:

I would like to add that no consideration or analysis has been shown as to the loss of light and sunlight to the gardens of nos 2 to 12 Ebberns Road. These will lose a great deal of sunshine if a 60 ft building is placed so close. Also, I wonder if you realise that the ground floor rooms are their living rooms. We were given a shadow diagram with the Apsley Quay development which revealed a true seasonal picture of the proposed situation and on the basis of which the Development Management Committee turned the application down. It seems evident that there would be a serious loss of light and warmth, leading to wasteful energy sources, as well as being depressing, to Ebberns Road dwellers including in my kitchen which wasn't assessed, and particularly to The Regent House Residents who get precious little light and that mostly at late afternoon. We, in Ebberns Road, already have experienced loss of light with Apsley Quay, so the percentages give a false impression

16.02.2022

In respect of Planning Application 21/03549/MFA, the 28 flats proposed at 1a Frogmore Road, it appears that some doubt has been cast as to the validity of the objections lodged and to the need for this to be called in to the full committee.

Firstly, about the visual impact and loss of daylight of the proposed building. It clearly states in Bre's analysis that there will be loss of light and the penetration of sunlight to the detriment of both the Apsley Quay flats that face west and the houses along the Canal namely nos. 2 to 12. I contend that it would also affect 38, 38a and myself no. 40, not mentioned in their report. The figures are certainly not zero but are close to 1% in every case. A building, a gable twice as high as it is now, ie 60ft instead of 30ft, cannot fail to cut out a significant portion of the sky, and to cast a shadow longer than its own height, and, therefore longer than the width of the canal, which is approx. 45 ft thus affecting the gardens of 2 to 12 in particular and adding to the level of darkness, particularly in their lower ground floor living rooms, which only have aspect at the back and are underground at the front. Even the lower part of the sloping roof would have a significant effect at late afternoon and all evening, just when most people are finishing work and like to enjoy a drink outside. As to the mention of overhanging balconies of the Apsley Quay flats, in their report, this would have little to do with overshadowing in the evening so, is not relevant. Why have we not been given shadow diagrams? Perhaps the evidence they would give would not be in the interests of the developers! Please find attached a photo taken from my kitchen window showing the existing building, ie Ebberns Baths, and I ask you to picture the appearance of a building twice as high. I have lost a significant amount of sky already, this would be a bit more gone. The sun sets behind the existing building 3 seasons of the year. How much earlier will it set behind the proposed

building? Will I still get evening light in my kitchen? The ground level, by the way, only drops 5ft below the towpath level. Equally the flats at the bottom of Durrants Hill Road pose no problem to us as they are much lower down the hill and cannot be seen from here. Could I ask you to visit nos 8 or 6 Ebbens Road, for instance to get the full Impression of what a 55ft building would do to their quality of life?

Secondly, with reference to the car parking allocation. My research shows that 1.3 spaces per residence is the minimum recommended in Hemel Hempstead, even for bedsit style flats, 31 spaces for 28 flats, some of which have 2 bedrooms, is only 1.1, and would cause overflow, particularly to being unallocated and therefore unrestricted as to who can park there. With visitors and delivery vans much in use these days, I believe there would be a problem, and the last thing we want is any more cars in Ebbens Road, given that we are not having Resident's Parking.

Another reason to turn down this application might be the design, which places the top floor flats facing a noisy busy road, onto which the only opening windows to their bedrooms are placed. We are not averse to redevelopment here, but would like whatever is placed there to enhance the neighbourhood and not to spoil what little is left to us of the sky, following the construction of the Apsley Quay flats, which have already removed a lot of our sky and light. Ideally we are hoping that the Case Officer will turn it down. A fresh design with fewer flats and a less high roof would then be able to be considered and quite likely accepted. Otherwise, we feel that we would be more likely to get this happening if it remains to be called in to the Committee, who have less pressure on them to help fulfil a quota in Dacorum, and are able to be more dedicated to preserving the charm of the area.

23:02.2022:

1) Overshadowing. I dont know if you have visited the site, but I was very surprised that your interpretation of the loss of daylight report was to say no impact on the houses 2 to 1 Ebbens Road. I have already sent you my observations on this point, particularly in respect of the little gardens next to the Canal being thrown into complete shade. The proposed building needs to be at least a storey less, perhaps with a modified gable or parapet. The ground level, by the way, is only 5 ft lower than the towpath level.

2) Overbearing. The artists impression clearly shows that it dwarfs the bridge and existing houses. Whereas the architectural detail and style of building with the Romanesque arches over the windows is attractive and in the vernacular of Victorian buildings, the whole building, which you can also observe in the elevations, looks more appropriate to an Industrial area than to nearby modest residences. In other words it is too big.

3) Overlooking and loss of privacy. People in the top storeys would be able to see right into the little gardens and into bedroom windows. Some people are already finding this a problem from the Apsley Quay building.

	<p>4) Risk of creating a precedent. The Apsley Quay buildings, which also did just that, are maximum 50ft from the ground, and are staggered away from us, minimising the impact visually, from our direction. A 60ft building would therefore create a precedent. The buildings at the bottom of Durrants Hill Road are built on much lower ground at the bottom of a steep hill, and their actual height, therefore, is irrelevant, as having no impact on us.</p> <p>5) Inadequate parking. 3 spaces more than the number of units, where some flats have 2 bedrooms, is not enough. Frogmore Road is already heavily parked at all times due to overflow from the Apsley Quay flats. Given families with 2 cars, their visitors and delivery vehicles etc.the situation would be a nightmare. We, in Ebbens Road, can't take anymore extra cars as we accommodate Lawn Lane cars as well as our own. We are not going to have Resident's Parking as this was turned down as disadvantageous to us, in the way it was going to be administered.</p> <p>I am sending you, separately, a photo taken from my kitchen on the first floor, where you can see in the top left corner, the impact and loss of light from the sky, of a staggered 50ft building. I live at No 40, Ebbens Road. Numbers go 2 to 12, then 36 and so on, so I am quite close. I have already sent you a shot of the existing building from my garden, so you can judge the impact of a building twice as high.</p> <p>These then are all valid reasons why you might well be justified in turning down this application. Should you do so, we would be very relieved, and should it subsequently go to appeal we would certainly be prepared to lend weight to the Council's defence of that decision.</p>
<p>2 Johnson Court Hemel Hempstead Hertfordshire HP3 9JT</p>	<p>I object to this planned development. The local infrastructure is already stretched to breaking point - particularly the lack of parking. I live on the other side of Lawn Lane and the area around Durrants Hill and Ebbens Road is so busy and congested. There are already too many new houses and apartments squeezed into Ebbens Road, and you're proposing building a four-storey (5 levels with the underground parking) apartment block! This will be too close to existing properties and will impair the lives of nearby residents.</p>
<p>38 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>We oppose the proposal, due to the 5-floor heights of the main building leading to overshadowing of our ground floor. This will increase our heating costs and environmental footprint, which are important factors for us, given energy prices and climate emergency. Additionally, the number of flats will further escalate the dramatic lack of primary school places in the two waters area. Our road used to be served by the two waters primary in the manor estate. Dur to building activity in recent years exceeding primary school expansions, it is right now outside of the catchment of all primary schools in Apsley. We are aware that the plans for the two waters corridor once included a new primary school, but we have not heard of it being build.</p>
<p>38A Ebbens Road Hemel Hempstead Hertfordshire</p>	<p>I would like to object to the proposed reconstruction of 1A Frogmore Road.</p>

HP3 9QR	<p>Loss of light and shadowing: Although no shadow diagram has been submitted (may we have one please) It is clear that we will all be affected negatively. The proposed design is 5 storeys (Ground, 1st, 2nd, 3rd and 4th) This will completely block out the evening light. The height of the design and location of the highest point is directly where the sun sets, and my property and garden will be plunged into darkness hours earlier than it is now. This area of skyline is the only part I can see from my garden due to foliage and the already imposing Bellway opposite. Therefore I propose the new building does not extend any higher than the current building.</p> <p>Overlooking and loss of privacy: The proposed design will have 22 windows, 4 balconies and 2 roof gardens facing the direction of my house and garden - I will be incredibly overlooked and will have next to no privacy as my bedroom, kitchen and garden will be completely visible from all of those areas. And vice versa. I do not want to see people in their houses, and I'm sure they don't want to see any of the residents of Ebberns road either. The removal of floors 2, 3 and 4 would eliminate most of this.</p> <p>Adequacy of parking: The ground floor plan looks like it has 31 car parking spaces. This does not seem enough for the 28 proposed flats. Some are one bedroom, some are 2 bedroom - if every occupant has a car, then we will see a significant increase of parking on Ebberns Road. It is difficult enough to park on our own road. This would also be terrible for air pollution with the emissions. Therefore I again suggest reducing the amount of apartments in the building.</p> <p>Noise disturbance: As proven by the current Bellway, the outdoor areas and balconies will attract parties, picnics, exercise groups and so on. We do not need any more noise disturbance in 'the quiet zone' of the canal.</p> <p>Visual intrusion: As already mentioned, the building is too high and will block out the only skyline I have.</p> <p>Design and appearance: Other than the looming height of the structure, the design is rather nice and in keeping with the area. Very well done to the illustrator - however, it would be more useful to see how the building would look from this side of the bridge. The perspective of the diagram isn't helpful to the residents at all, only canal boats would see it from that angle. I invite you to illustrate it from my house if you wish.</p> <p>On a more personal level, I only bought this, my first property in April - and I would be devastated if my dream house and my wellbeing was to be impacted by all of the building works that could take place on what is an obviously over-sized and unnecessary development.</p>
The Muse 8 Ebberns Road Hemel Hempstead Hertfordshire	The building as proposed in the plans will be too high. Those of us living to the north of the apartment block will be confronted by a mass of bricks which will block the sunlight for significant parts of the day. As many balconies and windows will be facing our properties, it is clear

HP3 9QR

that residents will look directly into our private spaces such as our bedrooms from just a few yards across, especially from the fourth and fifth level of the new development.

I understand that a residential development may be built on this site, but I strongly object to the towering presence that this particular plan represents. The adjoining development on 1-14 Frogmore Road ('Apsley Quay') provides a good example of how a new residential building should definitely not be more than three levels tall (ground level parking plus two levels with apartments) on the side of the canal. The distance between our house and the proposed development is even smaller than the distance between Apsley Quay and the houses of any of our neighbours on Ebbens Road.

I accept the general architectural design and appearance of the proposed residential building, but plans need to be redrawn with significantly reduced height to decrease the amount of overshadowing, loss of privacy and visual intrusion which I and my neighbours will suffer from.

16.02.2022:

I wrote to you on 26 September about the application for a proposed five-storey apartment block behind our house on 1a Frogmore Road. I have had no response to my email yet, but as far as I can see on the planning applications website, the application is still pending. This concerns me, as it seems to me that the application might have been rejected by now, considering the negative impact which such a tall building would clearly have on all of us living on neighbouring properties. We are currently not sure if our concerns are being considered appropriately and call for the application to go before a development management committee, if it cannot be rejected at this stage.

As confirmed by the daylight and sunlight report submitted by the applicants, all properties directly on the other side of the canal (Ebbens Road 2, 4, 6, 8, 10 and 12) will be impacted by the proposed development. In simple terms: The current building on the site in question is much lower than what has been proposed, but even now the afternoon sun stands only slightly above that building, as seen from our property. The proposed five-storey building will most definitely cast a large shadow over our gardens and houses, as can also be easily shown with a shadow calculator. This would impact on our well-being significantly, and it is only right that loss of daylight and sunlight are listed as reasonable objections.

We believe that a careful consideration of the proposal leads to the objective conclusion that such a tall building on the site in question will lead to unreasonable loss of light, loss of privacy, parking problems and other negative outcomes for those living in the neighbourhood.

Thank you for time and your kind consideration. A response with an update about how the particular and justified concerns, as expressed in a large number of objections, are being considered would be much appreciated.

	<p>I have seen BRE's daylight and sunlight assessment additionally submitted by Hobbs Developments. It clearly confirms what is already blindingly obvious: Constructing a five-storey apartment block a few meters south of our Ebbens Road houses will result in loss of daylight and sunlight for all of us.</p> <p>As stated by so many of us now, the proposed building is far too high. Apart from the loss of light, we cannot accept people looking down into our private rooms from a height, so we kindly request for this application to be denied.</p>
<p>6 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>Having consulted with my neighbours on Ebbens Road, it is the view of all properties facing the proposed development that the plans, as they stand, will cost us considerable privacy. Should the current plans go ahead, we will have at least four balconies and eight windows looking directly into our gardens and bedrooms - and that's before you factor in the dwellings that stretch toward the development further along the canal.</p> <p>We are also highly alarmed at the height of the development, which, at four storeys in parts, will block out our views from our top floor that stretch as far as Shendish, Felden, and beyond. Views aside, we will also enjoy less sunlight directly into our homes. The ground floor of our three storey townhouses are already dark - this plan will darken them further.</p> <p>Points have also been raised about noise levels - from the building works and also once the residents move in. We have concluded our quality of life will be impacted significantly by this.</p> <p>Traffic levels are already high on Durrants Hill Road and we believe that cramming more dwellers into the surrounding areas will unnecessarily increase the levels of local traffic, and therefore pollution.</p> <p>We stand firm that we are against this plan and would urge the council to revoke this application. Our privacy, access to natural sunlight and mental wellbeing must always come first.</p> <p>I've studied the latest documents and they look identical to what has already been submitted. Have the developers taken any of the comments into consideration?</p> <p>It's still too high and there will be too many windows looking directly into our property (and my neighbours) over the canal. This is totally unacceptable.</p> <p>Furthermore, the BRE Client Report confirmed our original suspicion that the development will block out daylight. This will be most notable in the winter when we're trying our best to stay upbeat while working from home.</p> <p>While I am fortunate to have off-street parking, many of my neighbours on Ebbens Road do not - and this will force residents of the new</p>

	<p>apartments without an allocated parking space who have two cars or guests to park on our road, therefore clogging up the area and causing even more of a jam on Durrants Hill Road during rush hour.</p> <p>I was against the proposals before and I still am - this detrimental to the local surroundings, dwellings, and that's even before you take into consideration that it's being built on an area with historic flooding.</p>
<p>2 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p>	<p>I greatly object to this development.</p> <p>The project will affect our privacy greatly, as it will be looking directly into the back of our house, where our bedroom, kitchen, and lounge are situated.</p> <p>Furthermore, our garden is very short and is south facing and we will lose the sun and daylight. To add to this, we are concerned we will also have the night lights of the flats shining on us. We anticipate we will have to have our curtains drawn for the majority of the day</p> <p>We have consulted our neighbours, and all are most concerned about this.</p> <p>17.02.2022:</p> <p>We live opposite the proposed planning site in Frogmore Road and Durrants Hill on the corner of Ebbens Road.</p> <p>At present we have a clear view with no obstructions as Ebbens Plumbers is opposite us but not in front of us.</p> <p>Our main objection to the plans is the height of the project, in your mail of the 12 th October you state that the build would be only 2 meters higher than Ebbens Plumbers who are presently occupying the site. The new project is considerably higher almost more than 20 meters higher and that does not include the underground car park which will rise another 2 meters if it is built the same as the adjoining blocks.</p> <p>Our south-facing sunny garden will be in the shade most of the day and as our living accommodation and kitchen and main bedroom will face the block we will lose our privacy and be constantly overlooked.</p> <p>The first application we received was just before Christmas and gave us just a few days to reply, there were neighbours away for the holidays and this seemed to me to be a rush tactic to get the plans past. The second set of plans does not seem to be altered in any way.</p> <p>The canal in front of our house is narrower than the rest of the water as we have a Bridge adjacent to the right of our house. I suggest this be measured as this may not fit in with planning requirements, with the block of flats and the bridge we will be blocked in with very little light.</p> <p>Parking is will also be a problem as there does not appear to be enough space for the amount of cars and this does not include any visitors to the site.</p>

	<p>The new plans are still too high and will block out our light and also the sun to our south-facing garden. we will be overlooked as the canal is very narrow at this point and we will feel suffocated with the flats overlooking all our living and sleeping accommodation which are facing on to the development, also the underground car park will make the flats 5 stories high which is equivalent to the last application.</p>
<p>Apsley Paper Trail Frogmore Mill Fourdrinier Way Hemel Hempstead Hertfordshire HP3 9RY</p>	<p>We need to be convinced that the current and anticipated traffic issues in DHR/Frogmore Road will be addressed (or at least mitigated) by implementing the outstanding measures required by the Bellway scheme on Frogmore Road that has just been completed last year (such as an hatched area on the road bridge and enforcement cameras), and any additional measures that would enhance the capacity of both Durrants Hill Road and the five junctions along its length, and also improve accessibility more generally.</p> <p>As soon as something happens on Lawn Lane or Apsley High Road, Durrants Hill Road becomes gridlocked and access to and from Frogmore Road, Fourdrinier Way and Ebbens Road becomes impossible. The traffic lights system on the bridge is a highly contributing factor to this problem. The Bellway development promised to do something about that - it didn't.</p> <p>Refuse collection and other HGV service delivery/construction vehicles servicing the Ebbens site should not have to reverse on Frogmore Road immediately opposite our coach/service access opposite No.1 Frogmore Road. In the interests of highway safety all deliveries to the new development should leave and enter Frogmore Road to and from the application site in forward gear ...this is good traffic management/highways practice, if not a statutory highways requirement.</p> <p>It should be proven to our satisfaction that the development will not exacerbate the flood risk to Frogmore Mill through the discharge of surface water drainage etc into the local water courses or put any strain on any local utilities and services.</p> <p>The proposed Section 106/278 agreements should include local highway improvements and public transport enhancements that improve accessibility in and to the local area.</p>
<p>30 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>The area is already very busy with extra cars/ visitors parking down this road and general access by taxi's etc due to the existing two blocks. Another building will cause chaos down the road.</p>
<p>44 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>I object to this proposal due to impact on privacy from adjacent properties all sense of privacy will be lost.</p> <p>In addition to this, the impact on the light coming in to the building will be drastically impacted, many residents will lose valuable daylighting entering their homes.</p>

	<p>The local area already has traffic issues. Any traffic jam, vehicle break down, traffic calming measure or temporary lights causes bottle necking at the traffic lights on Durrants Hill Road. Creating long queues back onto London road and Lawn Lane. This impacts on environment, and an increased danger to pedestrians having to navigate the higher traffic. This will be heightened with this new development.</p>
<p>46 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>Thank you for letting us know of the development proposed and giving us the opportunity to raise concerns and contest where applicable.</p> <p>I would like to draw attention to the following concerns I have as they are of paramount important to me, and I would ask that they are to be considered in any construction proposed if not already done so.</p> <ul style="list-style-type: none"> - There will be a loss of natural light and potentially overshadowing of all properties facing the new site - The development will be invading privacy due to the height and how close it is to existing properties - Building another block of flats so close to the turn in to Frogmore Road must also factor in the potential for the larger plots of land, on the opposite end of Frogmore Road, such as RSK Engineering similarly being sold off in the future and also being converted into residential flats and homes as this will also have an impact on all properties on this road - Public parking will be impacted thus leading to shortages on an already busy road - It will create bottlenecks when turning into and out of Frogmore Road. - There will be increased traffic and pollution affecting air quality especially for those whose properties face the car park - The number of flats and locality being proposed must consider the fact that all properties, be it proposed or existing, sit on a flood risk site and therefore excess runoff will not impact the likelihood of flood/damage to existing/new properties - It will also affect entry to the building from the side of the new development - There will be visual intrusion due to properties being so close and therefore being able to look directly into opposing flats. Furthermore the triangular shape roof seems to add a lot of height unnecessarily - There will no doubt be construction works for the next 2 - 5 years whilst the new building is developed and sold - With the current proposed height there will be a loss of greenery and the visual aesthetic will be impacted/decreased for all properties facing the parks on the opposite side of Durrants Hill Road - The large number of flats based proposed on the small footprint allocated seems overly bold <p>Of course there will no doubt be valid points raised by other people however the above would be points i feel are of concern.</p> <p>I look forward to hearing from you in the future regarding the construction.</p>
<p>42 Regents House Frogmore Road Hemel Hempstead</p>	<p>Really not happy with the proposed development. The main reason is the parking. Frogmore Road is bad enough as it is with trying to find a parking space, but adding another development will mean we have</p>

<p>Hertfordshire HP3 9GP</p>	<p>absolutely no chance of parking where we live. We've just bought our first home and enjoy the views but this building will block a considerable amount of light especially over the bridge.</p>
<p>23 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p>	<p>We would like to object to the new building. This is due to the reasons below.</p> <ul style="list-style-type: none"> - Loss of light - Overlooking & loss of privacy - Parking will be impacted - Visual intrusion due to looking directly into our flats - Noise and disturbance of building <p>Please do let me know if there is anything else we need to do.</p>

Agenda Item 5b

ITEM NUMBER: 5b

21/01720/FUL	Change of use of agricultural land to dog walking paddock with the use of West Leith Farm existing car parking for customer/ visitor parking.	
Site Address:	West Leith Farm, West Leith, Tring, HP23 6JR	
Applicant/Agent:	Lisa Burchmore	Mr Paul Hems
Case Officer:	Nigel Gibbs	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Contrary to the views of Tring Town Council	

1.RECOMMENDATION

1.1 That temporary planning permission be **GRANTED**.

2. SUMMARY

2.1 The proposal would enable West Leith Farm to diversify its economic base providing a recreational use in the Green Belt. This would be in accordance with the economic and social objectives of the National Planning Policy Framework in delivering sustainable development.

2.2 A temporary and personal planning permission is recommended at a reduced level of activity than as proposed. This is to enable the environmental impact of the proposed use upon the Chilterns AONB, Green Belt and this residential area to be assessed for an initial period in this very sensitive, not particularly sustainable location.

2.3 The existing fencing enclosing the land was installed as 'permitted development' prior to the application being submitted to the Council. This has adversely affected the openness of the Green Belt and the character and appearance of the AONB, but was outside the Council's control. The submitted Original Scheme's proposed parking was harmful to the Green Belt and AONB.

3. SITE DESCRIPTION

3.1 West Leith comprising of West Leith Farm and a cluster of dwellings, is located to the south west of the built up edge of Tring. This isolated pocket of development occupies a Green Belt and Chilterns AONB setting linked to Tring by Duckmore Lane.

3.2 West Leith is an unclassified (30mph limit) relatively narrow, rising and wooded road leading to West Leith Farm, being a highway maintainable at public expense. The stretch of West Leith adjoining the application site is part of a Byway Open to All Traffic (BOAT 075) as shown on the Definitive Map of Public Rights of Way in Hertfordshire. The BOAT provides walkers access into the adjoining Stubbings Wood which is a Site of Special Scientific Interest.

3.3 In addition to West Leith Farm, the 'quasi hamlet' includes The Barns (a residential complex of converted former parts of the historic farm complex) and other dwellings fronting West Leith. These include 3 detached dwellings to the south east of The Barns. The most south eastern dwelling is the two storey Five Hills Cottage served by an elongated rear garden at a level lower than the application site.

3.4 Five Hills Cottage's elongated south eastern mostly hedged boundary adjoins land associated with West Leith Farm and the fenced application site, which is served by a gate linked to the BOAT. A grassed informal track is positioned parallel with and separates the application site from the

hedged elongated boundary with Five Hills Cottage. The track's field gate adjoins the West Leith roadway.

3.5 The submitted Planning Statement describes the land as a paddock of 0.54ha / pasture land adjoining the edge of Stubbings Wood.

3.6 West Leith Farm's main access is an elongated track/ roadway adjoining The Barns residential complex linked to the West Leith road.

4. PROPOSAL

4.1 The Original Scheme

This was for full planning permission to change the use of the paddock to a dog walking paddock. This included the formation of a car parking area accessed by the field gate from the BOAT.

4.2. The Revised Scheme

This is for the 'change of use of agricultural land to dog walking paddock with the use of West Leith Farm existing car parking for customer/ visitor parking'. The originally proposed car park has been deleted.

4.3 A more recent change to the scheme has included the provision of a gate at the western end of the application site to enable users of the land to access this from the existing car park. This post date's the Planning Statement.

4.4 The Planning Statement

This confirms amongst a range of issues:

- ☐ The use will operate upon a pre-booking basis for either a half hour or hour slot. The field will be booked exclusively for the dog(s) and their owners and only one owner(s) and their dog(s) may use the field at any one time. The field will only be used for the walking of dogs and not for training or dog classes.
- ☐ Parking will take place on an existing parking area which serves the farmyard. Access to the parking area will be along the existing farm entrance track. The area can accommodate at least 6 cars.
- ☐ No lighting is proposed and the activity will only take place during daylight hours. The hours of opening will be 8am-4pm in winter and 8am-7pm in summer weekdays and weekends.

4.5 Following dialogue with the Agent it was confirmed:

The Disposal of Dog Mess

As part of the use of the facility patrons will agree to bag up and take their dog mess away with them.

Hours of Use

The applicant has agreed that the facility will only be open 9am to 4pm during summer and winter months.

Traffic Generation

The paddock will be hired out in 45 minute slots with 15 minute change over periods. Therefore, at full capacity (unlikely) the use will generate a maximum of 14 vehicular movements per day i.e 7 in and 7 out.

Number of Dogs

A maximum of 3 dogs at anyone time.

Noise

Any dogs that bark excessively will be excluded from using the site.

Temporary Permission

If deemed necessary the applicant is agreeable to a temporary permission.

Note : There have been consultations upon the Original and Revised Schemes.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum

Dacorum CIL Zone: CIL 2

Green Belt: Policy: CS5

Parish: Tring CP

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

RAF Halton and Chenies Zone: Red (10.7m) Parking Standards: New Zone 3

Parking Standards: New Zone 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)/ National Planning Policy Guidance

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

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

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

NP1 - Supporting Development
CS1 - Distribution of Development
CS5- Green Belt
CS8- Sustainable Transport
CS9- Management of Roads
CS12- Quality of Design
CS23- Social Infrastructure
CS24- The Chilterns Area of Outstanding Natural Beauty
CS25- Landscape Character
CS26- Green Infrastructure
CS27- Quality of Historic Environment
CS29 - Sustainable Design and Construction
CS32- Air, Soil and Water Quality
Countryside Place Strategy

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

13 – Planning Conditions and Planning Obligations
51- Development and Transport Impacts
54- Highway Design
58 - Private Parking Provision
62- Cyclists
79- Footpath Network
80- Bridleway Network
97- Chilterns Area of Outstanding Natural Beauty
99- Preservation of Trees, Hedgerows and Woodlands
100- Tree and Woodland Planting
102- Sites of Importance to Nature Conservation
108- High Quality Agricultural Land
109- Farm Diversification
113- Exterior Lighting
Appendix 8- Exterior Lighting

Supplementary Planning Guidance

Chilterns Conservation Management Plan

Chilterns Design Guide

Dacorum Landscape Character Assessment: Area 111: Tring Scarp Slopes

Parking Standards (2020)

Environmental Guidelines

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:.

- Provision of Social Infrastructure in Dacorum.
- Green Belt Implications.
- The Chilterns AONB implications.

- The Impact upon Residential Amenity/Noise and Disturbance.
- The Access/ Highway Safety Implications.
- Ecological Implications.
- Economic Implications and Rural Enterprise.

9.2 These are set against the relevant policies, the submitted Planning Statement, the responses from the technical consultees and local representations.

The Provision of Social Infrastructure: Dacorum Core Strategy

9.3 Policy CS23's (Figure 14) working definition of social infrastructure facilities includes outdoor leisure facilities. The proposal is in accordance with CS23 in providing the dog walking facility.

9.4 The National Planning Policy Framework's (The Framework) Part 8's 'Promoting healthy and safe communities' emphasises the importance of health, inclusive and safe places with reference to the role of open space and recreation space, reflecting its social objectives. Similarly, the Chiltern Conservation Board Management Plan's (CCBMP) recognises the AONB's important recreational role, with Policy SO2 encouraging the greater use of the AONB landscape to improve levels of physical and mental health and well being.

Green Belt Implications

9.5 The Framework's Part 13 addresses 'Protecting Green Belt land'. Paragraph 133 explains the great importance of the Green Belt. The fundamental aim is to keep the land permanently open- 'the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 134 clarifies that the Green Belt's 5 purposes include through criterion (c) the safeguarding the countryside from encroachment.

9.6 Paragraph 150 confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and they do not conflict with the purposes of including land within it. These include through criterion (e) material changes of use such as recreation. The proposed recreational use is in accordance with Para 150, albeit business based.

9.7 Policy CS5 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. Small scale development can be supported including under its criterion (a) for a building for uses defined as appropriate in the Green Belt. This is subject to:

- 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.

The policy is broadly consistent with the aims of those parts of the Framework.

9.8 The application site's pre submission enclosure by fencing has very significantly physically changed the openness of this part of the Green Belt, although installed as permitted development. It is considered that this fencing has resulted in a significant encroachment of the countryside to facilitate the carrying out the 'appropriate use' in the Green Belt.

9.9 In this context Hertfordshire Ecology has noted:

' The proposals to fence the dog walking paddock and horse track have already been implemented. The paddock fencing appears excessive, with substantial posts retaining standard high-tensile deer fencing, which seems rather unnecessary; there is no reason to keep deer out of this area (they wouldn't get anywhere near a field being used for dog walking) and dogs under control are unlikely to escape normal stock fencing. That said, most dogs are invariably out of control'.

9.10 Also, in terms of the impact upon openness, the proposed level of use would cause the resultant encroachment of the countryside from additional concentrated parking and vehicular movements.

9.11 However, on balance, given the proposal's recreational role, the role of farm diversification and support for rural economy (see 'Economic Implications and Rural Enterprise' below), it is considered that these represent very special circumstances to substantiate a case for the proposal in the Green Belt.

The Chilterns AONB Implications including Noise/ Tranquillity

9.12 There is a need to consider the implications of the development with reference to the expectations of the Framework's Part 15 (Conserving and enhancing the natural environment).

9.13 The application's consideration is set against Dacorum Core Strategy Policies CS1, CS24, C25 and CS27, the Countryside Place Strategy, saved DBLP Policy 97, the Chilterns Conservation Management Plan and Dacorum Landscape Character 111 Assessment Area Strategy.

9.14 The relevant development plan policies are considered to be in accordance with the Framework's Paragraph 174 that planning decisions should contribute to and enhance the natural environment, specifying a range of criteria. Para (e) refers to preventing existing development from being adversely affected by unacceptable levels of noise which is referred to later.

9.15 The Framework refers to the role of AONBs through Paragraph 176, reflecting the expectations of the CROW Act:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight ... The scale and extent of development within all these designated areas should be limited'.

9.16 To reiterate, there are significant reservations regarding the impact of the fencing. However, as it has been installed as 'permitted development' it would not be feasible to resist the application based upon the harmful effect of the fencing per se. There would be increased activity. However it is acknowledged that the dog walking itself can be limited in scale/ intensity to one being of relatively low key, and secondly the provision of the facility is in accordance with the Chilterns Conservation Board Management Plan's recognition of the AONB's recreational role (Part 9 : Social and Economic Well- Being; Strategic Objectives SO1, SO2, Policy SP7).

9.17 The Framework's Para 174 (e) refers to preventing existing development from being adversely affected by unacceptable levels of noise.

9.18 Maintaining the AONB'S tranquillity is most important, as expressed through the CCBMP's Part 10 ' Development' (p72, Strategic Objectives D01, DO2 Policies DP1 and, DP2). This approach is reinforced by Para 26.19 of the Core Strategy's Countryside Place Strategy –'the tranquillity of the countryside will be recognised and protected' .

9.19 The West Leith location is characterised by its tranquillity and any change involving increased activity including more traffic generation would affect the intrinsic quality of this part of the AONB, and is further addressed below.

Impact upon Residential Amenity/ Noise/ Disturbance/ Traffic

9.20 This is set against the above. Policies CS9 , CS12, CS32, the Chilterns Conservation Management Plan and the Countryside Place Strategy and the NPPF, including Paragraph 85.

Agent's Planning Statement

9.21 In support of the application the Planning Statement confirmed the following which pre dated the Agent's update at Paragraph 4.5:

'Policy CS12 of the Core Strategy requires amongst other things that developments should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties. The proposal is for a low key form of development which will only be used by one dog owner(s) and their dog(s) at a time who have booked in advance. It is not expected that there will be more than 4 dogs in the paddock at any one time.

The nearest property to the site is Five Hills Cottage, the flank boundary of which is around 8m to the west of the site. This property sits at a similar level to the proposal site and has a well-established hedge along its shared boundary. Therefore, users of the site would not compromise the privacy of the private garden space to the rear of this dwelling. No buildings are proposed and the existing levels of sun and daylight would not be altered by the proposal. The main issue would be one of potential noise generated by vehicle movement, the individuals visiting the site and dogs barking. As already pointed out, the proposal will only be used by one dog owner(s) and their dog(s) at a time and solely to walk their dogs. No training classes for dogs or dog agility training is proposed or will be allowed. Consequently, as the dogs will be with their owners and only dogs with whom they are familiar, it is not considered that there will be any excessive or prolonged periods of barking.

Regarding noise from vehicles and individuals using the site it will be a requirement of the use of the site that the amenity of nearby properties will be respected at all times and that if users dogs are making any excessive noise that they will be expected to leave the site. As for vehicular noise it is only expected that a maximum of 2-cars will be entering and leaving the site at anyone time and in most instances it will only be one as users change over at the end of each session.

Therefore, it is not considered that the development would have any adverse effect upon the residential amenities of neighbouring properties and that the proposal accords with policy CS12'.

Overview

9.22 There would be a significant increase in activity which will affect the existing tranquil environment. However, in accommodating some change to support recreational uses there should be at least some level of pragmatism.

9.23 In viewing the relationship of the proposed dog walking area with Five Hills Cottage there is need for a far more precautionary approach, with due regard to the Environmental and Community Protection Team's response.

9.24 The proposal involves an intense use of land. There would be some resultant noise/ activity associated with the use affecting Five Hills Cottage, notwithstanding that the strip of land/ grass track separating the fenced area from the elongated common boundary would create a buffer.

9.25 There is the associated issue of the loss of privacy for the dwelling due to the difference in levels and the closeness of flank wall windows.

9.26 Given the application site's relationship with Five Hills Cottage and the size of the application site, there is the clear opportunity to establish a much wider physical buffer between the site and the common boundary with Five Hills Cottage. In addition to the parallel field track a recommended condition specifies an additional 30m buffer, enabling the wider detachment of application site from Five Hills Cottage. Given the size of the proposed dog walking paddock, this reduction in size should not adversely affect the recreational role of the land.

9.27 Also, there is the requirement to consider the impact upon the residential amenity of the housing at The Barns facing onto the access road leading to the parking area at West Leith. This is with reference to increased vehicular movements and the level of associated resultant noise, disturbance and privacy. By restricting the hours of use the impact of headlamp glare would be limited.

9.28 It is considered that there is a need for the most careful and comprehensive consideration of the impact of the use of the paddock in terms of the impact upon residential amenity of the locality and the need to conserve the existing tranquillity of this part of the AONB, but to reiterate with some degree of pragmatism.

9.29 This can be addressed by a temporary and personal permission of 15 months with reduced hours, no use at weekends and the establishment of a wider buffer, as referred to by the recommended conditions. The initial use could be reviewed after this period requiring the Applicant to keep daily records of the use and for the LPA to visit the site. This approach is with due regard to the 6 tests for the imposition of conditions.

Access/ Highway Safety/ Parking Implications

General

9.30 The Framework's Para 111 confirms that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.31 Notwithstanding the form of the access to West Leith Farm, there has been no objection from HCC Highways, with a precautionary caveat regarding the Rights of Way Officer's comments.

9.32 At a lower level of use as referred to above, the impact of vehicular movements would be reduced. This takes into account the expectations of Policy CS9 whereby in the countryside there is a requirement to consider the effect of new development and traffic upon the safety and environmental character of country lanes. A temporary permission would enable the LPA, Rights of Way Officer and LPA to independently and collectively assess the impact. Fewer vehicular movements would benefit walkers along West Leith.

Emergency Access

9.33 An informative addresses the importance of the Applicant contacting Hertfordshire Fire & Rescue Service before the use's commencement, to ensure that the emergency services are familiar with the changed circumstances.

Relationship with the BOAT

9.34 The Framework's Para 100 confirms that planning policies and decisions should protect and enhance public rights of way.

9.35 There were objections from the Rights of Way Officer to the Original Scheme. However, as there is no evidential base to substantiate this, it is questionable whether there would be a case to refuse the application for this reason.

9.36 As confirmed a temporary permission with reduced vehicular movements to no more than 14 per day would limit the impact and enable the Rights of Way Officer the opportunity to fully evaluate the impact with evidence.

Sustainable Location

9.37 The proposal is near to Tring and therefore it is expected that most users will be from a relatively local catchment area, but there is most likely to be the heavy reliance upon private vehicles to transport the dogs. In this respect it is difficult to directly reconcile the location/ use with Framework's Paragraph 85 as referred to under Economic Implications and Rural Enterprise'.

9.38 A temporary permission with a full record of the each visit would enable to assess whether the use can be supported in the longer term in respect of being a sustainable location

Parking / Access for Persons with Disabilities/ Limited Mobility

9.39 The use of the existing parking area is appropriately located in relation to the field. The car park can accommodate at least 6 cars which is more than adequate given the number of users at any one time with only 2 spaces necessary. With some help a person(s) with disabilities/limited mobility could access the paddock.

Ecological Implications

The Change of Use of the Land

9.40 This is set against the site conditions, Policy CS26 of the Dacorum Core Strategy (2013), saved DBLP Policies 97 and 102, National Planning Policy Framework Part 15 and the Chilterns Conservation Board Management Plan in this AONB setting. Policy CS24 expects development will have regard to the policies and actions set out in the Chilterns Conservation Board Management Plan. The Planning Statement also confirms that the applicant has already planted additional hedging around the site and if necessary more landscaping could be carried out.

9.41 In summary Hertfordshire Ecology raises no objections with due regard to the site's relationship with the Tring Woodlands Stubbings Wood SSSI - 'have no reason to believe the change of use to a dog walking paddock will have any ecological impact sufficient to justify refusal of this application on the grounds of ecology. It may therefore be determined accordingly'.

9.42 If a permanent planning permission was granted it would be expected that there would be additional planting in the interests of ensuring ecological enhancements.

Chiltern Beechwood Special Area of Conservation (SAC)

9.43 As in the case of Hertfordshire Ecology's response Natural England's response pre dates the moratorium imposed on 14 March 2022. In this respect the LPA did not consult NE, with NE contacting the LPA.

9.44 The planning application is within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation. 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.

9.45. The site is located within the 500m Exclusion Zone for Tring Woods SSSI). The Footprint Ecology report recommends a 500 metre exclusion zone for net new residential development around Ashridge Commons and Woods SSSI and Tring Woodlands SSSI. Within the Exclusion Zone it is likely that such proposals will be refused. There is a heightened risk to the designated sites from development that is in close proximity to them. Recreational use is much higher from homes that are in easy walking distance of the site, and it is considered very difficult to deflect such access with alternative greenspace. Fire risk, fly-tipping, light and noise and other urban effects are also more acute close to their boundary. Furthermore, mitigation approaches, such as access management and warden control, are less effective. It is considered that there is unlikely to be a significant direct effect to the SAC and therefore an appropriate assessment is not required in this case. The reason for this is that it is expected that visitors to the facility would be local, the visits

would be primarily limited to taking the dogs to the application site from the local area for a restricted period for each visit and not to the SAC before or afterwards.

Economic Implications and Rural Enterprise

9.46 The introduction of the facility would enable West Leith Farm to diversify in accordance with the economy related policies.

9.47 The Core Strategy's Strengthening Economic Prosperity Strategic Objectives include the promotion of a vibrant and prosperous economy and supporting rural enterprise. This is expressed through Para. 11. 10 and the Countryside Place Strategy and Policy CS5.

9.48 The approach is reinforced through the Chiltern Management Plan's 'Social and Economic Well Being'. Its Strategic Objective S01 expects the economic and social well being of local communities and businesses, through supporting the development of the visitor economy and improving community facilities. Policy SP4 refers to rural diversification that adds to the value of the local economy.

9.49 These policies are consistent with the Framework's economic objective in delivering sustainable development and its Part 6- 'Building a strong competitive economy'. In 'Supporting a prosperous rural economy' Para 84 notes:

' Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'.

9.50 Para 85 notes:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

9.51 Para 85's caveat is significant. In balancing supporting the Farm's diversification it must be recognised that the site is a not particularly sustainable location and the use must be low in terms of its environmental impact.

9.52 A temporary and 'personal' planning permission for the Applicant at West Leith Farm would enable the opportunity to more comprehensively assess the environmental impact.

Other Matters

Crime Prevention/ Security

9.53 There are no objections from Hertfordshire Constabulary.

Exterior Lighting

9.54 Given the specified hours of use, there is unlikely to be a requirement for exterior lighting. This is with reference to the site's location within a sensitive E1 Zone set against Policies CS5, CS24, CS29, CS32, saved DBLP Policies 97, 113 and Appendix 8 and the CCBMP which takes a very precautionary approach to exterior lighting and the need to control light pollution, all of which policies are in accordance with the Framework's Para 185 (c).

Contamination

9.55 The Environmental and Community Protection Team has raised no objections.

Drainage for the Car Park

9.56 There are no proposals. It is understood that this has been provided over a septic tank serving The Barns. There would be a need for the Applicant to establish whether there would be any adverse engineering impact.

Air Limits Issues

9.57 There are none.

Representations upon the Application

9.58 It is considered that as far as is feasible the planning issues raised have been addressed where appropriate.

Conditions: Restrictions Upon the Use

9.59 This is with reference to the established 6 tests for planning permissions. As confirmed it is considered that there is a need for a precautionary approach to review and control the environmental implications. In this respect a range of conditions are essential which are more restrictive upon the use than originally submitted, and have been recently outlined to the Agent which is in accordance with how LPAs are expected to engage in the development management process.

9.60. Accordingly, in recommending planning permission, this is on the following basis:

- Temporary (15 months) and specific/only to the occupiers of West Leith Farm.
- Limitation to a maximum of 3 dogs and one owner for each booking for use of the whole of the application site at any time and there shall be no more than 7 vehicle movements to and from the site in any one day by visitors.
- Level of Use. Only between 10.00 and 15.00 hours Mondays to Fridays each week and therefore not during Saturdays and Sundays.
- No loudspeaker system and music used in connection with the use and no exterior lighting shall be installed.
- No parking of vehicles within the field to be used for the dog training and access to the area for all users shall only be from the gate shown by the approved plan.
- A 30 metre wide area of land inside and lying parallel with the north western boundary of the land coloured green by Plan No. PH/LB 002/B shall be demarcated to permanently exclude any dog

walking use. This land shall be demarcated physically before the first use fully in accordance with details to be submitted to and approved in writing by the local planning authority.

-A long term site cleaning management scheme shall be submitted to and approved by the local planning authority within 1 month of the first use of the application for the use hereby permitted.

10. CONCLUSION

10. 1 This is not a straightforward application with objections from the Town Council and the local community to the Original and Revised Schemes.

10.2 The proposal would enable the Farm to diversify, providing local need for dog walking facilities in a countryside rather than urban location. It is important to consider this with reference to the Core Strategy's support for rural enterprise. The recreational use is appropriate development in the Green Belt, with a business element/ diversification representing very special circumstances. The proposal would be in accordance with the economic and social objectives in delivering sustainable development.

10.3 The caveat to supporting the rural enterprise is so long as there is no harmful environmental impact in accordance with the Framework's environmental objective.

10.4 The pre application installation of the fencing to enclose the application site as 'permitted development' has significantly harmed the openness of this part of the Green Belt.

10.5 The fencing has similarly harmed the character and appearance of this part of the AONB, because of its scale and visibility. The deletion of the initially proposed car park has however diluted the impact of the development- the car park was fundamentally unacceptable in this sensitive location harmful to the AONB and the residential amenity of Five Hills Cottage.

10.5 At this stage there remain a series of 'unknowns'. A development of the initially proposed scale would have been environmentally unacceptable in a relatively/ not particularly unsustainable location in terms of the level of activity and vehicular movements.

10.6 A lower scale use would reduce the environmental impact, but still enabling West Leith Farm to diversify.

10.7 On balance, an initial precautionary temporary 15 month permission personal to the Applicant with a range of workable limitations upon the use as referred by the recommended conditions, would enable the LPA to review its initial impact in this very sensitive tranquil location in the AONB .This initial period would enable the Applicant to maintain records of the use, consider how it could be adapted etc. and for the LPA, Rights of Way Officer and HCC Highways to review the initial impact.

10.8 As much of the physical infrastructure is in place, a temporary and personal permission for the very robust reasons would enable the Applicant to commence the use without major additional investment. This is because the fencing is in place and the original car park has been deleted and at this stage a soft landscaping condition is not considered appropriate.

11. **RECOMMENDATION** - That temporary 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 use of the land hereby permitted shall only be for the walking of dogs and not for training or dog classes and shall be discontinued on or before 15 months from the date of this decision and this permission is only to be operated by the occupiers of West Leith Farm.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

3. **There shall be a maximum of 3 dogs and one owner for each booking for use of the whole of the application site at any time and there shall be no more than 7 vehicle movements to and from the site in any one day by visitors when the application site is being used for the development hereby permitted.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

INFORMATIVE : During the temporary use it will be essential that the Applicant records each days level of use for both the number of dogs and vehicular movements.

4. **Notwithstanding the submitted details, the use hereby permitted shall only be between 10.00 and 15.00 hours Mondays to Fridays each week and therefore not during Saturdays and Sundays.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

5. **There shall be no loudspeaker system and music used in connection with the use hereby permitted and no exterior lighting shall be installed.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policies 97, saved Policy 113 and Appendix 8 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and the National Planning Policy Framework Paragraph 185(c).

6. **There shall be no parking of vehicles within the field to be used for the dog training and access to the area for all users shall only be from the gate shown by the approved plan.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policy CS12, and CS32 of Dacorum Core Strategy (2013).

7. **A 30 metre wide area of land inside and lying parallel with the north western boundary of the land coloured green by Plan No. PH/LB 002/B shall be demarcated to permanently exclude any dog walking use. This land shall be demarcated physically before the first use fully in accordance with details to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of Dacorum Core Strategy (2013).

8. **A long term site cleaning management scheme shall be submitted to and approved by the local planning authority within 1 month of the first use of the application for the use hereby permitted.**

Reason: In the interests of the residential amenity of the locality in accordance with Policy CS32 of Dacorum Core Strategy (2013).

9. **Subject to the other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following approved plans:**

Location Plan

PH/LB 002/B

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

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

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

3. Contact with Hertfordshire Fire & Rescue Service

It is expected that Hertfordshire Fire & Rescue Service is contacted before the use is commenced to ensure that arrangements are agreed in the event that emergency services are required to access the site.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>ORIGINAL SCHEME</p> <p>The Council recommended REFUSAL of this application on the following grounds: change of use is inappropriate in a rural location; the existing access is a lane used for walking, cycling and is a bridleway; no additional access is required; build up of toxicity in soil should be avoided; plans for waste disposal are inadequate; fencing within the AONB and green belt should be avoided to allow undisturbed access for wildlife</p>
Parish/Town Council	<p>REVISED SCHEME</p> <p>Tring Town Council recommended REFUSAL on the same grounds as the previous application given that the amendment has not alleviated any of the concerns raised. Also, one of the additional plans on the portal still shows a turning circle and parking for 2 cars at the original location.</p>
Hertfordshire Highways (HCC)	<p>ORIGINAL SCHEME</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway Informatives 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) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p>

	<p>Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p><u>Comments</u></p> <p>The site is accessed via West Leith, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The stretch of West Leith fronting the site itself is part of Byway Open to All Traffic 075 as shown on the Definitive Map of Public Rights of Way in Hertfordshire.</p> <p>The proposals do not include any new or altered access from the highway on West Leith with the proposals utilising an existing agricultural access. The proposals do include a new hardstanding area within the site with space for two vehicles to park and turn around and egress to the highway in forward gear. Following consideration of the details as submitted in the planning statement, HCC as Highway Authority would not have an objection to the proposals in this respect.</p> <p>It is recommended that clayton,rae@dacorum.gov.uk is consulted in respect of the proposals due to the presence of the BOAT. This is to ascertain whether or not there are any objections or comments in this respect. HCC as Highway Authority would not wish to object to the proposals although this is subject to the inclusion of the above highway informatives, which the applicant would need to aware of throughout any construction and use of the site.</p>
Hertfordshire Highways (HCC)	<p>REVISED SCHEME</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.</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the</p>

provisions of the Highway Act 1980:

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

Further information is available via the website

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

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

Comments

The site is accessed via West Leith, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The stretch of West Leith fronting the site itself is part of Byway Open to All Traffic 075 as shown on the Definitive Map of Public Rights of Way in Hertfordshire.

The proposals do not include any new or altered access from the highway on West Leith with the proposals utilising an existing agricultural access. The amended proposals do not include a new hardstanding area within the site but there would be space for vehicles to park and turn around and egress to the highway in forward gear. Following consideration of the details as submitted in the planning statement, HCC as Highway Authority would not have an objection to the proposals in this respect although the applicant would need to be aware of the above informative (in relation to mud and deposits on the highway) at all times.

It is recommended that clayton,rae@dacorum.gov.uk is consulted in respect of the proposals due to the presence of the BOAT. This is to ascertain whether or not there are any objections or comments in this respect.

HCC as Highway Authority would not wish to object to the proposals

	<p>although this is subject to the inclusion of the above highway informatives, which the applicant would need to aware of throughout any construction and use of the site.</p>
Trees & Woodlands	<p>ORIGINAL SCHEME</p> <p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p>
Trees & Woodlands	<p>RESPONSE TO ISSUES REFERRED TO BY NATURAL ENGLAND</p> <p>The dog walking area in question is fenced but has a 3 / 4 metre grassland zone all round it between the SSSI and the Byway leading up to the woods.</p> <p>The vegetation in question comprises lapsed hedge, trees and lapsed wood bank trees (SSSI) and all appears situated outside the application site. There is no evidence of any hedge or trees cutting.</p>
Environmental And Community Protection (DBC)	<p>REVISED SCHEME: AMENITY</p> <p>I refer to the above application.</p> <p>I believe we commented on previous submission which was no objection in principle. I noted the D&A statement proposes 4 dogs maximum, whereas ECP may have suggested a limit of 3 previously?</p> <p>We have no overriding objection to no more than 4 dogs at any one time, and to condition the development on this basis.</p> <p>CONTAMINATION</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>
Chilterns Conservation Board	<p>THE CHILTERN SOCIETY (Please Note this has been completed on behalf of the Chiltern Society and not the Chiltern Conservation Board)</p> <p>I write on behalf of the Chiltern Society to object to the revision made to this planning application. The car park has been relocated.</p> <p>I still object to the noise amenity consequences of the 'commercial' use</p>

of the dog walking area in such close proximity to nearby houses.

This proposal additionally transfers noise amenity issues to the shared access with West Leith Barn and other residences.

The proposed car park is in close proximity with the barn and will link to the dog walking area by a track.

It is to be noted that excavation works for the car park have already occurred in breach of planning. However it is quite foreseeable that taking out dogs (many of whom will be anxious) from cars, is likely to cause barking in close proximity to the barn and other residences nearby.

Further it is foreseeable that car doors will be banged and that sometimes car radios and music will be played. This activity cannot be excused on the basis that agricultural use can create noise, since the former is a green belt permitted use.

This 'commercial' use is certainly not a greenbelt one and is against the interests of the AONB. The Chilterns Conservation Board at page 10 of THE CAONB Management Plan rightly advises that the Chilterns haven't 'Relative TRANQUILLITY and peace on the doorstep of TEN MILLION PEOPLE in one of the most accessible protected landscapes in Europe'. Those who live in the locality of this proposal have chosen to live there, in large measure, because it is within an AONB.

The proposal counter to the objectives of paragraphs 174 and 176 of the NPPF and in my view contrary to the objectives of the policies recited by the CCB in relation to its Management Plan.

There will continue to be under this proposal as with the original one, a traffic conflict up to the point of the shared access on the single track West Leith. This conflict will affect existing residents with their own traffic movements, as well as the movements of waste disposal, postal, newspapers delivery and emergency vehicles and of horse riders and their horses. Additionally it will be contrary to the interests of the numerous walkers (many of whom are young children).

However, that systemic road use will of itself help to adversely affect the AONB.

I would respectfully ask you to refuse this application.

<p>Chilterns Conservation Board</p>	<p>Thank you for consulting the Chilterns Conservation Board. This application is a matter which, under the CCB consultation protocols we would not ordinarily comment upon (see page 72 of the AONB Management Plan 2019-2024). The duties and responsibilities within the AONB are set out below and we would recommend the LPA gives weight to the Management Plan policy DP2, especially.</p> <p>The CCB would propose to make brief comments only and the LPA determines the application in accordance with the NPPF at 172, the CROW duty of regard, adopted Dacorum Local Plan and the Management Plan (to which weight may be attached, as set out in Planning Practice Guidance).</p> <p>The LPA will want to be assured that this is not a species rich meadow . The meadow to the north, Front Field, West Leith Farm, is a Hertfordshire Wildlife Site, the woodland to the SW is ancient woodland and BBOWTs Dancers End SSSI is also to the south west. CCB does not, however have any records within the West Leith triangle.</p> <p>Other matters to consider will be parking and any associated movement issues.</p> <p>The Board recommends that the decision-maker takes into account the following:</p> <ul style="list-style-type: none"> - The Chilterns AONB Management Plan (http://www.chilternsaonb.org/conservation-board/management-plan.html), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness but countryside adorned by villages, hamlets and scattered buildings'. - Policy DP2 states, ' Reject development in the AONB unless it meets the following criteria: a. it is a use appropriate to its location, b. it is appropriate to local landscape character, c. it supports local distinctiveness, d. it respects heritage and historic landscapes, e. it enhances natural beauty, f. ecological and environmental impacts are acceptable, g. there are no detrimental impacts on chalk streams, h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and i. there are no negative cumulative effects, including when considered with other plans and proposals. Policy DP2 sets out what to consider in order to give great weight to conserving and enhancing the AONB. It applies to all development in the AONB, both minor and major'. <p>The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the</p>
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	natural beauty of the AONB (Section 85 of CroW Act).
Rights Of Way (DBC)	<p>ORIGINAL SCHEME</p> <p>Summary</p> <p>Do not support this application which would utilise a narrow byway which, already has several residencies on it and seriously affect the aesthetics of the area/neighbouring SSSI.</p>
Environmental And Community Protection (DBC)	<p>ORIGINAL SCHEME: AMENITY</p> <p>No objection in principle to this development.</p> <p>Noise may be a material issue due to the nature of the operation. In the supporting material it refers to an exclusive hire, i.e. only one dog walker at a time. To minimise any possible noise issues I would suggest a condition which limits the number of dogs per hirer to no greater than 3 at any one time.</p> <p>ORIGINAL SCHEME : 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>
Environmental And Community Protection (DBC)	<p>REVISED SCHEME: AMENITY</p> <p>I refer to the above application.</p> <p>I believe we commented on previous submission which was no objection in principle. I noted the D&A statement proposes 4 dogs maximum, whereas ECP may have suggested a limit of 3 previously?</p> <p>We have no overriding objection to no more than 4 dogs at any one time, and to condition the development on this basis.</p> <p>CONTAMINATION</p> <p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>

<p>Crime Prevention Design Advisor</p>	<p>ORIGINAL SCHEME</p> <p>I have no comments in relation to security.</p> <p>Kind Regards,</p> <p>Sophie</p> <p>Sophie Groombridge</p>
<p>Crime Prevention Design Advisor</p>	<p>REVISED SCHEME</p> <p>No further comments</p>
<p>Hertfordshire Ecology</p>	<p>Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:</p> <ol style="list-style-type: none"> 1. The application site forms part of an Ecosite (West Leith Farm Fields 51/057/02) within the Hertfordshire Environmental Records Centre, which indicates there is some information of local value worthy of retaining a site within the database. However, there is nothing to indicate there is any significant ecological interest within the application site, especially given that the site to the east has been identified as a Local Wildlife Site from what is likely to have been the same original survey information. The application site and adjacent fields to the west appear species-poor when viewed from adjacent paths. 2. The proposals to fence the dog walking paddock and horse track have already been implemented. The paddock fencing appears excessive, with substantial posts retaining standard high-tensile deer fencing, which seems rather unnecessary; there is no reason to keep deer out of this area (they wouldn't get anywhere near a field being used for dog walking) and dogs under control are unlikely to escape normal stock fencing. That said, most dogs are invariably out of control. However, the fencing in itself has little direct ecological impact on the grassland for which I have no reason to believe has any significant ecological interest. It would, in any event, have been subject to whatever grazing management was previously or proposed to be undertaken, with little or no control other than an agricultural EIA or agri-environment scheme which this land is not subject to. 3. The paddock fencing is approximately 5m from the SSSI boundary (assuming this to be the bottom of the embankment) and therefore will not affect any of the mature trees which are along the top of the large bank. The smaller fencing for the horse track is adjacent to the bottom of the bank but has also not impacted upon any of the SSSI vegetation. 4. The paddock will not be accessible for deer although this is no different to exclusion areas for new tree planting (such as on the SE side of Tring Woods SSSI), although deer are not of any conservation

concern. Other mammals such as badger could create a scrape beneath the fencing if necessary, although there is no current lack of grassland for potential foraging in this general area. I do not consider it will have any meaningful impact for other wildlife such as bats, birds or invertebrates.

5. The creation of a fenced track for horse riding around the edges of the site will have no special impact further to what could have been taking place already, if horses chose to walk or gallop around the edge of the field. However, this would have been under the guise of continued agricultural grazing. The provision of a formal, fenced horse track for leisure use could be considered as also requiring a change of use, as this use is no longer primarily agricultural grazing land.

6. Cutting of branches can be seen in photographs submitted to NE show impacts on the SSSI. Adjacent to the application site, I could only see two small/medium branches of ash which had been cut and one small branch of elder. None of the mature trees which are along the top of the bank which forms the SSSI boundary have been otherwise affected. The removal of any overhanging branches over the field edge from trees growing within the SSSI will have had no significant impact on the integrity of the SSSI or its ecological special interest. Some older cut branches on the bank of many years demonstrates this has happened before.

7. Further cutting of SSSI vegetation as seen in the photographs has not taken place adjacent to the application site, and so are not a consequence of this application. These include eight small/medium branches of beech which overhung the boundary bank of nettles and extended into the field. This will also have had no impact on the SSSI of any significance. The hedgerow works have effectively 'copparded' the ancient green-lane hedgerow stools - which will protect regrowth from deer browsing - and gaps have been planted up with hawthorn. This is an acceptable form of hedgerow management. It is also wholly outside of the application site and SSSI. There is no suggestion or indication that any trees or shrubs have been grubbed-up anywhere; no works have taken place from within the SSSI, and even if they had, this is not a planning matter. Any need for consent for such minor works is a matter entirely for Natural England.

8. Further new extensions of the horse track fencing also continue to provide a fenced track to the west, although this is beyond the application site. Where adjacent to the SSSI, this fence will also not have any damaging impact on the integrity of the SSSI, although it may initially limit some mammal access.

9. In respect of the special interest of the SAC, the primary reason for designation is the presence of *Asperulo-Fagetum* beech forest. This corresponds to NVC type W12 *Fagus sylvatica* - *Mercurialis perennis* woodland, but more calcareous stands of NVC type W14 *Fagus sylvatica* - *Rubus fruticosus* woodland may also conform to this habitat type. The two NVC types often occur together on a site. An Annex II

	<p>species is present as a qualifying feature, but is not a primary reason for site selection, which is Stag beetle <i>Lucanus cervus</i>. (Ref MAGIC). Neither of these special features will be directly impacted by the change of use proposals, the existing fencing works or be affected by their subsequent use. Consequently, whilst the fencing does represent a project close to the SAC, I do not consider there is a justifiable need to undertake a Habitats Regulations Assessment, as there is no significant effect on the special interest of the SAC.</p> <p>10. I consider the fencing works and land use proposals have degraded the local character of the edge of the woodland, which is to be regretted. However, there is no control over the former grazing use of this site, and the proposals and cutting works cannot be reasonably said to have impacted upon the special interest of the SSSI and SAC, at least any more than any past woodland management will have done, of the extensive recent tree planting and fencing adjacent to the SSSI on its SE boundary. Stag beetle is not mentioned in the SSSI citation for Tring Woods; it would not be affected by these proposals if it were present.</p> <p>11. It is claimed the neighbouring field edge is untouched. This may be so, but the field itself has recently been sold, subdivided by fencing and sold-on again to a multitude of owners, now with no easy means of influencing the management of this Local Wildlife Site. This issue appears to be of no concern locally but is potentially far more damaging to the ecological interests of the woodland and grassland. It is also wholly unrelated to this planning application.</p> <p>12. An agricultural EIA for the grassland is not relevant as the applicant is not proposing to improve the grassland for agriculture - the trigger for a potential EIA requirement; indeed, the proposals are for a change of use from agriculture. An EIA (agriculture) is also not a matter which in itself requires any form of planning consent.</p> <p>13. On the basis of the above, I have no reason to believe the change of use to a dog walking paddock will have any ecological impact sufficient to justify a refusal of this application on the grounds of ecology. It may therefore be determined accordingly. I do not see any justification for an HRA. However, there may be other amenity issues which the LPA may need to consider when determining this application.</p> <p>I trust these comments are of assistance.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	32	2	29	1

Neighbour Responses

Address	Comments
<p>Parkview House Upper Tring Park Wigginton Tring Hertfordshire HP23 6FB</p>	<p>This proposal does not give an adequate assessment of traffic movements to the site, for what is clearly going to be a commercial operation. The narrow one way road is also a bridleway used by horse riders and walkers (including the regular use by scouts and cubs) and it is very foreseeable that people may park on it. The hard standing for parking does not appear large enough to facilitate such a commercial use. Any parking on on this single track road and its usage for this operation will be a road safety hazard in terms of accessibility by fire engines or ambulances.</p> <p>The commercial use could imperil the wild life and ecology to the neighbouring ancient woodland (the trees on the boundary have already been cut back). There should be site visit from the relevant ecology consultative bodies.</p> <p>Further the low background noise levels in the location would make the inevitable noise from owners giving commands to their dogs and any barking, completely inappropriate. Some of those coming to the field may also picnic around the edge.</p> <p>This is a sensitive location in the Green Belt and within the AONB, with dwellings nearby. The Chiltern Society strongly objects.</p>
<p>Long Barn West Leith Tring Hertfordshire HP23 6JR</p>	<p>Objection is to the period of operation being too early and too late (08-19:00, including weekends) disturbing the local area. At the highest point before the woods the inevitable noise of barking will be broadcast across the neighbouring properties including all the Barns, and across the valley. This is out of keeping with an area which of course has working day noise from normal activities and agricultural activity, but not so early, late and at weekends.</p>
<p>Stubbins Barn 8 The Barns West Leith Tring Hertfordshire HP23 6JJ</p>	<p>There are several points that need addressing.</p> <p>The fencing that has already been put up is unsightly and out of keeping with the AONB, where we have been told only estate fencing is acceptable. It is highly visible from all directions, especially as existing ancient hedgerows running alongside footpaths to the west and south west of the property have recently been cut back to waist height.</p> <p>There is no sign of any replacement hedging being planted as screening.</p> <p>The entrance to the proposed parking area is at the end of a single track no through road, and is at the entrance to SSI Stubbings Wood, where the lane becomes a bridleway. Apart from existing traffic to and from the 19 properties in the lane, there are many cyclists and walkers, as well as horse riders, so any extra traffic will cause safety concerns and unwarranted congestion on the single track lane.</p> <p>The other concern is the long hours of operation 7 days a week and the noise issue from multiple barking dogs.</p> <p>The revised plans address the concerns about the entrance to the dog walking paddock being directly off the bridleway within an SSSI , but they do not address the concerns about the increased traffic and</p>

danger to other users of the footpaths and road, or the noise nuisance.

The revised plans bring traffic off the single track road (West Leith lane) onto an unmade up track, along which runs footpath 32A. Both the lane and the track/footpath are heavily used by walkers etc, increasingly so over the last 18 months. The turning out of the track/footpath back onto the lane also has poor visibility.

The danger to walkers/horse riders/cyclists is effectively going to be even higher with this revised route.

Regarding noise nuisance, the proposal states

"The proposal is for a low key form of development which will only be used by one dog owner(s) and their dog(s) at a time who have booked in advance. It is not expected that there will be more than 4 dogs in the paddock at any one time. "

but there is nothing to stop professional dog walkers turning up with groups of dogs, what checks are going to be made to ensure it is genuinely used by one dog owner and their own dog(s) ?

There is also no provision for any waste or foul sewage disposal.

Regarding the statement

"The site is well screened by existing buildings and trees and is barely visible from outside. The applicant has already planted additional hedging around the site and if necessary more landscaping could be carried out. Therefore, the development will not be visually intrusive and will not have any adverse effect upon the appearance and enjoyment of the AONB."

The site is highly visible, even more so since the ancient hedgerows bordering footpath 34 were hacked back, and there is no sign of additional hedging being planted.

Furthermore, the application says that work has not been started, but the unsightly and intrusive fencing and the cutting back of the ancient hedgerows were done before the initial application was made, and further work is now currently being done on digging out new paths for the revised plan.

Further to my previous comments logged on 15th July, I would also like to add these points.

The planning statement submitted has said in Conclusion :

"4.1 The proposal is for the creation of a private dog walking field and constitutes a recreational use

which will not impinge or adversely affect the openness of the Green Belt and is a use that is

considered to be appropriate within the Green Belt."

***What this does not make clear is that this is not a "private" dog walking field, it is a commercial proposal to set up a business, with associated excess waste, noise and traffic, which is inappropriate in this AONB.

"4.4 There is an existing access into the farmyard which is served by West Leith Lane and which is capable of accommodating the small amount of additional traffic that would be generated by

	<p>the use. Vehicles would park on the existing Farm parking area which is capable of providing the 2 spaces required for the use. The use of the existing access and car park will not have any adverse impact upon the safety and convenience of the highway. "</p> <p>***If the business runs to capacity there could be 14,000 additional journeys annually to and from the site.</p> <p>As numerous people have already pointed out, West Leith Lane is single track with no pavements, and already heavily used by walkers, riders, cyclists so all these additional journeys will certainly have an adverse impact. The turn out from the farm access track back onto West Leith Lane is a blind turn which adds to the likelihood of accidents.</p> <p>This is a peaceful AONB, if permission for this business is granted it will be encouraging people from outside the area to drive here, going against the aims of Dacorum to be promoting use of public transport and green travel.</p>
<p>White Hill Centre White Hill Chesham HP5 1AG</p>	<p>REVISED SCHEME</p> <p>I write on behalf of the Chiltern Society to object to the revision made to this planning application.</p> <p>The car park has been relocated. I still object to the noise amenity consequences of the 'commercial' use of the dog walking area in such close proximity to nearby houses. This proposal additionally transfers noise amenity issues to the shared access with West Leith Barn and other residences. The proposed car park is in close proximity with the barn and will link to the dog walking area by a track.</p> <p>It is to be noted that excavation works for the car park have already occurred in breach of planning. However it is quite foreseeable that taking out dogs (many of whom will be anxious) from cars, is likely to cause barking in close proximity to the barn and other residences nearby. Further it is foreseeable that car doors will be banged and that sometimes car radios and music will be played. This activity cannot be excused on the basis that agricultural use can create noise, since the former is a green belt permitted use. This 'commercial' use is certainly not a green belt one and is against the interests of the AONB.</p> <p>The Chilterns Conservation Board at page 10 of THE CAONB Management Plan rightly advises that the Chilterns have 'Relative TRANQUILLITY and peace on the doorstep of TEN MILLION PEOPLE in one of the most accessible protected landscapes in Europe'. Those who live in the locality of this proposal have chosen to live there, in large measure, because it is within an AONB.</p> <p>The proposal runs counter to the objectives of paragraphs 174 and 176 of the NPPF and in my view contrary to the objectives of the policies recited by the CCB in relation to its Management Plan.</p> <p>There will continue to be under this proposal as with the original one, a traffic conflict up to the point of the shared access on the single track WestLeith. This conflict will affect existing residents with their own</p>

	<p>traffic movements, as well as the movements of waste disposal, postal, newspapers delivery and emergency vehicles and of horse riders and their horses.</p> <p>Additionally it will be contrary to the interests of the numerous walkers (many of whom are young children).</p> <p>However, that systemic road use will of itself help to adversely affect the AONB.</p> <p>I would respectfully ask you to refuse this application.</p>
<p>2 The Barns West Leith Tring Hertfordshire HP23 6JJ</p>	<p>Reasons why I have to object West Leith lane being used as a potential entrance to the field for dog walking business.</p> <p>West Leith is Single lane with already 3entrances for residents of the 12 Barns + 3 houses all coming out onto the lane with cars,</p> <p>Also highly popular with walkers, cyclists, Families, children, dogs often off leads, And of course Horses all heading to the woods.</p> <p>Residents know to be aware , but as there is no Significant signage at the bottom of the lane , strangers are unaware, there is one passing cut out half way up for cars extremely tight, hardly any room for walkers to stand aside, if footfall were to increase it would be dangerously tightened.</p> <p>With no passing areas top of the lane where the cars would park to enter the field for the activities.</p> <p>Finally ;</p> <p>I'm not opposed to having the venture in West Leith, it would be wiser to have the entrance in a safer place please</p>
<p>West Leith Barn West Leith Tring Hertfordshire HP23 6JR</p>	<p>In our opinion the change of use has already been instigated ,from a grazing field,overhanging woodlands cut down, a heavy duty tall wire fence and posts constructed a couple of months ago for a purpose.</p> <p>We live in an area of outstanding beauty(AOOB) and an area of archeological significance (AAS) as one heads up West Leith past 19 other households (a mix of Rothschild properties) the road finishes before the 'field' entrance on a unfinished public footpath into Stubbins wood this is a very popular established footpath and bridle way. There is no provision for any road parking on West Leith or regular passing or turning , walking and riding traffic is constant and extra caution has to be taken by the 30 cars already living in West Leith.</p> <p>The field has a gate on the footpath for agricultural vehicle access, this route into the Chiltern Woodlands is so well used to walk to town or Tring Park/Hastoe/Wiggington.</p> <p>West Leith farm already stables horses for customers and this off course adds extra traffic every day.</p> <p>The field is surrounded by woods and fields that have public footpaths available for all dogs on or off leads.</p> <p>There are no businesses on Duckmore lane or West Leith it is purely residential.</p> <p>In summary our objections are:-</p> <p>Our concerns of additional traffic seven days a week on a small road.</p> <p>Information/ planning in regard to dog waste storage and collection.</p> <p>An increase of noise of traffic and dogs barking unsettling horses</p>

	<p>exercising. Loss of privacy and it would alter the surrounding neighbourhood and would not enhance the landscape in any way.</p> <p>We are the immediate neighbour to the proposed application. We write to object to the revision made to this planning application. We moved to this green belt of tranquility in West Leith twenty years ago and feel we must protect its future to remain a peaceful place to enjoy within the AONB which we share with the community of Tring and beyond.</p> <p>With the applications points of 2.0 and 4.4 considered, the following concerns have been raised:</p> <p>The revised application has changed the access and parking to the fenced site. Although not mentioned in the brochure, we share the 80 metres of unmade track to our home. This shared access between West Leith Barn, West Leith House and West Leith Farm, runs directly past my bathroom, living room, kitchen windows, where we have no fencing. This track is also a public footpath leading to Tring Woods and Wendover Woods and is frequently used by many pedestrians and community groups. The track is used by all utilities services including post and refuse. In addition, the track leads to our sewage works (gravity treatment plan) for 12 homes. This plan impacts the access, safety, and upkeep for all.</p> <p>The increase in traffic if the commercial venture went ahead would cause adverse effects to the area in noise (increased noise from cars, doors choosing, dogs barking) and visual pollution. The plan requests a seven day a week business and the deciduous hedging and rail fencing offers insufficient protection to this businesses activities. The noted traffic increase will impact the safety of a popular public footpath, this is a major concern for users safety.</p> <p>The revised entrance, access, and parking have the same significant concerns as the original application. Therefore, we respectfully ask for the refusal of this revised application.</p>
<p>Stud Farm West Leith Tring Hertfordshire HP23 6JR</p>	<p>My family and I (wife and three children) strongly object to this proposal as it is not line with the area, inadequate parking as well as the potential for this to lead to future development. The road up West Leith does not support this type of development and additionally, the noise associated with this proposal is out of keeping with the area especially as it is extremely close to the AONB. My family and I strongly object to this proposal.</p>
<p>Five Hills Cottage West Leith Tring Hertfordshire HP23 6JR</p>	<p>This is a summary of our main points of objection / comments on the proposal. A full letter has been submitted via email to the Planning Case Officer.</p> <p>The following summary breaks the objection to the application down into two discrete sections; Traffic /Access/Parking and Change of Use: --</p>

Objections to Traffic/Access/Parking

- The existence of the Permanent Traffic Regulation Order (PTRO) - "The Borough of Dacorum (Various Roads, Tring) (Prohibition of Driving) Order 1987" is enough in itself to stop non-agricultural vehicle access to the site via the proposed gate, and thus eliminate the need for additional parking.
- Safety for all users of the lane will be compromised due to the increased levels of traffic.
- Adequate Parking already exists, within the main yard of West Leith Farm. There is safe off-road walkways to the proposed site, thus eliminating the need for a new parking area and vehicle access to the proposed site.
- Proposed use of materials for the parking area would be an eyesore visible from surrounding footpaths, Stubbing's wood.
- West Leith Farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered, within short walk of the existing parking in the main yard.
- A possible 14,000 additional journeys annually to and from the site, with the associated environmental, and road safety implications. - This would be in direct conflict with the Dacorum Local Plan 2020 - 2038 - "We declared a Climate Emergency in July 2019 and, through this, have committed to reducing carbon emissions across Council activities to net zero by 2030. The declaration also places key responsibilities on the Local Plan to include all available measures to cut carbon emissions and reduce the impact on the environment."
- Questions over the visibility splays at the field entrance.

Objections to Change of Use of agricultural field

- Close proximity to Five Hills Cottage.
- Five Hills Cottage and curtilage will be subject to loss of privacy and overlooking.
- Five Hills Cottage and curtilage as well as all neighbouring properties will be subject to loss of residential amenity, increased noise levels associated with increased traffic levels.
- The proposed operating hours provide no respite for neighbouring properties.
- Visual intrusion from surrounding areas.
- The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing (This has already been erected in preparation) and car parking, contrary to paragraph 172 of the National Planning Policy Framework. (NPPF)

- The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF

- Alternative sites are available within West Leith Farm. The farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered. These area all within short walk of the parking in the main farmyard.

This is a summary. Full details/backup have been submitted by email to the Lead Planning Officer.

The following summary breaks the objection to the application down into two discrete sections; Traffic /Access/Parking and Change of Use:

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- West Leith Farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered, within short walk of the existing parking in the main yard.

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- The proposed operating hours provide no respite for neighbouring properties.

- Visual intrusion from surrounding areas.

- The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing (This has already been erected in preparation) and car parking, contrary to paragraph 172 of the National Planning Policy Framework. (NPPF)

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21/01720/FUL - Revised Application - Comments of Objection

Following the late changes to the original application to relocate the parking, the following is a summary of our main points of objection. We would appreciate if these are taken into consideration when you are considering the proposed application.

- Safety for all users of the lane and track/footpath will be compromised due to the increased levels of traffic.

A possible 14,000 additional journeys annually to and from the site, with the associated environmental, and road safety implications. - This would be in direct conflict with the Dacorum Local Plan 2020 - 2038 - "We declared a Climate Emergency in July 2019 and, through this, have committed to reducing carbon emissions across Council activities to net zero by 2030. The declaration also places key responsibilities on the Local Plan to include all available measures to cut carbon emissions and reduce the impact on the environment."

- The new parking location is at the end of a shared unmetalled track, which is also a designated footpath (TRING TOWN 032A) which is used by many walkers, thus has safety implications.

- Close proximity to Five Hills Cottage, and other properties adjacent to the proposed paddock and parking areas. None of which are the applicants.

- Five Hills Cottage and curtilage as well as all neighbouring properties will be subject to loss of privacy and overlooking.

- Five Hills Cottage and curtilage as well as all neighbouring properties will be subject to loss of residential amenity, increased noise levels

- The proposed operating hours are completely inappropriate in the rural residential setting and provide no respite for neighbouring properties.

- Visual intrusion from surrounding areas.

- The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing (This has already been erected in preparation) and car parking, contrary to paragraph 172 of the National Planning Policy Framework. (NPPF)

- Close proximity (Shared boundary) with Tring Woodlands (SSSI).

- The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF.

- Allowing this application to go ahead would set a precedence for other change of use requests from Agriculture to Commercial use of adjacent fields recently sold by the applicant.

- Policy DP2 states, ' Reject development in the AONB unless it meets the following criteria:

a. it is a use appropriate to its location.

b. it is appropriate to local landscape character.

c. it supports local distinctiveness.

d. it respects heritage and historic landscapes.

e. it enhances natural beauty.

f. ecological and environmental impacts are acceptable.

g. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife.

Changing the use of a piece of agricultural pasture land for the purposes of a commercial business, that is flanked by historic SSSI woodlands (and home to countless species of flora and fauna, and frequented daily by species such as Deer, Bats, Owls, Red Kites, Buzzards, Kestrels, Green and Greater Spotted Woodpeckers, and Sparrow Hawks) and 130 year old Rothschild buildings, goes against many points in the Chilterns AONB DP2 policy on planning.

It is not appropriate to have a commercial business in this location, it is not appropriate to the local landscape and character, and has the opposite effect on local distinctiveness. It is not respectful to the local heritage and certainly does not enhance the natural beauty of West Leith. The increased noise, vehicle movements, and dogs running around a confined space on the edge of a ecologically diverse woodland (SSSI) is surely going to impact upon that, as well as increasing noise and motion. Thus definitely disturbing quiet enjoyment

and disturbing the wildlife, both in the woodlands and those species that frequent the field. (Some of which have now been denied access since the new perimeter and compound fencing have been erected)

- The long hours of operation, 7 days a week are totally unacceptable.
- A dog walking paddock is unwarranted in an area with miles of safe, off road footpaths.

This is a summary of the more detailed letter emailed to the Planning Case Officer.

Summary

The following summary breaks the objection to the application down into two discrete sections; Traffic /Access/Parking and Change of Use:
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- Adequate Parking already exists, within the main yard of West Leith Farm. There is safe off-road walkways to the proposed site, thus eliminating the need for a new parking area and vehicle access to the proposed site.
- Proposed use of materials for the parking area would be an eyesore visible from surrounding footpaths, Stubbing's wood.
- West Leith Farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered, within short walk of the existing parking in the main yard.
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- Questions over the visibility splays at the field entrance.

Objections to Change of Use of agricultural field

- Close proximity to Five Hills Cottage.

- Five Hills Cottage and curtilage will be subject to loss of privacy and overlooking.
- Five Hills Cottage and curtilage as well as all neighbouring properties will be subject to loss of residential amenity, increased noise levels associated with increased traffic levels.
- The proposed operating hours provide no respite for neighbouring properties.
- Visual intrusion from surrounding areas.
- The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing (This has already been erected in preparation) and car parking, contrary to paragraph 172 of the National Planning Policy Framework. (NPPF)
- The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF
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	<p>- Alternative sites are available within West Leith Farm. The farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered. These area all within short walk of the parking in the main farmyard.</p>
<p>Fennycroft Duckmore Lane Tring Hertfordshire HP23 6JP</p>	<p>While in principal we don't feel we can object to the business itself we do feel the need to highlight some problems and breach of restrictions.</p> <p>As we will not be directly affected I will not comment on the noise and smell pollution or the change of view or that is it an AONB. However we do live within a short walking distance and make the walk up to Stubbings Wood via West Leith daily, often with our children and wish to object on the following points.</p> <ol style="list-style-type: none"> 1. We are one of hundreds of daily walkers, horse riders and cyclists who use this access road legally and should be safe whilst exercising on it. 2. There is restricted access leading up to the woods and only vehicles with access to property and agricultural vehicles are allowed. 3. The proposed entrance not only breaches this restriction but it does not allow for a passing point anywhere so there will inevitably be reversing cars and damage to the hedgerows. 4. The proposed gated entrance oversteps the restricted access and encroaches on to the woodland track by some distance. <p>Fortunately there does seem to be a perfectly simple solution, the farm who have submitted the application have a wide drive and access already used by them and the people who stable horses there. It runs directly from the unrestricted road to the field in question and as far as we can see it would just mean changing the location of the gate. When this is their own legal access anyway I can't see any reason why the new access even needs to be considered, it can all be done from their own drive way.</p>
<p>West Leith Bungalow West Leith Tring Hertfordshire HP23 6JR</p>	<p>We OBJECT to this application.</p> <p>It is regretable that DBC have only notified Five Hills Cottage as part of the neighbour consultation process, whilst they are adjacent to the site and are affected the most by this application it has consequences for all the properties on West Leith.</p> <p>West Leith is a single track dead end road with seven access points for vehicle access for residents, most of these are concealed.</p> <p>There are two small passing bays at the lower end. There is no pedestrian path along the entire length which means that people have to mount, in places, steep banks to avoid traffic such as cars, vans, lorries etc.</p> <p>The lane is in constant use and is frequented by walkers, often in large groups, people with children and prams, horse riders, again, often in groups and cyclists who ride at speed along the length of West Leith especially at the entrance/exit to Stubbings Woods where the proposed entrance/exit for the site is. We also have three time a week, cubs and scouts groups who visit the woods via West Leith. Children can be seen running on ahead away from the adult supervisors. Given that the proposed entrance/exit of the site is set back and concealed from the entrance/exit to the woods this could prove dangerous for all concerned.</p>

At the start of the barn development on the left hand side there is a 'no vehicle' sign displayed, this sign is giving an order. Which is often ignored and drivers park their cars at the top near the entrance to the woods. Should this practise continue and planning is granted it will cause an obstruction, the area should be left clear for emergency vehicles, should they need to attend.

The proposed business hours of 7 days a week and 8-7 in summer is excessive and inconsiderate to residents.

The site in the last few months has had fencing erected and ancient hedging and trees that belong to Stubbings Wood have been cut back hard. Due to this removal the site is highly visible from the woods.

In Dacorum's 'Landscape Character Assessment, area 111' (the site is in this area) it says,

'Promote awareness and consideration of the setting of the ANOB and views to and from it, when considering development and land use change proposals of sites adjacent to the ANOB'

The site perimeter is approx. 8 meters away from the woods. It is the council's responsibility to preserve the conservation of woodland and to prohibit the setting up of a business that would prove detrimental to the character of an ANOB.

Dacorum Borough Council cannot mitigate the damaging effect of a potentially large increase in traffic and associated fume pollution along with potential dog barking 7 days a week and 11 hours a day.

The Woodland Trust report, 'Impacts of nearby development on the ecology of ancient woodlands' highlights noise contributes to wildlife altering their behaviour by leaving or avoiding areas that are 'noise polluted', thus affecting the ecology of the area.

There are no examples of this type of business in such close proximity to areas of ANOB or SSI status in this area.

This application does not just affect the residents of West Leith but all those of Tring and the surrounding areas that access this amazing area

The site could be located in another area of the applicants property far away from any residents and woodland and provide better vehicular access and parking. Reducing impact of traffic noise and pollution and reducing potential dog barking and the detrimental effects on the Woodland wildlife.

This application will have a long term impact on the character and preservation of an ANOB and SSI and to the residents and users of Stubbings Wood, who remain respectful of the area of which we live and visit.

We object to this revised planning application .

In addition to our previous comments, we would like to expand further.

The changed location of the car park means the traffic will still come up West Leith, it is unreasonable to expect a small rural community to accommodate a commercial business(that will affect their daily lives) that is reliant on its income being generated by half hourly/hourly vehicles via a single-track road that is not fit for this purpose.

This application contributes nothing to the local community, either socially or economically or to the wellbeing of the area. Providing a service that is unnecessary, given the hundreds of acres of woodland, parks, footpaths and country roads we are surrounded by. Operating a

dog walking paddock cannot be classified as 'recreational' as it is providing the use of land as a service for the general public, therefore, is defined as a commercial business and its prime purpose is for a profit venture. A dog walking paddock would introduce 'alien' urban elements to this AONB.

It is an AONB policy to encourage activities that enhance these areas and contribute to the preservation of wildlife and ecology and to keep vehicular interference as far away as possible. The AONB seeks to protect rural locations from commercial development.

The revised Planning Statement STILL doesn't address the proposals of how the dog fouling is to be disposed of, a matter of environmental health.

There is no planned 'route' shown indicating the exact path which clients are supposed to take from the 'car parking area' to the paddock itself, this is left open to interpretation and has the potential to be along the rear and side of many residents' properties of West Leith. Which would indicate potentially more fencing, there is already an excessive amount of fencing not only at the site but around the periphery of the applicant's land too. The height and amount of close wire mesh fencing is prohibitive to the movement wildlife and should be removed.

The cutting back of ancient trees and hedging belong to Stubbing's Wood by the applicant, which is SSSI and SAC designated has potentially caused a disturbance to food supplies, breeding sites and shelter to wildlife. These areas are often a source of dead wood, an essential habitat for many rare and threatened species of insects, fungus and lichen.

SAC is defined in the EU's Habitats Directive (92/43/EEC), to protect the 220 habitats and approximately 1000 species listed in annex I and II of the directives which are considered to be of European interest following criteria given in the directive. They must be chosen by the State Members and designated SAC by an act assuring the conservation measures of the natural habitat.

The proposed Horse Track around the periphery of the paddock and stretching way beyond that, will be reliant on further cutting back of Stubbing's Wood ,this woodland is protected by law and any further cutting should be prohibited. Developments such as leisure activities can destroy ancient woodland, both directly through the conversion of land use and indirectly through damage to woodland.

In England , the National Planning Policy Framework (NPPF), updated in 2018, includes a provision that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons" (paragraph 175c

The Woodland Trust report 'Impacts of nearby development on the ecology of ancient woodland' highlights the following points relevant to this application;

	<p>Chronic disturbance is likely to be greatest at woodland edges (Matlack 1993) but may permeate throughout small woods and those with a relatively large edge to area ratio. Research suggests that disturbance by people at the woodland edge can penetrate up to 50-80m into neighbouring woodland (Hamberg et al. 2008; Matlack 1993; Thiel et al. 2007).</p> <p>The impacts of ongoing chronic noise pollution are described in 4.2.2, 4.3.2 and 4.4.2. In particular, it is likely to affect the distribution and breeding success of mammals and birds in adjacent ancient woodland that are intolerant of noise (Fernandez-Juricic 2001; Warren et al. 2006).</p> <p>Tidying of woodland edges, including pruning of trees and shrubs for visibility and safety, or to avoid subsidence caused by tree roots, affects woodland adjacent to leisure developments and areas used for associated recreational activities. This may lead to removal of deadwood habitat and the exposure of the woodland interior to increased sunlight and rainfall, reducing the quality of the internal woodland habitat for specialist organisms (Roovers et al. 2004).</p> <p>Leisure activities on land neighbouring ancient woods and intensively-used paths created along the woodland edge are associated with a range of negative impacts on the adjacent habitat. Activity may increase soil compaction and reduce tree root competition, thereby altering the ground flora at woodland edges; effects that can penetrate up to 50m into neighbouring woodland (Hamberg et al. 2008).</p> <p>Disturbance created by leisure and sports developments that penetrates nearby ancient woods (4.9.2) may effectively fragment them into smaller habitat islands. Whole woods, or discrete areas, may consequently become unsuitable for some species of wildlife.</p> <p>Minor operations such as erection of fencing, gates and walls cause disturbance, fragmentation and have a cumulative effect on ancient woodland.</p> <p>'Dacorum's District Plan' policy No.88 entitled 'Landscape Strategy' seeks to preserve and improve the landscape within the Chiltern AONB, policy No.89 in particular refers to the Chiltern AONB and alia must not be intrusive in terms of noise, appearance and traffic generation.</p> <p>Our stewardship of looking after our natural world ,even at this local level, is as important as ever.</p> <p>We trust the council will consider this matter with the greatest care and attention.</p>
<p>Shire House Duckmore Lane Tring HP23 6JR</p>	<p>I live at Shire House, Duckmore Lane and have done so for 40 years. A very important reason that I moved here is the tranquillity and the AONB. I spend much time in my garden and my garden is the other side of a field which borders the area where the new car park will be constructed if this application is approved.</p>

	<p>There will inevitably be inappropriate noises from this use, with dogs barking as they are taken from the cars in the car park along the track to the field where they will walk. Car doors will bang and no doubt on some occasions I will hear car radios and human voices.</p> <p>This commercial use will be out of character within the AONB. Further there is much wildlife, in this location which will be adversely affected by this activity.</p> <p>I strongly object to this proposal and wish to register my objection to it.</p>
<p>Steam House 13 Chapel Street Tring Hertfordshire HP23 6BL</p>	<p>5. Description of the proposal: The document states the work or change of use has NOT already started, yet there has already been considerable investment in the erection of high fencing around the area in question. Development and preparation has already started.</p> <p>8. Pedestrian and Vehicular Access...: it states there are NO new public rights of way, or any diversions/extinguishments and/or creation of rights of way, yet there has to be a new access created or permitted between the end of the road into the gateway which, as we understand it, means driving on/crossing a bridleway.</p> <p>13. Foul Sewage: document states foul sewage disposal is "unknown". If, as the Planning Statement describes "it is not expected that there will be more than 4 dogs in the paddock at any one time" that means in the summer months there could potentially be 8 dogs per hour = 88 dogs per day, as a worse case example. What has not been mentioned in any of the documents is the amount of dog faeces that will be generated in this paddock each hour, each day. A professional dog walker, with up to 4 dogs running around, is going to be physically incapable of monitoring each dog's toilet activities and indeed in picking it all up. As long time dog owners, we know that most dog owners and walkers are conscientious when it comes to picking up their dog faeces, however, there is a minority who do not, and some who even bag it then hang it from trees. There has been no provision made for collecting, storing and disposing of dog faeces or in the monitoring/inspecting of the field after each letting. There is not even anything alluding to the idea that dog walkers will be "advised to remove their dog's faeces". How will this potentially dangerous topic be overcome? In summer months, there is no worse smell</p>

than walking past a sweltering dog waste bin that is in full sunlight. Are the neighbours going to have to suffer this throughout the whole summer?

14. Waste Storage and collection: document declares there are NO plans to store or aid collection of waste, likewise recyclable waste. As mentioned above, dog faeces is a very dangerous substance and contact can lead to many health issues and even blindness in adults and children alike through Toxocariasis. The dog walking field will become a social gathering point, whether intended or unintended it is a fact. Dog owners/walkers are sociable. Tring is a friendly sociable place with many cafes etc to cater for its friendly and sociable population. Where are people going to put their litter - coffee cups, food wrappers, water bottles etc? With no provision for recycling, or disposing of dog faeces the environmental credentials of this venture are non-existent.

15. Trade Effluent: the proposal does not involve the NEED to dispose of trade effluent or trade waste. A dairy farmer has to manage the effluent from his cows. A dog walking paddock owner MUST be accountable for the safety of it's users by managing dog (trade) waste.

Referring to the Planning Statement:
Our concerns regarding this application are as follows:

- o Traffic congestion. We have visited such dog walking fields before and they are always out of sight of other properties, in a tucked-away remote corner of a farm, not 8m away from someone's living room. A car parking space for 2 cars assumes that people will arrive on time and leave on time. This is never the case in reality. It does not allow for meeting up with friends - "why not come up to the field and have a coffee while the dogs run around?" will become a reality. There will be a sense of selfish entitlement by some users. Where are the friends of the dog walkers going to park when they visit? They may potentially park wherever they like, without due consideration to the neighbours - there are NO parking areas on the road itself. The road is a popular route for walkers, cyclists and horse riders - encountering such an increase in traffic on such a narrow and blind road will inevitably cause hazardous situations, putting lives of people and animals in danger.

	<p>o Excessive noise. These dog walking paddocks are ideal for dogs who are not socialised (ie. bought as a family pet during lock-down but have not met other dogs/humans sufficiently to put them at ease), who are rescued from abusive, cruel lives elsewhere, or who are so traumatised that they are a danger to other people and other animals so cannot be let off the lead in public. This field will be ideal for these types of traumatised, untrained or un-trainable dogs. However, traumatised dogs bark. They bark a lot. They do not understand commands, or whistles and will inevitably be shouted at. There will be a lot of shouting - especially given the dog could be 100m away from the owner/walker. With multiple dogs together at one time the barking and shouting of commands will be intolerable for nearby residents who may be sitting in their garden 8m the other side of the fence. It might be an ideal space for training such dogs, but this is not what it is for, so the dogs behaviour will not get better but just contained in a field to the detriment of everyone who lives nearby.</p> <p>o Dog faeces. As outlined above there is no mention of this in any of the documents. There is no provision for a dog poo bin, or any field inspection/clear up after each letting. Children like to play in fields and they like to run around with their pet dog in fields. How will children (and adults) be protected from contracting Toxocariasis? If there is no provision for any shade, any dog poo bin, should one be provided, will sit in the sunlight all day long. If a dog walker is exercising 4 dogs and diligently picks up all their poo, I'm sure they would put it in a bin if one were provided, where it can sit in the sun all day. If no provision, what are the alternatives?</p> <p>o Fencing. The fencing is unsightly, intimidating and not in-keeping with it's surroundings. If residents at the Rothschild Barns down the road have been forced to use Estate Fencing on their property then so too should this farm. Estate fencing could include secondary finer wire mesh, but essentially the current fencing is a blight on this Area of Outstanding Natural Beauty.</p> <p>o Proximity to neighbours. The new fence may be 8 metres away from</p>
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the garden of Five Hill Cottage but a large, traumatised dog bark travels a great deal further than 8 metres. Potentially 88 dogs a day could be barking AT the neighbours through the fence - there is no way of telling how dogs will behave if they are not socialised, when they see other people or lawn mowers etc through the fence. The hedge that forms the boundary is old and has been partly removed. It is not a sound barrier by any means. The close proximity of this dog walking field to Five Hills Cottage and the other near neighbours will have a negative impact on their current and future resale property values.

- o 4.3 - "the use will be carefully managed and any noise from users, their dogs and vehicles will be kept to a minimum". There is no mention as to HOW this will be managed. When its' cold and wet dog walkers/owners will sit in their cars with the engine running and the heating on while their dogs run around. When it's hot people will sit in their cars with the engine running and the air conditioning on. How will the farm owner know what is going on? their house is in the valley and they cannot see the car park. How will the farmer decide what is too much noise? Or too much pollution? How will they decide when to intervene? Or when to turn a blind eye rather than risk losing revenue? Are they relying on the neighbours being extra vigilant and letting them know?
- o Danger of future development. As we have seen first hand in other dog walking fields around the country when visiting with friends who own rescue dogs, the land owner wants to maximise their return. We have seen this lead from a single dog poo bin to a sunshade/rain shelter to a DIY help yourself tea/coffee station to a cabin with WC to a caf  with picnic tables and separate children's play area. This would not be acceptable for such an area as this but the potential for future development is there nonetheless.
- o Insurance. Suitable insurance is required to cover potential personal damage due to tripping in rabbit holes, contracting Toxocariasis etc
- o Hours of operation. We feel that the field wishes to operate excessively - allowing dog walking up to 4 dogs every half hour for every daylight hour through

	<p>out the entire year. That will be extremely detrimental to the neighbours quality of life and will have a negative impact on their mental health. Incessant barking, shouting, increased traffic, invasion of privacy, noise pollution and loss of property value will all have a negative impact on the neighbours' quality of life.</p> <p>Please confirm that all our objections will be included in the decision making process. Yours sincerely, Stewart & Di Ivory</p>
<p>Westwood King Street Tring Hertfordshire HP23 6BE</p>	<p>I am writing to object to the above planning application on the grounds of increased traffic on a single-track road, with no passing places and which has restricted access. Access to the paddock is directly off a rural footpath within woodland, with the gate to the field obscured by a bend in the lane when walking from Pavis wood towards West Leith road.</p> <p>I use this lane daily to walk my dog. The proposed paddock is in a field adjacent to the path leading from West Leith road into Pavis Woods. Traffic associated with this proposal would impact the openness and safety of this area and the peaceful setting of this rural location will be damaged. The gate leading to the proposed paddock is directly off a public footpath, just beyond a blind bend. This will be dangerous to both dogs and children, as any vehicle exiting the field must pull onto the footpath and will not be able to see safely around the bend.</p> <p>Currently vehicles coming up as far as the proposed paddock gate, are for the three properties adjacent to the proposed paddock, at the base of Pavis Wood, so minimal. When walking further down West Leith road, past the cluster of homes on the left, traffic increases slightly and as there is no passing place, it can become congested. As a dog walker and on foot, it is often necessary to clamber up the steep bank to allow cars to pass. If two cars are using the lane at any one time, it is necessary for cars to reverse to a passing place. The frequency of this happening will only increase and will be a danger to walkers, children and dogs. It will create conflict between traffic and the aforementioned group in what is currently a relatively safe, public space.</p> <p>Included in my objection is the concern that conversion from agricultural land in a rural area to non-agricultural business use, will set a precedent for further development of this land within this area of outstanding natural beauty.</p>
<p>4 The Barns West Leith Tring Hertfordshire HP23 6JJ</p>	<p>I wish to strongly object to the proposed dog walking paddock at West Leith Farm, West Leith Tring HP23 6JR. I have been a resident here for twenty one years and as such I am very familiar with the dangers of vehicles driving up and down the very narrow lane. To allow such a business to operate in the very narrow lane would be very dangerous for residents and the local Tring community who regularly walk up West Leith to the woods with family and children for exercise.</p>

	Mr Vernon Hill.
Lesanor Bunstrux Tring Hertfordshire HP23 4HT	<p>As a Tring resident and a regular visitor to Stubbing's wood, I am concerned that the change of use of the field will increase the number of vehicles using the lane, thus making it more dangerous when we walk or cycle. As parents of young children, the current vehicle restrictions, give us peace of mind when using the road.</p> <p>I also feel that the addition of a car park will fundamentally change the outlook from the gateway and the from the woods.</p>
	<p>I am the Group Scout Leader of 1st Tring Scouts group. I am writing to object to the above mentioned planning application.</p> <p>My main concern is for the safety of Scouts aged 6-14 years who regularly use the narrow West Leith lane, with little passing opportunities, to access Stubbing's wood. I am also concerned for the environment. Tring Scouts work closely with the Environmental Awareness Office of Dacorum including recycling Christmas trees. I would find it extraordinary both as a Scout Leader and a resident of Tring that Dacorum would want to encourage people to use cars for walking dogs.</p> <p>Therefore, I am asking for my comments to be taken into consideration on this matter</p>
12 Mortimer Rise Tring Hertfordshire HP23 5NE	<p>I do not live close to the proposed development so will not say too much about the likely negative impact on neighbouring properties although I do think this has been somewhat glossed over in the application documents.</p> <p>As a regular walker in the area I do feel that what is planned, and what has already been done, is detrimental to the visual aspect of this space within an AONB and adjoining the woodland. The fencing erected within the field, and which would be needed for the proposed usage, is just plain ugly - it certainly does not fit in with the "B" part of AONB!</p> <p>As stated elsewhere the adverse effect on local wildlife must also be considered.</p> <p>I cannot help but think that, whilst there may be a certain need/demand for this type of facility, this is simply the wrong location.</p>
3 Hastoe Row Church Lane Hastoe Tring Hertfordshire HP23 6LU	Such a beautiful part of AONB such be left as natural as possible.
6 The Barns West Leith Tring Hertfordshire	Object to the increase in traffic this new business would generate on a single track lane used by residents, walkers, cyclists and horse riders.

HP23 6JJ	
4A Goldfield Road Tring Hertfordshire HP23 4BA	<p>As someone who walks frequently on the access lane to West Leith, I am concerned that the proposal would result in an increase in traffic on the road and a consequent reduction in safety for myself and other users. The route is well used by walkers, horse-riders and cyclists and the lane is narrow with limited visibility and restricted light in places.</p> <p>In more general terms, it is my opinion that the development would also have a detrimental effect on the enjoyment by many people of a valued amenity.</p>
1 The Barns West Leith Tring Hertfordshire HP23 6JJ	<p>We strongly object to this application which, even in its revised form, does not address any previous objections.</p> <p>This proposal will increase vehicular traffic in West Leith Lane to unacceptable levels, endanger pedestrians, horse riders, cyclists, cause excessive noise pollution and is entirely out of keeping with the amenity of the whole area.</p>
98 Western Road Tring Hertfordshire HP23 4BJ	<p>I strongly object to this planning application.</p> <p>I have lived in the local area for the last 24 years and have walked in the West Leith area at least once a week.</p> <p>The impact on residents and the local environment will be huge.</p> <p>The proposal is not inline with the planning guidance for an AONB, the plan does not enhance the area and will generate a net loss to wildlife rather than a net gain.</p> <p>Walking recently I have noted some huge fences have been erected prior to approval being given. These fences prohibit the natural existing movement of wildlife. Residents of West leith have to have open fencing on their properties for this exact reason.</p> <p>The loss of privacy, increased traffic and considerable noise pollution will have a huge impact on residents quality of life.</p> <p>Please note that the diagram labelled existing car park is misleading, the area that formed the car park at the farm was one of the plots recently sold by the applicant. This can clearly be seen from the public footpath. I'm not sure where this new car park area is and certainly is not 'existing' prior to this proposed plan.</p> <p>The plans are completely out of character for an are of AONB.</p> <p>Having walked near the existing dog walking paddocks on Bourne End Lane near Hemel Hempstead I was horrified to see 10/20 vans driving up and down the lanes, to give your dog a day in the countryside.</p> <p>Is this a back door application that will lead to further applications for lighting, facilities, CTV, mains and eventually a new dwelling.</p> <p>Small applications can have a huge cumulative effect on the local characteristics of an area and should be rejected from the onset.</p>
1 The Barns West Leith Tring Hertfordshire HP23 6JJ	<p>I object most strongly to the above planning application.</p> <ol style="list-style-type: none"> 1. It is most inappropriate given that the lane is a single track, 'No Through Road', with very few passing places. It is already busy with families and young children walking, horse riders, cyclists, delivery drivers, refuse collectors, workmen etc. 2. Being a 'No Through Road' regularly leads to vehicles turning in residents' driveways and parking areas, in itself a danger to pedestrians. To add more vehicles to this amount of traffic would be unacceptable.

	<p>3. I object even more strongly to the revised planning application which would result in dogs and their walkers passing right next to the hedge at the end of our garden. This would obviously intrude on our privacy; added to that, the inevitable boisterous barking of dogs would disturb the very peace for which we specifically moved here. We bought this barn for a quiet retirement in this Area of Outstanding Beauty. Also, it looks as though the revised position of the parking area is proposed directly over the drainage pipes between the Barns and the sewage plant.</p> <p>4. The great majority of the barns here have a covenant banning dogs so we very rarely suffer from the noise of barking. This would obviously change; even more so if professional dog walkers bring several dogs. By their very nature you cannot stop a group of dogs from barking when rushing round enjoying themselves.</p> <p>5. There are miles and miles of glorious countryside at the end of the West Leith Lane where dogs can be walked with or without leads. Surely an enclosed field dedicated to dog walking would be more appropriate in a place where there is no alternative.</p> <p>I object most strongly to the above planning application.</p> <p>1. It is most inappropriate given that the lane is a single track, 'No Through Road', with very few passing places. It is already busy with families and young children walking, horse riders, cyclists, delivery drivers, refuse collectors, workmen etc.</p> <p>2. Being a 'No Through Road' regularly leads to vehicles turning in residents' driveways and parking areas, in itself a danger to pedestrians. To add more vehicles to this amount of traffic would be unacceptable.</p> <p>3. We moved to our barn because of the quiet and peaceful surroundings in this Area of Outstanding Beauty. The great majority of the barns here have a covenant banning dogs so we very rarely suffer from the noise of barking. This would obviously change; even more so if professional dog walkers bring several dogs. By their very nature you cannot stop a group of dogs from barking when rushing round enjoying themselves.</p> <p>4. There are miles and miles of glorious countryside at the end of the West Leith Lane where dogs can be walked with or without leads. Surely an enclosed field dedicated to dog walking would be more appropriate in a place where there is no alternative.</p>
<p>11 Windmill Way Tring</p>	<p>I strongly object to the above planning application as the increased traffic on the single track road which has no passing places will be extremely dangerous.</p> <p>I have used this road to walk on a daily bases for the last 30 years and often take my Grandchildren to Stubbing's wood to enjoy the safety of walking and playing away from traffic.</p> <p>I see a lot of wild life in and around the area of the proposed planning which includes Deer Rabbits Stoats Pheasants Partridges and numerous birds nesting in the trees and also ground nesting birds.</p>

	<p>To have access to this field for cars and dogs will result in all this wildlife being either displaced or lost for ever which at a time when we are meant to be helping all our wildlife would be unforgivable.</p> <p>I have personally found the safety and quietness of my daily walks in the area so helpful both physically and mentally in these difficult time and to increase the traffic for both vehicles and human would catastrophic to this beautiful area.</p>
<p>5 Brook Cottages Ivinghoe Aston LEIGHTON BUZZARD LU7 9DG</p>	<p>Unfortunately many on this application do not see the long term development of this area, there are 3 paddocks sold who need access to the fields via the lane, there is at least 9 more to be sold, there will be more traffic on the lane, the applicant sold as a huge amount of land, it is the buyer who has separated into parcels, so if DBC make the road good for all future ventures there is no problem regarding the road. for existing home owners</p> <p>I have lived in Tring for 20 years, until recently. I regularly walk my dog and over the years have ridden the bridlepaths in this lovely area.</p> <p>I have visited the site today, and seen the revised position of the car park, it will be safe, secure and not visible from the road. The enclosure is set back from the road, and will have hedges & trees planted around for natural screening, which will also help with noise reduction, if needed. There is also access to the enclosure from the road for pedestrians to enter with the dogs, and is in within walking distance from Tring which will reduce cars on the lane.</p> <p>Any extra cars will now not have to go past the barns as the entrance for cars is a lot further down.</p> <p>Due to the very nature of the lane, cars drive slowly, and there are at least 2 passing places I could see.</p> <p>The enclosure is to be used for dog exercising not picnics nor family days out & from what I have learnt, would be monitored strictly.</p> <p>I have been lucky enough to see 1st hand, the amount of effort, time and money the applicant has put into a lot of the land surrounding & behind the enclosure, removing a lot of dead hedges etc, replacing them with thousands of new trees etc to grow and form more natural screening.</p> <p>The applicant looks after all their land & wildlife carefully, has a passion for animals, their welfare & the surrounding Countryside, and appreciates the responsibility to look after it for generations to come. If only more people were like this.</p> <p>The amount of wildlife that has left the area, deer, pheasants, muntjac to name but a few, in the past few years due to out of control dogs that chase them, maybe the owners could use this amenity to help bring them back to the area.</p> <p>Many thanks</p>
<p>1 West Leith Tring Hertfordshire HP23 6JR</p>	<p>Please see Documents tab</p>
<p>Horseshoe Barn</p>	<p>This application will impact all resident on West Leith Lane as there is</p>

<p>9 The Barns West Leith Tring Hertfordshire HP23 6JJ</p>	<p>only one access route to the 15 properties who use it. There is already a high usage of the lane by dog walkers cyclists, groups going to Stubbings Wood etc Additional traffic is not required on a lane that is already in a poor state.</p> <p>The change of use would also create a precedent in terms of change of usage and could be the thin end of a wedge in an AOOB. Revised Application 21/01720/FUL The proposed change to the plans moves some of the potential traffic problems but, in effect, creates others. It does not change the potential increase in road traffic in the lower part of West Leith Lane which has only one genuine passing point and is a popular pedestrian route for walkers, dog walkers and groups of children going to Stubbings Wood. The lower lane is also densely shaded by the overhanging tress and hedgerows and has an impact on the light and could be a risk to non- regular users if care is not taken. Residents are alert to the issues. The proposed change of access to the paddock is via the unsurfaced track that leads off West Leith Lane to West Leith Farm. The track is also a footpath (32A) along which walkers join the path to gain access to Stubbings Wood, Pavis Wood and Dancers End. The footpath into West Leith Lane is also partly obscured by hedging. I have lived on the corner of West Leith Lane and the unmade track for many years and am well used to the footfall and in the past equestrian users. This was of little or no nuisance, was irregular in terms of usage and in many ways reflects the rural surroundings. The proposed change of access will change this if the intention is that users will be spread over a longer day at half hourly intervals. track also provides access to the West Leith Barns sewage plant and although not emptied on a regular basis access would need to be maintained as it is sited below the revised car park site. The paddock and car park have already been constructed and in the case of the former I assume the owner has replaced the ancient hedgerows with new plants and shrubs which over time will provide better screening . I appreciate the need for landowners to diversify where traditional farming and agricultural sectors are in decline but this seems to be inappropriate in terms of location in an area of outstanding natural beauty and so close to residential properties. Three additional parcels of land have been sold by the applicant with access created by the land agent off of West Leith Lane. I understand that 2 of the 3 have been sold which will no doubt add to the traffic problems in the lower part of West Leith Lane.</p>
<p>March House 90 Western Road Tring Hertfordshire HP23 4BJ</p>	<p>This area is already popular with dog walkers and walkers. There are ample walking trails at West Leith and Stubbings Wood to exercise dogs. I'm at a loss to see how this small fenced field for dogs could possibly enhance this beautiful part of Tring at West Leith. It's an area of outstanding beauty, with very little traffic but many walkers and any increase in traffic should be avoided for safety reasons. Changing the location of the parking for this application doesn't alter the fact that this is not appropriate use of land in an AOOB.</p> <p>The NPPF allows, under Paragraph 146 (e) For the change of use of land within the Green Belt for outdoor recreation.</p>

	<p>This is not recreational dog walking. This would be a commercial activity bringing increased traffic and noise - presumably vans with multiple dogs- on to a single track no through road with many walkers.</p> <p>Walkers access a gate directly from the single track driveway leading to the parking - surely this would not be considered a safe place to increase car traffic?</p>
<p>Five Hills Cottage West Leith Tring HP23 6JR</p>	<p>We are writing to OBJECT to planning application ref: 21/01720/FUL - Change of use of agricultural land to dog walking paddock with associated parking. Please confirm via email that our objections will be considered and included in the decision-making process.</p> <p>We also request that a visit to the proposed site (the "site") is made in person by the planning officer.</p> <p>BACKGROUND</p> <p>The Location</p> <p>The site is located at the top of West Leith, which is a single-track lane approximately 350m long. West Leith (the "lane") is used by the residents plus other vehicles providing services such as refuse vehicles, tradesmen, Royal Mail, couriers, utilities and the emergency services. These often block the lane or need to reverse due to the lack of passing and turning space.</p> <p>A No Motor Vehicle sign is situated half way up the lane, at the junction leading to the main entrance of West Leith Farm, promoting a safe onward environment for the regular cyclists, runners, horse riders, dog walkers and pedestrians accessing the many miles of offroad footpaths that lead to and from West Leith and Stubbing's Wood. (Photos 1, 2, 3, 4, 5, 6, 17 & 18)</p> <p>From the point of the No Motor Vehicle sign, a Permanent Traffic Regulation Order (PTRO), is in place - "The Borough of Dacorum (Various Roads, Tring) (Prohibition of Driving) Order 1987</p> <p>See Appendix 1 for full details</p> <p>In addition, increased demand is set to be placed on 'the lane' as the field on the North side of the lane (formally part of West Leith Farm), has recently been sold and has been sub divided into plots. These Plots are now being offered for sale again (see link below). The access gate, providing agricultural access to these plots is also within the PTRO section of the By Way.</p> <p>2</p> <p>The Site</p> <p>The Site is currently set to pasture, not subjected to mechanical mowing, so has a rich diversity of wildlife. In January 2021 enabling works and a new compound of 2m high post and stock wire fence</p>

were erected. This compound has yet to be used.
The site currently has an agricultural gate from the lane set into the hedge. During the time, we've lived in the adjacent property (3years 9months), this gate has only been used a handful of times.
The Planning Application
A planning statement (prepared by Hemisphere Planning Consultancy) has been submitted with the application. The Planning Statement says it should be read along with the following documents.
(However, these are not available on the Dacorum planning site):
o Design and Access Statement
o Ecology Report
o Drainage Assessment
We request these are made available and time is given to enable us to review.

OUR OBJECTIONS
We wish to formally object to the planning application on the following grounds:

1. Traffic, accessibility and parking
1.1. PTRO
As previously mentioned, there is a PTRO in place on the lane - "The Borough of Dacorum (Various Roads, Tring) (Prohibition of Driving) Order 1987" (see Appendix 1).
Articles 2a - 2e of the PTRO detail the permissible uses for which vehicles can have access to this part of the lane.
Article 2b states that a vehicle can be used "for purposes of agriculture in connection with land adjacent to those roads or for the conveyance or haulage of timber felled upon that land;"
The planning application has been submitted to change the use of agricultural land to dog walking paddock with associated parking. As such, the use of the site will no longer be of an agricultural nature. Consequently, Article 1 of the PTRO would become applicable. Article 1 states that "No person shall cause any motor vehicle to proceed in the roads specified in the Schedule of this Order." This means that there would no longer be a permissible use for vehicles to access this part of the lane and indeed the site itself and as a consequence, parking would not be required on the proposed site.
Please note that although the PTRO prohibits any non-agricultural vehicular access, and therefore would prohibit access to the new proposed site, we are listing all of our objections relating to traffic, accessibility and parking for completeness.

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1.2. Increased vehicle movements
An additional 44 motor vehicle movements each day, would be generated based on:
o 1 vehicle per visitor

o operating hours of 8am to 7pm (11 hours) during the Summer Months (Section 2.3 of the Planning Statement)

o half hour bookable slots

That is approx. 14,000 new vehicle movements a year, on a single-track lane resulting in increased traffic noise and emissions in the area.

The 2 additional car movements every 30 mins (one car arriving and one car leaving) will make accessing and leaving our drive and travelling on the single-track lane, significantly more difficult than before.

The additional traffic and restricted passing opportunities on the part of the PRTO (which means at least one vehicle having to reverse) will also make the lane less safe for the regular cyclists, horse riders, dog walkers, pedestrians and several Scout groups each week, accessing the many miles of off-road footpaths that lead to and from West Leith and Stubbing's Wood, due to the fact that the lane is not much wider than a vehicle.

1.3 Site access

To access the site, vehicles will pull up outside our home, Five Hills Cottage, in order to open the gate to the field, and the secondary gate into the new dog walking paddock. The distance between the field gate and entrance to Five Hills Cottage is 1.5M (the average length of a car is 4.2M - 4.9M). This means that access to Five Hills Cottage will be blocked whilst they do this.

As mentioned in Section 3.12 of the Planning Statement, the existing gate is intended for agricultural access. The entrance is concealed when approached from the Stubbing's Wood direction. There is a narrow path alongside the five-bar gate that forms the end of the lane.

Walkers, cyclists, and horse riders need to pass very close to the concealed entrance. This increases the risk to these users due to lack of visibility splays for vehicles exiting the site. A site visit will confirm these concerns.

(Photos 1,2,3,4,5 & 6)

1.4 Parking

Sections 2.1 and 3.13A in the Planning Statement, detail the provision of a 110m² gravelled area for 2 vehicles to park. This area is visible from the lane and the gateway into the site which is often used by people to stop and enjoy the unspoilt views of the valley and woods within the AONB. The proposed gravel materials would provide an eyesore, along with the associated parked vehicles, which will also be clearly visible from Stubbing's wood. A more sympathetic solution should be used, e.g. Ecogrid (<https://ecogrid.co.uk/wp-content/uploads/2017/11/a1-Ecogridgrass->

case-studies.pdf). Whilst this would be an improvement over gravel, it would not remove the vehicles from the site.

The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing and car parking, contrary to paragraph 172 of the NPPF

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West Leith Farm (owned by the applicant) has ample parking in the yard. There is road free access from the farm yard to the site via the safe fenced off access routes created when the paddock was constructed in January 2021 (see Map 1 below). As such, the need for additional parking, at the site, on land within the AONB and Greenbelt is completely unnecessary.

Map 1 - Route from farm yard to site / redlined entrance area

2. Residential Amenity

Section 3.8 of the Planning Statement states that "Policy CS12 of the Core Strategy requires amongst other things that developments should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties".

Our home, Five Hills Cottage is the neighbouring property to the site. The close proximity of the property to the proposed entrance and access routes will be impacted by loss of privacy and noise in both the house and gardens.

The Planning Statement states that Five Hills Cottage is 8m from the site. This is incorrect. The entrance to the site is adjacent, not 8m away, to Five Hills Cottage as can be seen on (see Map 1 above). The entrance to the site will be the source of much of the noise caused by vehicles accessing and leaving the site.

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(Photos 6, 7, 8 & 9)

2.1 Noise

Section 3.9 of the Planning Statement states "Consequently, as the dogs will be with their owners and only dogs with whom they are familiar, it is not considered that there will be any excessive or prolonged periods of barking". This is not something that the Planning Consultant can evidence.

Having dogs in the field and owners calling the dogs etc will have an increase in the noise levels when compared to the current use as pasture land. In addition, it is likely that there will be some barking which will also contribute to the noise levels. Other sources of noise could be dog owners using their mobile phones, car radios, car engines running during inclement

weather (owner sitting inside to keep warm and dry whilst their dog is exercising).

Section 3.10 of the Planning Statement details the fact that if the noise becomes excessive then they will be expected to leave the site. It is unclear how this will be monitored as the applicant will not be supervising the site.

All properties on the lane will be impacted by increased noise and disturbance due to the increase in traffic.

Due to the proximity of Five Hills Cottage to the site, we will also be hugely affected by the noise of opening and closing of car doors/boots, idling engines or starting/stopping on modern vehicles when they are opening/closing the gates. (On average there will be 6 'door/boot' open/closes per vehicle movement 264 slams per day).

The impact of increased noise will be particularly acute, during the warmer months when we are using the garden and have our window and doors open. The proposed operating hours will give us little respite from the noise made by those using the site and will detract from the enjoyment of our house and garden. Being able to spend time outside, in the peaceful surroundings in which we are accustomed to living, is an important part of ensuring our mental wellbeing.

2.2 Loss of Privacy

Our home, Five Hills Cottage shares a boundary with the field that extends the full length of the proposed area. This is mainly comprised of deciduous hedging but it is not continuous.

The Planning Statement says that Five Hills Cottage is at a similar level to the site. This is incorrect, the ground floor level of Five Hills Cottage is some 0.6M lower than the level of the field at the boundary and increases as you move further up into the site.

Section 4.3 of the Planning Statement says the proposal wouldn't result in any adverse overlooking of Five Hills Cottage. This is totally incorrect, it is possible to look straight into our Dining Room and Lounge. It is also possible to see through the deciduous hedging into the far end of our lounge and garden/patio area.

It is also possible to see into two of our bedrooms on the first-floor, from the site. This loss of privacy will be intensified during winter and overcast days when the internal lights will be used and the deciduous hedging has shed its leaves. This is not an issue under the current agricultural use of the site.

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(Photos 8, 9, 10, 13, 14 & 15 - none of which have been taken from

within the proposed site)

3. Visual Intrusion

Whilst we understand that we have 'no right to a view' from the property, the inclusion of a gravel parking area and parked vehicles, would cause visual intrusion from our property.

The issue of visual intrusion also impacts the public view from Stubbing's wood and the current gateway into the site.

A more sympathetic solution, rather than a gravelled parking area should be used, e.g. Ecogrid

<https://ecogrid.co.uk/wp-content/uploads/2017/11/a1-Ecogrid-grass-case-studies.pdf>

(Photos 10, 11, 12 & 15)

4. Hours of Operation

The Proposed hours of operation detailed in Section 2.3 of the Planning Statement will provide us with

little relief from traffic, noise and loss of privacy. They are due to be 8am - 7pm in the summer, 7

days per week and 8am - 4pm in the winter, 7 days per week. This will have a significant impact on

our residential amenity. Other such facilities have been found to operate in normal business hours

e.g. 0900 -1700 on Mondays to Friday and allow respite on weekends and public holidays by not

trading.

5. Other

5.1 Case in point

Section 3.2 of the planning statement references 4/00718/19/FUL - The Brambles Flaunden Lane,

Bovingdon, where a change of use was issued, as a case in point.

There are a few major differences from this planning application:

- o This did not fall within the Chilterns AONB

- o The nearest/adjacent property is that of the landowner / operator of the site

- o It is not on a By Way subject to a Permanent Traffic Regulation Order (PTRO) "The Borough of

Dacorum (Various Roads, Tring) (Prohibition of Driving) Order 1987

- o It is not visible on 3 sides by footpaths which have views over the proposed site.

- o Unlike West Leith, Flaunden Lane doesn't have miles and miles of safe, off-road walking

adjacent to the proposed site.

- o It has safe access from the road.

- o It does not have a concealed agricultural gateway at the end of a single track lane with

restricted access.

5.2 Necessity

Is there a good business case for this change of use? With the miles of safe, accessible

footpaths is there really a need for a dog walking paddock in this part of the AONB? Many

people would choose not to take up such an alternative to their current dog walking

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routines. People walk their dogs through the AONB to experience the natural environment as well as to exercise their pets; this same experience cannot be found in walking a dog around an enclosed field.

5.3 Waste Management

There is no mention of waste management in the planning statement. This is a major concern.

How and when will waste be removed from the site?

5.4 Alternative Location

West Leith Farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered, within short walk of the existing parking in the main yard.

Summary

The following summary breaks the objection to the application down into two discrete sections; Traffic

/Access/Parking and Change of Use: --

Objections to Traffic/Access/Parking

o The existence of the Permanent Traffic Regulation Order (PTRO) - "The Borough of Dacorum

(Various Roads, Tring) (Prohibition of Driving) Order 1987" is enough in itself to stop nonagricultural

vehicle access to the site via the proposed gate, and thus eliminate the need for

additional parking.

o Safety for all users of the lane will be compromised due to the increased levels of traffic.

o Adequate Parking already exists, within the main yard of West Leith Farm. There is safe offroad

walkways to the proposed site, thus eliminating the need for a new parking area and

vehicle access to the proposed site.

o Proposed use of materials for the parking area would be an eyesore visible from surrounding

footpaths, Stubbing's wood.

o West Leith Farm has plenty of other fields that are not in close proximity to neighbouring

properties which should be considered, within short walk of the existing parking in the main

yard.

o A possible 14,000 additional journeys annually to and from the site, with the associated

environmental, and road safety implications. - This would be in direct conflict with the

Dacorum Local Plan 2020 - 2038 - "We declared a Climate Emergency in July 2019 and,

through this, have committed to reducing carbon emissions across Council activities to net zero

by 2030. The declaration also places key responsibilities on the Local Plan to include all

available measures to cut carbon emissions and reduce the impact on the environment."

o Questions over the visibility splays at the field entrance.
 Objections to Change of Use of agricultural field

- o Close proximity to Five Hills Cottage.
- o Five Hills Cottage and curtilage will be subject to loss of privacy and overlooking.

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- o Five Hills Cottage and curtilage as well as all neighbouring properties will be subject to loss of residential amenity, increased noise levels associated with increased traffic levels.
- o The proposed operating hours provide no respite for neighbouring properties.
- o Visual intrusion from surrounding areas.
- o The development would have a harmful impact on the rural character of the locality due to the introduction of inappropriate fencing (This has already been erected in preparation) and car parking, contrary to paragraph 172 of the National Planning Policy Framework. (NPPF)
- o The proposed use would harm the relative tranquillity of a valued area of recreational and amenity value, contrary to paragraph 180 of the NPPF
- o Alternative sites are available within West Leith Farm. The farm has plenty of other fields that are not in close proximity to neighbouring properties which should be considered. These area all within short walk of the parking in the main farmyard.

Implied Constraints from the Planning Statement
 Section 2.2 of the Planning Statement states "The Use of the facility will work on a pre-booking basis for either a half hour or hour slot. The field will be booked exclusively for the dog (s) and their owners and only one owner(s) and their dog(s) may use the field at any one time. The field will be only be used for the walking of dogs and not for training or dog classes."
 Section 3.8 of the Planning Statement states "It is not expected that there will be 4 dogs in the paddock at any one time"
 Based on the above, constraints should be imposed to the following effect:

- o That the site is not to be used for Dog Training or any form of organised class.
- o No Training equipment should be present in the paddock. (jumps, tunnels, ramps etc)
- o Dogs must be with their Owner(s) at all times.
- o No more than 4 dogs in the paddock at any one time.
- o That the site is not to be used by professional dog walkers/trainers/day care providers.

If you require any further clarification prior to making your decision please feel free to contact us.
 Please confirm that our objections will be considered and included in the decision-making process.
 When you have arranged a site visit, please inform us so we can be present.

<p>Westwood, King Street, Tring, HP23 6BE</p>	<p>Change of use of agricultural land to dog walking paddock with associated parking, West Leith Farm, West Leith, Tring, HP23 6JR</p> <p>I am writing to object to the above planning application on the grounds of increased traffic on a single-track road, with no passing places and which has restricted access. Access to the paddock is directly off a rural footpath within woodland, with the gate to the field obscured by a bend in the lane when walking from Pavis wood towards West Leith road.</p> <p>I use this lane daily to walk my dog. The proposed paddock is in a field adjacent to the path leading from West Leith road into Pavis Woods. Traffic associated with this proposal would impact the openness and safety of this area and the peaceful setting of this rural location will be damaged. The gate leading to the proposed paddock is directly off a public footpath, just beyond a blind bend. This will be dangerous to both dogs and children, as any vehicle exiting the field must pull onto the footpath and will not be able to see safely around the bend.</p> <p>Currently vehicles coming up as far as the proposed paddock gate, are for the three properties adjacent to the proposed paddock, at the base of Pavis Wood, so minimal. When walking further down West Leith road, past the cluster of homes on the left, traffic increases slightly and as there is no passing place, it can become congested. As a dog walker and on foot, it is often necessary to clamber up the steep bank to allow cars to pass. If two cars are using the lane at any one time, it is necessary for cars to reverse to a passing place. The frequency of this happening will only increase and will be a danger to walkers, children and dogs. It will create conflict between traffic and the aforementioned group in what is currently a relatively safe, public space.</p> <p>Included in my objection is the concern that conversion from agricultural land in a rural area to non-agricultural business use, will set a precedent for further development of this land within this area of outstanding natural beauty.</p> <p>Please confirm that my objection will be included in the decision-making process.</p> <p>Regards,</p>
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Agenda Item 5c

ITEM NUMBER: 5c

21/04605/RET	Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).	
Site Address:	Basement At 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF	
Applicant/Agent:	Mr. S. Bhavsar	Tulesh Vaja
Case Officer:	Nigel Gibbs	
Parish/Ward:	No Parish	Hemel Hempstead Town
Referral to Committee:	Called in by Councillor Beauchamp	

1. RECOMMENDATION

1.1 That planning permission be **GRANTED** planning permission.

2. SUMMARY

2.1 There are no objections in principle to the change of use in accordance with the Core Strategy's Policies CS4 and CS16. It would add to the vibrancy and vitality of Hemel Old Town Conservation Area and reinvigorate the listed building, with reference to the Core Strategy's Policy CS27 and saved Policies 119 and 120 of the Dacorum Borough Local Plan. The use would be compatible with the existing residential environment with no objections from the Council's Environmental and Community Protection Team in accordance with Policies CS12 and CS32.

3. SITE DESCRIPTION

3.1 No. 65 is a terraced, 3 storey, 18th Century Grade 2 listed building located opposite St Mary's Square on the eastern side of Hemel Old Town High Street Conservation Area. The basement featuring entirely modern fixtures and fittings and surfaces is used as a kitchen for the cooking of meals for a courier service.

3.2 There is a restaurant (Yalla Yalla) above the basement. This restaurant is a wholly separate unit operationally unconnected with the basement use. There is a small vent within Yalla Yalla's 'shopfront' serving the basement kitchen.

3.3 Access to the rear of no. 65 is via an archway linked to a communal/ private car park.

3.4 Hemel Old Town Character Zone forms an integral part of the defined Hemel Town Centre as referred to by the Core Strategy's Figure 17 Town Centre Character Zones and Development Opportunities:

'The Old Town - is based around the High Street, Queensway and the northern tip of the Marlowes. The main businesses include professional services, quality specialist shops. There is a strong evening economy with a variety of pubs, restaurants, cafes and an arts centre. The quality of the built environment in this zone is recognised for its special architectural and historic importance and the notable landmark of St Mary's Church. The historic character offers further opportunities for uses which can attract visitors and new investment. Sensitive improvements to north/south pedestrian links and the public realm are needed. Building frontages need careful attention: in particular, fascias along the northern tip of the Marlowes need refurbishing. Open land, which provides a setting for the old town and links with Gadebridge Park, will be protected'.

4. PROPOSAL

4.1 The application seeks retrospective planning permission for the use of the basement for the preparation of meals and the associated courier service based upon a 'cloud kitchen concept'.

4.2 The supporting statement confirms:

'The Cloud kitchen concept in hot food take-away relies on remote cooking facilities and all food is delivered or collected (very rare).

The operation requires good communication i.e. phone and computers and food is delivered by owner drivers or through various food delivery companies.

Benefits of Cloud kitchen concept:

- No late-night noise disruption from people waiting outside shops.
- Approx 98% of food is delivered.
- Exact time given to collecting customers.
- No litter or take-away packaging on streets.
- No shop front or signage required.
- No anti-social behaviour.

With the increase in food delivery service, this method eliminates all of the issues attached to a traditional hot food take-away shop'.

4.3 The recently submitted Delivery Statement has confirmed:

'The delivery couriers will wait on the High Street outside to the entrance gate and the order will be given to them by a member of staff.

As bars and restaurants operate till late on the road, the noise issue should not be an issue. This will be reviewed on a regular basis. If there are complaints then delivery drivers will be directed to St. Marys Car Park to pick up orders'.

4.4 The Heritage Statement. This confirms amongst a range of issues:

The Applicants are applying for a change of use from restaurant use (A3) to hot food take away (A5). There will be no need for additional signage or changes to the existing kitchen facilities. There will therefore be no material changes to the historic building in connection with the change of use.

The hot food take away will use the cloud kitchen concept which relies on remote cooking facilities and all food is delivered or very occasionally collected. There will be no additional littering or noise, or anti-social behaviour associated with people visiting in person. There will be some additional movement when food is picked up for delivery by drivers, but this is already occurring without an obviously detrimental effect. There will therefore be negligible environmental changes to the listed building and conservation area.

Conclusion. Number 65 High Street and the Old Town Conservation Area in which it is situated both hold architectural and historic significance and are both designated heritage assets. There will be no physical changes and only negligible environmental changes associated with this application for a change of use...

4.5 Procedural Issue. In referring the application to the Committee Councillor Rob Beachamp noted:

'I would like to call-in the planning application 21/04605/RET for Yalla Yalla at 65 High Street. This premises is currently under investigation by our Environmental Health team due to smoke and

unpleasant smells emanating from the extractor flue, which is serving both the restaurant and the Cloud Kitchen in the basement. This is having a detrimental impact on the nearby residents at 63 High Street, who are concerned that the proposed additional basement kitchen has created the problems currently experienced since its completion without planning permission in December 2021. Up until that point Yalla Yalla was only operating as a restaurant and there was not a significant issue'.

Please Note: As confirmed above the use of the basement at no.65 and Yalla Yalla at no. 65 are entirely separate businesses operating independently from each other. Since Councillor Beauchamp's e mail, the relationship between/ operational independence of the respective businesses has been fully discussed with Councillor Rob Beauchamp, the Council's Environmental Health Team, the Agent/ Applicant for the current application and representatives of the restaurant business at Yalla Yalla.

5. PLANNING HISTORY

Planning Applications

21/03351/RET - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). Returned application - no longer proceeding.

21/03352/LBC - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept). returned application - no longer proceeding.

21/04606/LBC - Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).
Pending-

6. CONSTRAINTS

Area of Archaeological Significance: 36
CIL Zone: CIL3
Hemel Hempstead Conservation Area
Former Land Use (Risk Zone):
Listed Building, Grade: II,
Listed Building, Grade: II,
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Smoke Control Order
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. 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

Dacorum Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8-Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS16 - Shops and Commerce

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

CS32- Air Soil and Water Quality

CC33- Hemel Hempstead Town Centre

Hemel Place Strategy

Dacorum Local Plan

13- Planning Conditions

58- Private Parking Provision

118- Important Archaeological Remains

119- Development Affecting Listed Buildings

120- Development in Conservation Areas

Supplementary Planning Guidance/Documents

Parking Standards Supplementary Planning Document (2020)

9. CONSIDERATIONS

The Main Issues

9.1 These are:

Policy and Principle.

The Heritage Implications.

The Effect upon Residential Amenity.

Policy and Principle

9.2 Policy CS1 expects that Hemel Hempstead will be the focus of new development. This includes under criterion (c) maintaining the vitality and attractiveness of its town centre in accordance with Policy CS33.

9.3 Policy CS4 seeks a mix of uses in town centre locations, including through criterion (a) catering establishments. The Core Strategy's Part 13- Supporting Retailing and Commerce- reinforces CS4 by addressing the Borough's Retail Hierarchy, with Hemel Hempstead (including the Old Town) being the Principal Town Centre, providing a range of shops, services and facilities.

9.4 Policy CS16 confirms that development proposals which promote a diverse evening economy in the town centres will be supported, subject to the control of their social and environmental impacts.

9.5. These policies are in accordance with the National Policy Framework's Part 7 'Ensuring the vitality of town centres'. In particular this is confirmed by its Paragraph 86 explaining that planning policies and decisions should support the role that town centres play, with a positive approach to their growth.

9.6 The Framework's Part 7 is in the context of The Framework's Part 6- 'Building a strong, competitive economy' which reinforces the economic objectives in delivering sustainable development.

9.7 In principle the use of the basement for the catering business is in accordance with the aforementioned policies.

Heritage: Implications for the Conservation Area and the Listed Building

9.8 The Listed Building and Conservation Area are designated heritage assets. S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention to be paid to the desirability of preserving or enhancing the character or appearance of that Conservation Areas. The Act's Section 66 of the Act expects LPAs have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest that they possess.

9.9 Policy CS27 seeks to protect, and where appropriate, enhance the integrity of the setting and distinctiveness of heritage assets, and this reflects the statutory duties defined in the Act. This reinforces the expectations of saved Policies 119 and 120 of the Dacorum Borough Local Plan.

9.10 The Framework's Paragraphs 194 to 198 address 'Proposals affecting heritage assets', with Paras 199 to 208 responding to 'Considering potential impacts'. It is important to note:

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

9.11 The proposal would not involve any external changes to the basement. With reference to the relevant policies, the specialist of the Design & Conservation Team, the submitted information and the site conditions/ observations, the use would be compatible with the Conservation Area and the listed building. It would add to the CA's vitality and vibrancy by enhancing its character, with the resultant full use of the listed building. The proposal would be in accordance with Policy CS27 of the Core Strategy and Saved DBLP Policies 119 and 120 and the Framework's expectations.

Impact upon Residential Amenity

9.12 This is with reference to Policies CS4 ,CS12, CS16 and C32 and that it is expected that in Town Centre locations (including Hemel Old Town) support a range of uses. Catering based uses form an integral part of the main shopping function. It cannot be expected that the quiet evening ambience associated with wholly residential areas is replicated in Town Centre / Local Centre locations. This is because of their expected vibrancy and vitality is a consequence of the combination of the mix of uses. Town Centres are expected to feature a range of uses which harmoniously coexist and interact within a vibrant inbuilt evening economy.

9.13 Given the site's location, the nature of the use and the advice of the Council's Environmental and Community Protection Team, there is no objection to the proposal based upon the effects of noise and disturbance. This is with reference to the use itself, the very limited expected customer collection of take away food and the effects of the delivery service. A precautionary condition is recommended regarding the impact of the delivery service.

Other Material Planning Considerations

Highway Implications

9.14 It is not considered that the short stay parking of delivery vehicles within the High Street would cause highway safety issues.

Response to Neighbour Comments

9.15 Based upon a site meeting held on the 14 April 2022, it was understood that the residents who have made representations regarding the current application related to Yalla Yalla's extraction system and not the basement at no. 65. As confirmed earlier the respective uses of no. 65 and the basement are not connected. On this basis, given the considerations referred to above, in particular the Environmental and Community Team's advice, there are no objections to the use based upon the impact to nearby/ adjoining dwellings.

Community Infrastructure Levy (CIL)

9.16 The application is not CIL liable.

10. CONCLUSION

10.1 This small business use would add to the Old Town's Conservation Area's vitality and vibrancy, ensuring full use of the listed building, with no expected / identified harm to the residential amenity of the immediate locality. There is expected to be resultant consequent harmonious coexistence between the respective commercial and residential uses. The Applicant's Courier Delivery Plan, as secured by a recommended condition, ensures that if unexpected problems do arise, this can pragmatically be addressed in the future. The use would be in accordance with Policies CS4, CS12, CS16 and CS27 of the Core Strategy and saved DBLP Policies 119 and 120.

10.2 The proposal is a sustainable development in accordance with the National Planning Policy Framework's economic, social and environmental objectives.

11. RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:

Condition(s) and Reason(s):

- 1. Following 18 months from the implementation of the use hereby permitted, an updated Delivery Statement shall be submitted to the local planning authority confirming how the use has operated, whether there has been a requirement for delivery drivers to use St Mary's Car Park and a delivery plan demonstrating how the delivery service would be subsequently operated. The use shall thereafter be carried out fully in accordance with the approved details.**

Reason: In the interests of residential amenity and highway safety in accordance with Policies CS8, CS12 and CS32 of the Dacorum Core Strategy (2013).

- 2. There shall be no customer collection of take away food after midnight each day and the take away component shall only be ancillary to the approved courier based use in accordance with the submitted Planning Statement.**

Reason: In the interests of residential amenity in accordance with Policies CS8, CS12 and CS32 of the Dacorum Core Strategy (2013) and for the avoidance of doubt.

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

**Location Plan
2021/65HS/001Rev A**

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	Further to a visit to the site to establish the extractor system and control I would respectfully ask that my previous comments are withdrawn. We have no objection to this application.
Archaeology Unit (HCC)	No response I am writing to let you know that we have no comments to make on the above application, and to thank you for your patience.
Planning Enforcement	Please Note: The Enforcement Team has been updated upon the application.
Conservation & Design (DBC)	This is an 18th century three storey building with brick and clay tiled roofs. The proposed kitchen is located within the basement. The works have been undertaken and as noted in the BEAMS heritage report the original fabric is somewhat hidden. The heritage report allows a good understanding of the building. We would agree with the proposal that the heritage impact on the basement would be nominal. As such we would not object. Any harm caused would be mitigated by the benefit of the basement being brought into use.

	Recommendation We would not object to the proposals although it would be recommended that in the future applications be made before works are undertaken.
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

Neighbour Responses

Address	Comments
63E High Street Hemel Hempstead Hertfordshire HP1 3AF	<p>I am objecting this planning proposal based on the issues I have been experiencing from this restaurant since around 9th December.</p> <p>My flat has been affected severely by the smell of smoke / food, to the extent I have had to relocate my clothes, as well as not being able to have my windows open - which in an old building has now created damp issues as I need the air circulation.</p> <p>There has been a new flume installed which is below my window level, which is where I believe the pollution is coming from.</p> <p>Whilst I have tried to resolve this with restaurant owners directly, unfortunately we have been unable to reach a solution, and for that reason I am objecting to this.</p>
63C High Street Hemel Hempstead Hertfordshire HP1 3AF	<p>I live next door to and above the restaurant at 65 High St and the smell of kebabs being cooked permeates my flat. The smell is both unpleasant and unhealthy.</p> <p>I therefore wish to appeal against the plans they have lodged on the grounds that any extension to their premises will exacerbate the problem.</p> <p>I don't want my flat to smell like a kebab shop!</p>

ITEM NUMBER: 5d

22/01214/FUL	Replacement dwelling	
Site Address:	2 Bulbourne Close, Berkhamsted, Hertfordshire, HP4 3QA	
Applicant/Agent:	Mr and Mrs Hill	Mr Neil Johnson
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposal comprises the partial demolition of the existing single storey bungalow, to be replaced with a two storey detached dwelling. The proposed development would optimise the use of available land within an urban area and the design would sit comfortably within the surrounding area, noting the prevailing form of development within the streetscene. The amenity space and parking provision are considered acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

3. SITE DESCRIPTION

3.1 The application site is located on the northwest side of Bulbourne Close in Berkhamsted. The site comprises a single storey dwelling that is attached to the neighbouring property by a linked garage. The surrounding area comprises predominantly two storey detached and semi-detached dwellings, all with similar design features and material finishes.

4. PROPOSAL

4.1 The application seeks full planning permission for the partial demolition of the existing bungalow, to be replaced by a two storey detached dwelling comprising three bedrooms.

5. PLANNING HISTORY

5.1 None

6. CONSTRAINTS

Area of Archaeological Significance: 21
 BCA Townscape Group
 Canal Buffer Zone: Major
 Canal Buffer Zone: Minor
 CIL Zone: CIL1
 Former Land Use (Risk Zone):
 Parish: Berkhamsted CP
 RAF Halton and Chenies Zone: Yellow (45.7m)
 RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
 Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Residential Character Area: BCA17
Parking Standards: New Zone 3
EA Source Protection Zone: 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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 Core Strategy Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning

Principles outlined in the NPPF (2021) there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 119 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

9.3 In terms of building upwards, paragraph 120 (e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed and can maintain safe access and egress for occupiers.

Loss of a bungalow

9.4 There are no policies that seek the retention of any specific type of dwelling such as bungalows. Saved Policy 15 of the Dacorum Borough Local Plan seeks to retain existing dwellings, however does not specify type. Paragraph 62 of the NPPF highlights that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. With this in mind, the emerging Local Plan will need to ensure that the right type of housing is provided for older people alongside other groups with particular needs. This objective is carried forward into the emerging Local Plan, which will include policy DM9 (Housing for Older People) and makes provision to deliver such housing as part of a balanced mix for proposed allocations.

9.5 Furthermore, taking into account paragraph 120 of the NPPF and the addition of Class AA to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (enlargement of a dwellinghouse by construction of additional storeys), it is not considered that the Council could reliably resist the loss of the bungalow to upward extension or to its replacement with a two storey dwelling.

9.6 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Local Plan and the NPPF.

Quality of Design / Impact on Visual Amenity

9.7 Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 130 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials.

9.8 The site resides within character area BCA17: Valley Road, according to Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), which is described as mainly simple throughout with plain designs with gable end roofs in and around Valley Road. The roof style of dwellings strongly influences the design character of the street.

9.9 Bulbourne Close is comprised of six dwellings, four of which are two-storey detached dwellings. The application property constitutes one of two link attached bungalows within the close. Valley Road, perpendicular to Bulbourne Close, is comprised of two storey detached and semi-detached dwellings, with properties grouped into varying architectural styles. Some of the common themes include gable-end roofs with materials including brickwork, tile hanging and cladding.

9.10 The proposed dwelling would comprise a gable end roof with a two-storey double hipped projection to the rear. The principal elevation would project beyond the neighbouring bungalow by

2m and the southwest flank elevation (currently adjoining the neighbouring garage) would set away from the common boundary with no. 4 (the bungalow) by 1m.

9.11 To the rear there would be a single storey projection measuring 3m deep and comprising a flat roof with two sky lights. To the rear, at ground floor level, the dwelling would follow the building line of the neighbouring bungalow.

9.12 As a result of the proposed development, there would be a staggered building line on the northwest side of Bulbourne Close, comprising no. 2 (set furthest back), no. 4 (the neighbouring bungalow) and the application dwelling. It is not considered that there currently is a clear building line, therefore there are no substantial concerns regarding the proposed staggered building line.

9.13 The dwelling would be finished in facing brickwork and slate roof tiles. In terms of the design of the proposed dwelling, it would be similar in appearance to no. 6 Bulbourne Close, which comprises a simple gable end roof. The dwelling would be set well back from the road and would retain sufficient space around it to avoid a cramped appearance. To the frontage there would be hard landscaping in order to provide off-street parking for three vehicles, as well as soft landscaping to demarcate the parking area.

9.14 Should planning permission be granted, conditions would be recommended requesting details of external materials and hard/soft landscaping.

9.15 Taking all of the above into account, it is considered that the layout, architectural style and built form of the proposed dwelling will not have a detrimental impact upon the character and appearance of the surrounding area. The proposed development will be visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan, the NPPF and the BCA17 Character Area Appraisal.

Impact on Residential Amenity

9.16 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. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or privacy.

9.17 In relation to 7 and 9 Valley Road, the proposed dwelling would be visible from the rear windows and rear gardens. The proposed development would result in an increase in bulk and height, however the proposal would pass the 25 degree test in relation to the nearest habitable windows at 7 and 9 Valley Road, such that it would not appear unduly prominent or visually intrusive to the detriment of residential amenity or loss of light.

9.18 Turning to 4 Bulbourne Close, the neighbouring bungalow, as outlined above the proposed dwelling would project beyond the front elevation by 2m. The proposed dwelling would be set away from the common boundary by 1m, which in addition to the intervening garage would result in the nearest habitable windows being 4m from the proposed flank elevation of the dwelling. Given this, the proposed dwelling would thus not harm light levels or appear visually intrusive.

9.19 In relation to dwellings to the rear, including 6 Moore Road, the proposed dwelling would be situated 29m from the main rear wall at ground floor level. At first floor level, the separation distance would increase to 33m. Saved Appendix 3 of the Dacorum Borough Local Plan seeks to ensure that a minimum distance 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. The proposal meets the minimum separation distance and adequate privacy will therefore be maintained.

9.20 It is considered that the proposal would 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 and the NPPF.

Impact on Highway Safety and Parking

9.21 The NPPF, Policies CS8 and CS12 of the Core Strategy, Saved Policy 58 of the Dacorum Borough Local Plan and the Parking Standards SPD (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.22 The parking requirement set out in the Parking Standards SPD states that within Accessibility Zone 3 a three-bedroom house should provide 2.25 allocated off-street car parking spaces. Provision should also be made for electric vehicle charging points. The existing driveway to the front of the dwelling would be extended to provide three off-street spaces. In addition, the application site is located within an accessible location, within walking distance to Berkhamsted town centre and with no parking restrictions evident on Bulbourne Close or Valley Road.

9.23 Should planning permission be granted, conditions would be added to secure further details regarding electric vehicle charging points, as well as hard and soft landscaping details. Subject to the above conditions, the proposed development meets the parking requirements of the Parking Standards SPD and will have a neutral impact on local parking provision. There would be no changes that would affect the adjacent highway. The proposal therefore complies with the above-mentioned policies in terms of parking and highway safety.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.24 Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.25 There are no Tree Preservation Orders or otherwise protected trees within the application site. Nonetheless, the proposed scheme has the potential to provide soft and hard landscaping on site, as well as appropriate screening. The submitted site plan does indicate shrub planting on the frontage. Should planning permission be granted a condition would be recommended requesting further details of hard surfacing materials, proposed boundary treatment and screening and other soft landscaping details.

9.26 Subject to the above landscaping condition, the proposal is considered to accord with Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy.

Waste Management

9.27 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. This information has not been provided, however it is considered that there is adequate space within the site to provide secure space to store wheelie bins. These details would be secured via the above-mentioned landscaping condition, should planning permission be granted. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

Habitats Regulations Assessment (HRA)

9.28 As part of its ongoing work to prepare the Local Plan, Dacorum Borough Council is required by law to undertake a Habitats Regulations Assessment (HRA) to understand the impacts that current and planned future growth is having on sites designated under the Habitats and Birds Directive. Evidence gathered to date concludes that the integrity of the Chilterns Beechwoods SAC, particularly at Ashridge Commons and Woods SSSI, is being harmed as a result of public access and disturbance.

9.29 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.30 Until this mitigation strategy is in place Natural England is advising the Council that, in respect of any development that proposes an increase in the total number of residential dwellings (C3 use class, and in some cases C2) on the site:

- A development exclusion zone of 500 metres will operate from the edge of the Ashridge Commons and Woods SSSI and Tring Woodlands SSSI, where the development described above will not be permitted.
- A zone of influence of 12.6km from Ashridge Estate boundary and 1.7km from the edge of Tring Woodlands, where the development described above will be requested to undertake a project-level HRA detailing how each individual site is going to avoid adverse impacts to the Chilterns Beechwoods SAC.

9.31 The application site resides within the above-mentioned 'zone of influence', however as the proposal would not result in a net increase in the total number of residential units, a project level HRA is not required.

Response to Neighbour Comments

9.32 These points have been addressed above other than flooding. The site does not reside within a designated flood zone, therefore the Lead Local Flood Authority has not been consulted.

Community Infrastructure Levy (CIL)

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

10. CONCLUSION

10.1 By virtue of its layout, design and scale the proposed replacement dwelling will integrate with the street scape character and will not adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Saved Appendix 3 of the Dacorum Borough Local Plan, Policies CS4, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**.

Condition(s) and Reason(s):

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

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

2. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

- a) all external hard surfaces within the site
- b) other surfacing materials
- c) means of enclosure
- d) waste and refuse storage facilities
- e) soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

4. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

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

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

**Location Plan
Wren naj 19e 2022**

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

Informatives:

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.

6. 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>Amended plans;</p> <p>Objection</p> <p>The Committee noted the neighbour objections and objected to the proposed development on the grounds of scale, mass and bulk, loss of neighbour amenity (the fenestration overlooks the neighbours to the rear) and that the development would sit forward from the current building line. CS12</p>
Berkhamsted Town Council	<p>Original Plans;</p> <p>Objection</p> <p>The Committee noted the neighbour objections and objected to the proposed development on the grounds of scale, mass and bulk and loss of amenity to the neighbouring property in terms of overshadowing. CS12</p>
Environmental And Community Protection (DBC)	<p>NOISE, ODOUR & AIR QUALITY:</p> <p>With reference to the above planning application, please be advised Environmental Health would 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>Working Hours Informative</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>

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.

Construction Dust Informative

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

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.

CONTAMINATED LAND:

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.

Given that the application site is a brownfield site, albeit an existing residential property, 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

	<p>the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	12	0	12	0

Neighbour Responses

Address	Comments
13 Valley Road Northchurch Berkhamsted Hertfordshire HP4 3PY	<p>The resubmitted plans are exactly the same, bar the "tweaking" of the roofline. Valley Road houses will still lose privacy and we are all going to lose hours of morning winter sunlight, when the sun will be so low in the sky and blocked by such a large house. At the moment the winter sunshine peeps over the top of the bungalow roof at 8am.</p> <p>No4 Bulbourne Close shares a party wall along the whole of the property. We believe that the brickwork is interlocking along the whole length, by comments that the roofers made when the roof work was done - something which would not be allowed with modern building standards, but things were different in the 1970s. It is obvious to see the rafters from the roof of No2 set into the wall of the garage of No4. The gas and electricity supply, the meters and all the infrastructure for No4 are down the party wall of the linked garage.</p> <p>There is also a marked difference in height between the two interlocking bungalows, which makes the risk of subsidence along the party wall a real worry. The whole of the Valley estate is built on the former watercress beds, so every house is on a concrete raft. The difference in height is really marked at the back, the fall away is nearly 1 metre. Subsidence is a huge risk and underpinning of the whole property is way beyond my mothers' means.</p>

	<p>Because we are in the valley - the name says it all - we are at acute risk of flash flooding. Water rushes down Durrants Lane in periods of torrential rain and into the estate. If the drains are blocked with leaves in the autumn, or the volume of water is such to overwhelm the drains, we are all at risk. It has happened once since we have lived here when vandals opened the canal gates. Properties in Shaftsbury Court were flooded and water gushed along Valley Road, our front gardens absorbing the excess water. The Grand Union Canal is at a higher level than all of the houses on this estate. We have the river Bulbourne in a culvert, but in these worrying times of climate change we know we are at greater risk than many of the other houses in Berkhamsted. To concrete over such a big footprint for this proposed huge house will only increase the risk for us all. The whole of the front garden will be lost to house and car park, thus taking away the soakaway potential.</p> <p>We have recently had a blocked sewer to this end of Valley Road, affecting all the houses in Bulbourne Close too. The sewer is old and collapsed in places, so we have been warned by the water authorities that major work may be needed if it happens again. The sewage works in Bulbeggars Lane at the other end of the town is struggling now with all the new development and we have had reports of effluent being discharged into the river at that point. Our neighbours at the other end of Valley Road have had major sewage problems with blockages leaving effluent in their gardens. The infrastructure is at breaking point and more over development is not wanted by any of us.</p> <p>In the Summer 2022 Dacorum magazine, Dacorum Borough Council pledge to provide "good quality housing, in particular for those most in need" It outlines plans for flats, flats and more flats. Not one bungalow is going to be built in the Dacorum area. We have a perfectly sound and well built bungalow in risk of being demolished. Things built in the 1960s were very well built and we risk losing a rare bungalow from the building stock - as well as ruining the integrity of a second bungalow. We have elderly residents living in family sized houses because they love having a garden. Not everyone wants to live in a flat. The Lockdown taught us the benefit of having a garden and living within a mixed local community. The Valley Estate is a true mixed community. This proposed development flies in the face of "building strong and vibrant communities" as you profess in Dacorum Life. It will do nothing towards "climate and ecological emergency" work that you say is so important. WE ALL AGREE WITH YOU, so to allow this development, with its huge footprint, looking like a monstrous carbuncle in a pretty little Close is madness.</p>
<p>1 Bulbourne Close Berkhamsted Hertfordshire HP4 3QA</p>	<p>The front of the replacement property is changing from a bungalow to a house, and looks like is moving further forward - my query is if the level of overlooking from the upstairs front rooms into the back garden and house of the opposite neighbouring property is inevitable or could/should be limited.</p>
<p>11 Valley Road Northchurch Berkhamsted Hertfordshire HP4 3PY</p>	<p>I understand that the original plans to modify have been revised and that it is now proposed to replace the existing bungalow with a completely new detached house.</p> <p>Such a house would considerably affect the outlook from my property in Valley Road and I would ask you to refuse such a proposal on the grounds of loss of light and privacy for this close neighbour</p>

<p>7 Valley Road Northchurch Berkhamsted Hertfordshire HP4 3PY</p>	<p>Dear Sir/Madam,</p> <p>I feel there are a number of issues with the proposed development. The plot is currently a semi-detached bungalow, set back from the quiet road (Bulbourne Close). The proposal is to turn this into a fully detached two story house with additional loft space.</p> <ul style="list-style-type: none"> - There is already a dearth of available bungalows in this area. Making this into a detached house would only exacerbate this problem. - The addition of a full second floor + additional roof space will raise the upper levels of view making it overlook our garden and rear of property. This will also be true of other houses within Valley Road, Moore Road and Bulbourne Close. - Building out to the front, as well as creating a much larger hard standing frontage for vehicles, may also impact the water runoff from the hill. The area is already in a High Risk category for surface water. - The impact on No. 4 Bulbourne Close will be immense. <p>I do not feel that a radical conversion from semi to detached, from bungalow to full 2 story house is appropriate for this property. I have just noticed that the original application has been revised. The wording is now Replacement Dwelling and the plans have been modified.</p> <p>Looking at the plans it seems that none of the original objections to the project have been addressed by the applicants. The only change seems to be to the roof design, incorporating a rear facing window, with no change to the out view of the main windows. A major concern for all in the objections raised. In all other respects the plans seem to be unaltered, therefore, ALL the objects raised, and upheld by the Town/Parish council, for the original plan are still relevant.</p> <p>Privacy will be lost, by the inclusion of an upper floor, to both front and rear affecting residents in Valley Road, Moore Road and Bulbourne Close.</p> <p>Whilst we are at a low risk for the flooding by River and Sea (Environment Agency Flood Map), as stated in the application, we are, however, at a High risk from Surface water. Additional water added as soakaway will compound to this risk.</p> <p>Changing from semi to fully detached will have a major impact to No 4 Bulbourne close.</p> <p>The change will take valuable housing, in the form of bungalows, out of the available pool. It is already hard enough finding available bungalows in this area.</p> <p>I do hope the surrounding community are listened to during this process as there does seem a lot of ill feeling to the scale of this development by the majority, if not all.</p>
<p>9 Valley Road</p>	<p>We were informed by a neighbour that the plans have changed and</p>

<p>Northchurch Berkhamsted Hertfordshire HP4 3PY</p>	<p>there appears a new application called 'replacement dwelling'.</p> <p>We have looked at the plans and our understanding is that the height of the No. 2 Bulbourne Close will still have a major impact on our property, No.9 Valley road which is noted on the plans. The increase in roof height will block light into our garden and into our property. Privacy will be lost by the inclusion of an upper floor, to both front and rear affecting residents in Valley Road, Moore Road and Bulbourne Close.</p> <p>As stated before in No.7 valley Road objection, we are at high risk from surface water. Additional water added as a soakaway will only increase this risk.</p> <p>Furthermore, the change will take valuable housing in the form of bungalows out of the available pool to the detriment of the local area and population who may be considering a bungalow as a next housing option.</p> <p>Finally, we feel it is important to make note of the impact this development will have on the adjoining property of No. 4. The sheer level of noise & disruption & ultimately privacy on an elderly and any future resident needs to be highlighted.</p> <p>Dear Sir/Madam,</p> <p>We are writing to highlight our concerns about the proposed development for 2 Bulbourne Close. The plan to develop the existing semi-detached bungalow to a 2 story detached house would directly affect our property.</p> <ul style="list-style-type: none"> - The addition of a second story will mean we will suffer direct loss of privacy to our home - There will be a direct loss of sunlight into our garden, especially apparent in the winter months - The proposed 2 story will block any sunlight in the afternoon (winter months) - Valley Road is already a high risk category for surface water and building work to this degree will only increase risk of potential flooding <p>- Many bungalows are being re-developed understandably. However, these plans are turning a semi-detached bungalow into a two-story house, a considerable & time-consuming development</p> <p>We feel and more considered and constrained approach to this planning proposal would be more in keeping with the property and the immediate local community rather than the more extreme plans presented.</p>
<p>49 Blenheim Place Aylesbury HP21 8AQ</p>	<p>I notice today the new application actually admits to there being a new dwelling at 2 Bulbourne Close. Demolition of a perfectly sound, well designed bungalow only in need of renovation to update it, is doing nothing to help the environment which Dacorum is surely committed to?</p> <p>Building a big house will increase the environmental footprint of this area.</p> <p>It will increase the risk of flooding by building out into the sloping land.</p> <p>It will increase the burden on the sewerage system. This area already</p>

has a very high water table.

Building a house will completely dwarf the adjoining bungalow number 4, which already has a house (number 6) blocking light from one whole side of it.

The huge difference in levels between bungalows numbers 2 and 4 make removal of the partition wall highly dangerous regarding subsidence of number 4 into the land next door at number 2.

If inspectors care to examine the interior of the garage at number 4, they will plainly see the rafters of number 2's garage into the wall of number 4. Removal of these rafters could totally damage the garage and extension roofs of number 4. That party wall also houses all the electrics and main meter for number 4.

If you allow the demolition of a perfectly sound bungalow to happen, you are removing housing stock from Dacorum which is not being built elsewhere. Bungalows are already a rarity and are soon sold by those who do not wish for stairs for whatever reason, and not all wish to live in a flat.

Why buy a rare bungalow and immediately apply to demolish it to build a house when there are plenty of medium/large houses already on the market?

To allow this application through will destroy the whole ambience of the Close, destroy the design of the Close, as well destroy the views and privacy of all the houses and bungalows that surround and look out on number 2.

I very much hope that this planning application is refused.

I am the youngest daughter of my mother who lives in the adjoining bungalow at no.4.

There is a house (No 3) already built, and it is hard to envisage what the bungalow at No4 will look like with another house built on the other side of it, especially as this proposed plan hopes to build this house well out into the front garden.

Why propose to build out the front, spoiling the open plan development of the Close by so doing when there is a substantial back garden to build on?

The proposed detachment of the garage at no2 from no4 will not be simple as they are interlocked as part of the original design to cope with the enormous split levels between them.

My mothers driveway is already falling into next door at the front, as the party wall belonging to No.2 crumbles. What hope is there if they dismantled the garage that there will not be considerable subsidence all along?

Not every elderly or disabled person wishes to live in a flat. Bungalows are difficult to find, and it surely is a duty of care for your residents that you keep as many bungalows as possible in Dacorum, and here on the Valley estate.

If someone wants to built a house then why do they not buy one to alter, rather than remove a bungalow from the housing market?

Bulbourne Close is small, and the large construction traffic, dust noise and access will affect every resident in the Close.

The proposed building of a house will affect the view and privacy of all the houses along Valley Road that backs onto the garden of No2. An extension of the existing bungalow would not be as intrusive.

I very much hope that this objection will be upheld and the proposed plans refused on grounds of being utterly unsuitable for the Close, and the Valley Road residents.

<p>15 Valley Road Northchurch Berkhamsted Hertfordshire HP4 3PY</p>	<p>As the property will be over looking our back garden it will be impacting on our privacy. I am concerned that the impact of a detached house will have an impact on the infrastructure of the services especially the sewage waste. More importantly the Valley Estate was developed with semi detached, and detached houses plus some bungalows interspersed giving a good balance of homes for people of all ages and also health and mobility issues. Redeveloping the bungalow to a detached home is removing a home for people with these needs plus it is changing the ethos of the estate All of the above are very relevant. Our privacy in the garden will be invaded by the bungalow being replaced by a two storey house. To To replace a bungalow with a 3 bedroom detached house is sure to be lived in with a family with children which would be an extra burden on sewage waste, there is already an ongoing issue on this. This would also potentially bring more pressure on the local schools, GP surgeries and hospitals which are already overstretched. More importantly a bungalow being replaced by a house is out of character with the estate. Valley Estate was built with a mixture of semi detached and detached houses with a few bungalows scattered in between giving a mixture for all ages and abilities. To remove a bungalow from the mix is removing the opportunity for homes for all ages and abilities in the future.</p>
<p>Stonycroft 9 Shrublands Road Berkhamsted Hertfordshire HP4 3HY</p>	<p>I write on behalf of the BCA Townscape Group, of which I am Chairman. The Group objects to the proposal on the grounds of scale, mass and bulk; and loss of amenity to neighbours. It also represents loss of another bungalow, which is a detriment to the area and its predominantly elderly population.</p>
<p>5 Ayres Close Berkhamsted Aylesbury HP21 8PJ</p>	<p>I am writing on behalf of my 94 year old father to object to this proposed plan. Our objections are:</p> <ul style="list-style-type: none"> * There will be a total loss of privacy to the rear of my father's house from being directly overlooked by this new build * The above will impact the value of his property considerably * It will increase the risk of flooding, as others have noted * It will increase the burden on the sewage system, as others have noted * Bungalows are scarce in this area and therefore affordable housing stock will be diminished * The proposed building will dwarf 4 Bulbourne Close <p>We trust the level of feeling and legitimate objections are enough for this Planning Application to be refused.</p>

Item: 5e

22/01245/MFA	Demolition of Existing Kennels and the Construction of Two Dwellings with New Access. Retention of Existing Staff Accommodation and its Use as a Market Dwelling (Amended Scheme)	
Site Address:	Hazel Corner Dog Hotel, Windmill Road, Markyate	
Applicant/Agent	Mr and Mrs Sandiford/DLA Town Planning	
Case Officer:	Robert Freeman	
Parish/Ward:	Markyate	Watling
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary recommendation of the 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 Planning permission has historically been granted for the demolition of the kennels at the application site and the redevelopment of the site for residential purposes under 20/04064/MFA.
- 2.2 This scheme does not fundamentally alter the scale and appearance of development at the site. The impact on the open character and appearance of the Green Belt in this location is acceptable. The design of the proposed units remains appropriate in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The change in access arrangements for Plot A would not be prejudicial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site comprises a large plot of land with commercial kennels off Windmill Road, Markyate. This rural road extends into the countryside between Markyate and Caddington/Luton to the east of the village of Markyate. The site and surrounding area is predominantly rural in character comprising open fields, grassland for exercising dogs and farmland. There are sporadic residential and commercial uses on Windmill Hill. A gun club is located approximately 500m to the north-west of the site.

4. PLANNING HISTORY

- 4.1 The site has an extensive planning history with a number of proposals having been granted for the redevelopment of the site, the removal of kennels and the construction of residential units.
- 4.2 Planning permission has already been granted under reference 20/04064/MFA for the demolition of the existing kennel buildings, the construction of two new dwellings and the

retention of the existing staff accommodation as an open market unit. This permission was granted on the 24th May 2021 and remains extant.

5. PROPOSALS

- 5.1 The current application is an amended planning application for the construction of two dwellings and the retention of an existing staff unit as open market accommodation.
- 5.2 The application is essentially the same as approved under 20/04064/MFA, however there would be a new access for Plot A. This property would now have its own drive which would link to an existing access to Windmill Road serving the staff accommodation and an existing property. The properties would be a handed version of the previous approved units.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 No comments have been received from neighbouring parties.

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:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 – New Housing
CS25 – Landscape Character
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions.

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 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)

8 CONSIDERATIONS

Policy and Principle

- 7.1 The principle of replacing the existing kennel buildings with three dwellings has been established by the extant planning permission under reference 20/04064/MFA. The proposed changes to the extant permission have no additional material impact on the open character and appearance of the Green Belt in this location and as such must be considered to be acceptable under Policy CS5 of the Core Strategy.

Layout and Design

- 7.2 The proposed dwellings have been handed but are otherwise as per the approved plans. They are still considered to be acceptable in terms of their design, bulk, scale, height and use of materials and are considered to be appropriate in appearance. The impact on the open character and appearance of the Green Belt would be identical to the extant permission. The proposals are therefore acceptable in accordance with Policies CS5, CS11 and CS12 of the Core Strategy.

Residential Amenity

- 7.3 The dwellings on the site would provide a reasonable level of internal and external space in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011. Although the Environmental Health team have raised concerns that the development is close to a source of noise at Atkin, Grant and Lang gun club, given the permission has already been granted for an additional two dwellings and the use of other buildings at the site for residential purposes it is considered that a refusal on these grounds cannot be substantiated in this case.

Access and Parking

- 7.4 Plot A on this development would now be accessed via the existing access serving the kennels and the staff accommodation at the site. The removal of the kennels and the use of the access by three residential units will result in a substantial reduction in vehicular movements associated with the site and this would be beneficial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.5 The access for Plot B would be a new access onto Windmill Road, however it already benefits from the extant permission and as such cannot be subject to an objection in this instance. It is demonstrated through this extant permission that, with a limited impact upon the vegetation at the front boundary of the site, a suitable visibility splay can be provided for the speed of traffic on Windmill Road. This would result in the removal of a single tree (T13) (classified as B.2) the loss of which would be mitigated through landscaping and additional planting within the plots of the dwellings. This access has been considered to be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy.
- 7.6 The plans submitted demonstrate that the sites would be accessible by emergency vehicles with tracking diagrams illustrating that they can manoeuvre within the site.
- 7.7 Each of the new dwellings would be provided with sufficient off-street parking in accordance with the Car Parking Standards SPD (2020) Furthermore each dwelling would need to provide EV charging infrastructure in accordance with Approved Part S of the Building Regulations 2021 and the Car Parking Standards SPD (2020)

- 7.8 For the above reasons, the alterations to the access arrangements would not have a detrimental impact on matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

Other Material Planning Considerations

Contamination

- 7.9 The Council's scientific officer considers that due to the proximity of the site to former contaminated land uses and given the historic use of the site that it would be appropriate to require an assessment as to the potential contamination of the site and where necessary seek remediation. The submission of this information is required by condition to this permission and to address the planning requirements under Policies CS31 and CS32 of the Core Strategy.

Sustainability

- 7.10 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy. The application is not accompanied by a Sustainability Statement and as such it would be necessary to seek additional information regarding the sustainability credentials of the proposed scheme by a planning condition.

Markyate Parish Council

- 7.11 The concerns of the Parish Council are addressed above with the exception of the removal of the tie on the staff accommodation. The accommodation would not be required following the removal of kennels at the site and it would be appropriate to reuse the building for a residential use in this instance and as established through the extant planning permission for this site.

Chiltern Beechwood Special Area of Conservation (SAC)

- 7.12 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 7.13 The Council is unable to grant planning permission for the development without an appropriate assessment being undertaken in accordance with article 6(3) of the Habitats Directive and mitigation measures being provided to address the impact that the development might have upon the CBSAC.

Conditions

- 7.14 It is important to secure additional information regarding the appearance of the development to ensure that it is satisfactory. Further details of the materials to be used in the construction of the scheme and the submission of a detailed landscaping scheme are therefore necessary in accordance with Policies CS11 and CS12 of the Core Strategy.
- 7.15 Officers also consider it necessary to control the extent and scale of future extensions to residential units in this location in order to safeguard the open character and appearance of

the Green Belt in accordance with Policy CS5 of the Core Strategy. It is therefore recommended that permitted development rights for the extension of the property are removed via a planning condition.

8. RECOMMENDATION.

- 8.1 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 (CBSAC) through financial contributions secured by legal agreement and to the conditions below:

Conditions:

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

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

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

**473-198- A (Location Plan)
473-300-C (Proposed Block Plan)
473-301-A (Proposed Layout)
473-302-C (Plot A)
473-303-D (Plot B)
473-304-B (Street Scene)
3912 SK01 (Swept Paths)
3912 SK02 (Swept Paths)
P0659/13/G (Staff Accommodation)
201040-P-10 (Tree Survey)
201040-PD-10 (Tree Schedule)
1674 SK01 dated 06/05/2021 (Visibility Splay)
Planning Statement by DLA Town Planning dated April 2022 reference 22/192**

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

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

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

- 4. The dwellings, hereby approved shall not be occupied until details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,
- all means of enclosure to the site

- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures.

All planting shall be completed within one planting season of the completing of development.

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy

- 6. All existing structures shown for demolition in plan ref: 473-300C shall be demolished, including their footings/foundations and associated hardstanding around the structures, and the materials removed from the site prior to the first occupation of the development hereby permitted. The area occupied by these buildings shall be laid as lawn prior to the occupation of the dwellings hereby approved.**

Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the National Planning Policy Framework

- 7. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 473-300-C in accordance with HCC Highways Design Guide. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 8. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number 1674 SK01 dated 06/05/2021. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- construction vehicle numbers, type and routing;
- traffic management requirements;
- construction and storage compounds (including areas designated for car parking);
- siting and details of wheel washing facilities;
- cleaning of site entrances, site tracks and the adjacent public highway;
- timing of construction activities (to avoid school pick up/drop off times);
- provision of sufficient on-site parking prior to commencement of construction activities;
- post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- construction or demolition hours of operation; and
- dust and noise control measures.

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 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 10. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

- (i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**
- (ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**
- (iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 11. All remediation or protection measures identified in the Remediation Statement referred to in Condition 10 above shall be fully implemented within the timescales**

and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 12 No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

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

**Schedule 2 Part 1 Classes A, B, C and E
Schedule 2 Part 2 Class A**

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

INFORMATIVE

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.

Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Markyate Parish Council	<p>The Parish Council object to this application given the removal of staff accommodation and concerns over the access to the site. The proposals are considered to be over development of Green Belt land.</p> <p>ADDITIONAL COMMENT</p> <p>Further to your email dated 24 May 2022 requesting Markyate Parish Council to withdraw the objections made to the above planning application, this application was again presented to full council yesterday, 7 June 2022 to reconsider.</p> <p>My council fully agreed once again at that meeting to continue with their original objections and therefore the comments made previously, still stand.</p>
Hertfordshire County Council – Growth and Infrastructure	<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.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p>
Contaminated Land Officer	<p>As a result of the residential nature of the development that is being proposed on a long established brownfield site, as well as its proximity to a former landfill site, it will be necessary for the following conditions to be included on any permission that is granted.</p> <p>Contaminated Land Conditions: Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved</p>

by this permission shall be commenced until an intrusive site investigation 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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

Guidance on how to assess and manage the risks from land contamination can be found here

	https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm
Environmental Health	<p>I am minded to object to the proposal on noise grounds.</p> <p>The site is located approx. 500m from the Atkin, Grant and Lang shooting ground. Without an assessment of noise arising from activities we cannot gauge if the creation of new housing will be an acceptable addition to the locality. As assessment of noise would also help determine site suitability by demonstrating if the adverse impacts of noise can be offset by a scheme of mitigation.</p> <p>I refer you to paragraph 180 and 182 of the NPPF in support of position. These recognise that new development should be appropriate for location taking into account the likely effects of pollution on health and quality of life, and also where there are existing businesses in the locality, that these existing facilities should not have unreasonable restrictions placed on them as result of development permitted after they were established.</p>
Affinity Water	We have no comments to make on this proposal.
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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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://www.thameswater.co.uk/developers/larger-scale-</p>

	<p>developments/planning-your-development/working-near-our-pipes</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>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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APPENDIX B – NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

ITEM NUMBER: 5f

22/01208/FHA	Double side extension with internal remodelling	
Site Address:	15 Cedar Road, Berkhamsted, Hertfordshire, HP4 2LA	
Applicant/Agent:	Tom Dreger & Alexa Fullerton	Mr Grahame Elton
Case Officer:	Sally Robbins	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Contrary view of Berkhamsted Town Council	

1. RECOMMENDATION

That planning permission be **GRANTED**.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The first floor side extension will integrate with the existing dwelling and surrounding area by virtue of its complementary design and scale. Whilst visible from surrounding units, the proposal will not detrimentally impact upon the living conditions of surrounding properties nor will it have a significant impact upon local parking provision.

3. SITE DESCRIPTION

3.1 The application site comprises a two-storey semi-detached dwelling located on the south-eastern side of Cedar Road, within the residential area of Berkhamsted. The surrounding area is primarily characterised by medium-sized detached and semi-detached properties. The host property, and many of the surrounding dwellings, have undergone previous extension/alteration.

4. PROPOSAL

4.1 The application seeks full planning permission for a two-storey side extension. The extension would be sited over the existing garage and would infill the gap to the rear of the garage at ground floor level. At first floor level the proposed extension would not extend beyond the main rear wall of the parent dwelling.

5. PLANNING HISTORY

Planning Applications:

4/01261/19/FHA - Refurbishment of front elevation including installation of two roof lights. Proposed one storey and set back two storey side extension with pitched roof. Single storey rear extension and loft extension with rear Dormer.
Granted - 18th July 2019

4/02615/17/FHA - Single-storey rear extension
Granted - 13th December 2017

4/02371/17/LDP - Removal of chimney, new dormer window to rear, three roof lights to front and conversion of existing hipped roof to gable end
Granted - 9th October 2017

4/03414/15/FHA - First floor side extension and replacement porch
Granted - 1st December 2015

6. CONSTRAINTS

BCA Townscape Group
Canal Buffer Zone: Minor
CIL Zone: CIL1
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Yellow (45.7m)
Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)
Residential Character Area: BCA1
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
CS29 - Sustainable Design and Construction
Saved Appendix 3
Saved Appendix 7

Supplementary Planning Guidance/Documents (SPG/SPD):

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Area Based Policies (2004)

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), which seek to ensure that extensions maintain the common design characteristics of the row or street within which a house is located, with particular regard to roof line, building pattern and design details.

9.4 The site resides within character area BCA1: Hall Park, according to Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), which is described as a spaciouly laid out, high quality suburban area of detached housing set on the south-eastern side of the town, featuring housing mainly from the 1930s and 1940s. The development principles state that extensions should normally be subordinate in height and scale to the parent building and should not normally extend beyond the front wall of the parent building that fronts the highway. In terms of detailing, the use of the architectural proportions, themes and details of the parent building are encouraged.

9.5 The surrounding area comprises similarly sized and styled semi-detached dwellings along the southeast side of Cedar Road and larger detached dwellings on the opposite side. Many of the dwellings show evidence of extension / alteration. The first floor side extension would be visible within the street scene, however the two storey rear extension would not be visible from public vantage points. Ground levels increase towards the southwest along Cedar Road, with the application dwelling situated at a higher level than no. 13.

9.6 The proposed first floor side extension would be situated over the existing garage and would extend up to the common boundary with no. 13. The side extension would be set down from the ridge of the main roof and would be set back from the principle elevation, in accordance with the development principles set out in Dacorum's Area Based Policies SPG. First floor side extensions that extend up to the boundary are normally discouraged, however taking into account the neighbour's extension at no. 13 that has extended up to the boundary, albeit with a further set back, it is not considered that the proposed extension would disrupt the common design characteristics found in this area. Furthermore, other properties on Cedar Road have extended up to the boundary at first floor level, including nos. 9 and 18. Sky gaps would not strictly be maintained, however it is considered that the proposed set back at first floor level would give the impression of spacing between the properties when moving up and down the street, i.e. the gap would only appear closed when viewed from straight on. Furthermore, the proposed extension would be visually comparable to others within the streetscene.

9.7 The proposed development would be finished in materials to match the parent dwelling, including white painted render and clay roof tiles.

9.8 Overall, 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 Borough Local Plan, Policies CS10, CS11 and CS12 of the Core Strategy and the National Planning Policy Framework (NPPF) in terms of its visual impact.

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 Dacorum Borough 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.

9.10 An objection has been received from the occupants of no. 13 in relation to light provision and the proposal being visually overbearing. There are first floor side and front facing windows on the neighbouring property, no. 13, however these windows do not appear to serve habitable rooms. No windows are proposed on the side elevation of the application dwelling. The proposed side extension would bring built form closer to no. 13 at first floor level, which would impact upon light provision, however as the neighbouring windows and light tubes serve a hallway, bathroom wardrobe, it is not considered that the impact would be significant enough on these non-habitable rooms to warrant refusal on those grounds. Furthermore, the proposed development would be set at a higher level due to the gradient of the road, however again due to the fact that windows do not serve habitable rooms it is not considered that the proposed development would be visually overbearing.

9.11 No significant concerns have been identified regarding loss of light, overlooking or loss of privacy. It is considered that the proposal is acceptable in terms of residential amenity and in accordance with Policy CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

Impact on Highway Safety and Parking

9.12 The NPPF, Policies CS8 and CS12 of the Core Strategy, Saved Policy 58 of the Dacorum Borough Local Plan and the Parking Standards SPD (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.13 The parking requirement set out in the Parking Standards SPD states that within Accessibility Zone 3 a five-bedroom house should be assessed on an individual case-by-case basis. For reference, in Zone 3 a four-bedroom house would be expected to provide three off street parking spaces. The existing driveway to the front of the dwelling would be retained and can accommodate three vehicles. The garage space would be retained, however it does not meet the dimension requirements (i.e. 3 metres x 6 metres) as set out in in the Parking Standards SPD. Nonetheless, the application site is located within an accessible location, within walking distance to Berkhamsted town centre and with no parking restrictions evident on Cedar Road. It is therefore considered that the proposed development will have a neutral impact on local parking provision and therefore complies with the above-mentioned policies.

Other Material Planning Considerations

Berkhamsted Town Council Objection

9.14 Berkhamsted Town Council has objected on the grounds of potential loss of amenity to the neighbouring property, lack of parking provision for a five-bedroom dwelling and scale, mass and bulk. As discussed above, it is considered that the proposed development would be clearly visible

from the neighbour's windows; however, as the windows serve non-habitable rooms the impact is not considered significant. The provision of three off-street car parking spaces is acceptable when taking into account the location. The proposed extension would be visible from within the street scene, however it is considered that the common design characteristics of the surrounding area will be maintained.

Response to Neighbour Comments

9.15 Concerns have been raised by the neighbouring property at no. 13 Cedar Road regarding the existing terrace at no. 15. The terrace was approved via a previous planning application (ref. 4/02615/17/FHA) therefore it would not be relevant to the proposed development or reasonable to impose any conditions relating to this aspect of the application property, for example the retrospective installation of privacy screens. The proposed single storey rear extension would comprise steps leading down to the garden. The new rear door would measure 0.5m above the existing garden level, and 0.6m below the exiting terrace. The proposed development does not comprise any further areas of terracing, therefore it is not considered that there would be any significant additional overlooking or loss of privacy in relation to the existing terrace situation.

9.16 The occupants of no. 13 have also raised concerns relating to the proposed rear facing windows at first floor level. These would be situated closer to no. 13 than the existing windows, however the views would not be dissimilar to the existing windows, thus there would not be a significant loss of privacy. The neighbours are also concerned about the proposed extension being visually overbearing. The proposed extension would be set down from the ridge of the main roof and would therefore be set against the backdrop of existing built form. Hence, it is not considered that the proposal would be unduly overbearing in relation to the existing situation.

Community Infrastructure Levy (CIL)

9.17 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.

10. CONCLUSION

10.1 The proposed development through design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan, Policies CS4, CS10, CS11 and CS12 of the Core Strategy and the NPPF.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED**.

Condition(s) and Reason(s):

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

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

2. **The materials to be used 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 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:**

PP-001 LOCATION PLAN
PP-002 SITE PLAN
PP-005 PROPOSED GROUND FLOOR GA PLAN
PP-006 PROPOSED 1ST FLOOR PLAN (received 10 June 2022)
PP-009 PROPOSED ELEVATIONS (received 10 June 2022)
PP-011 PROPOSED LOFT PLAN
PP-023 PROPOSED BLOCK PLAN (received 10 June 2022)
PP-024 PROPOSED HARD STANDING

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	Objection The Committee objected to the proposed development on the grounds of potential loss of amenity to the neighbouring property, lack of parking provision for a 5 bedroom dwelling and scale, mass and bulk. CS12

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support

5	1	0	1	0

Neighbour Responses

Address	Comments
<p>13 Cedar Road Berkhamsted Hertfordshire HP4 2LA</p>	<p>As a boundary neighbour I would like to object to this development.</p> <p>The proposed development at No. 15 is on a hill and the property already towers over No.13. The proposed plans would add an additional storey right against the boundary wall of No.13 and would be extremely and disproportionately high, out of keeping with the street and resulting in a significant loss of light. Additionally, according to the proposed plans, it would cause a 'terracing' effect for which other properties in the same street have had planning permission denied and would completely change the character of the street.</p> <p>Secondly, the owners of No.15 built an extended and raised terrace to the rear in 2018. Due to the confluence of the hill, this terrace is virtually in-line with the top of the boundary fence between the properties meaning that when the residents of No.15 are on the terrace, they can see right down into the garden of No.13. There is also an extremely large tree to the rear of the property in No.15 which already causes a significant reduction of light to the property at No.13, and means that light into our home is reduced throughout most of the day, as well as causing damage to plants and grass in the garden which suffer from the reduced amount of sunlight caused by this tree. If this new development at No.15 is permitted to go ahead, there will be a total barrier along the boundary line of unreasonably high buildings/trees with a small area in-between without any privacy. We are unable to contemplate the total and unreasonable loss of light and privacy from one side of our property due to development which has been permitted through the years so close to the boundary with our own property. This would be totally one-sided as, being higher up the hill, No.15 would only be increasing their privacy by proceeding with the permitted development and thus it would be taking from one neighbour to give to the other.</p> <p>Again, due to the nature of the site of No.15 being higher up the hill, the proposed scale of this new development is totally out-of-character, disproportionate, unreasonable and frankly unnecessary. There is no thought in the proposed plans to combat the effect of terracing from the front, nor the impact of such a large additional structure, so close to another property and how that may impact the light which is allowed to pass through the already few spaces. The additional factor of the large tree to the rear of No.15 should also be factored in when considering how the proposed development may impact neighbouring properties.</p> <p>There is a large window included to the rear of the proposed first floor development which will have full and unimpeded access to the whole of the rear of our property and garden. In fact, the view from this window will have a better view of the garden of No.13 than it will the garden of No.15, removing any remaining privacy that we and our young family</p>

	<p>are able to enjoy.</p> <p>I would welcome the opportunity to discuss this case further with the planning officer responsible, should they so wish.</p> <p>The amended plans do not address issues raised in the initial comments, thus we would still object to this development based on the reasons previously given.</p>
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ITEM NUMBER: 5g

22/00991/FHA	Two storey side/rear extension and single storey rear extension (amended scheme)	
Site Address:	24 Finch Road, Berkhamsted, Hertfordshire, HP4 3LH	
Applicant/Agent:	Anneke Laux	Chris Hlaing
Case Officer:	Briony Curtain	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted West
Referral to Committee:	Contrary views of Town Council	

1. RECOMMENDATION

1.1 That planning permission be granted with conditions.

2. SUMMARY

2.1 The principle of residential development in this location is acceptable. The proposed two storey side/rear extension with a single storey rear extension and a single storey front extension will integrate with the existing dwelling and surrounding area by virtue of its sympathetic design and scale. The side element would be visible from the surrounding area, but is set back and set down to appear subservient and not thus result in visual harm. Moreover this element of the proposal has already been granted permission. Whilst large, the full-width rear extension and the contemporary dormer would not be visible from public vantage points and as such there would be no harm to the street scene. 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 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2019) and the Durrants (BCA16) Residential Character Appraisal Supplementary Planning Guidance (2004).

3. SITE DESCRIPTION

3.1 The site is occupied by a two storey detached dwelling located on the south side of Finch Road in Berkhamsted. The site is predominately residential in character. Finch Road is characterised by detached dwellings but hosts a variety of styles, designs and finishes such that there are no common design features or uniformity to the street scene.

4. PROPOSAL

4.1 This application seeks full planning permission for a two storey side/rear extension and single storey rear extension (amended scheme).

4.2 It should be noted that this application is an amended scheme following two previous approved schemes; 20/00758/FHA for two storey side and single storey rear extensions was allowed at appeal (ref APP/A1910/D/20/3258261) and application 20/02549/FHA for a slightly revised scheme was granted by members in September 2020. The two storey side element now proposed remains the same as that which already been granted permission. It is now proposed to construct a full width two storey rear extension (the previous decisions granted a two storey rear part way across the parent property) a rear dormer and the insertion of a Juliette balcony.

5. PLANNING HISTORY

Planning Applications:

20/00758/FHA - Two storey side and single storey rear extensions
REF - 17th July 2020

20/02549/FHA - Two storey side/rear extension with a single storey rear extension and front porch
(amended scheme)
GRA - 20th October 2020

21/01480/NMA - Non material amendment to planning permission 20/02549/FHA (Two storey
side/rear extension with a single storey rear extension and front porch (amended scheme))

GRA - 27th April 2021

21/01615/NMA - Non material amendment to planning permission 20/00758/FHA (Two storey side
and single storey rear extensions)
GRA - 28th April 2021

21/02786/DRC - Details as required by condition 4 (hard surfaces and means of enclosure) attached
to planning permission 20/00758/FHA (Two storey side and single storey rear extensions).
GRA - 27th July 2021

Appeals :

20/00047/REFU - Two storey side and single storey rear extensions
ALW - 12th April 2021

6. CONSTRAINTS

BCA Townscape Group
CIL Zone: CIL1
Parish: Berkhamsted CP
RAF Halton and Chenies Zone: Green (15.2m)
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: BCA16
Parking Standards: New Zone 3
EA Source Protection Zone: 2
EA Source Protection Zone: 3
Town: Berkhamsted

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (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 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). In addition, the Durrants (BCA16) Residential Character Appraisal (2004) states that extensions should normally be subordinate in terms of scale and height to the parent building and the use of architectural features be simple, with a general lack of detailing on buildings to provide a strong design pattern characterised by red brickwork and hipped roofs.

9.4 Planning permission has previously been granted for the two storey side extension following an allowed appeal (ref 20/00758/FHA & 20/02549/FHA). The current proposal now seeks to construct a full width two storey rear extension and dormer in addition to the previous permitted extensions.

9.5 The surrounding area is characterised by detached dwellings but hosts a variety of styles and designs, many of which show evidence of extension / alteration.

9.6 The Durrants (BCA16) Residential Character Appraisal states that spacing within the medium range (2 m to 5 m) should be maintained. The proposed two storey side extension would be subservient in its design and sited an adequate separation distance away from the neighbouring property at No.22 to avoid a terraced effect in the street scene. There is also adequate space on the eastern side of the existing dwelling and the neighbouring property at No.26 to avoid it appearing cramped within the street scene. In addition the side element comprises a lowered pitched roof to appear subservient and it should be noted that properties within the street scene such as Nos. 17, 19, 21, 26 and 35 already benefit from similar two storey side extensions. Furthermore as set out this part of the proposal has already been granted planning permission. The proposal would be constructed in materials i.e. brickwork, render and hung tiles to be in keeping with the existing dwelling and the surrounding area to harmonise well.

9.7 The proposal also seeks to construct a rear dormer window to facilitate a study/office room in the roof. Given the size of the room created it could be used as a bedroom so has been assessed on this basis. Although the dormer is large, not set in from the flank elevation, appears somewhat awkward in its relationship with the gable roof of the rear extension, introduces contemporary materials and is of a modern design, this element would not be visible from the public realm and therefore it is not considered to have a detrimental impact on the overall character and appearance of the existing dwelling or the surrounding area. The design and scale of the dormer could be improved significantly but given the limited visibility and the fact a similar dormer could be introduced within the original roof without the need for planning permission it is concluded that a refusal on this element alone could not be sustained.

9.8 The two storey rear extensions are large and now extend the entire width of the enlarged dwelling (across the original building and the two storey side extension) however this element is also not visible from public vantage points such that there would be no change to the character or appearance of the area. The design comprises double gables which replicate the parent property albeit at right angles and both are set down from the ridge of the parent property to appear subservient. The modern materials and detailing are considered acceptable given the limited visibility. The building is set away from both common boundaries and retains sufficient space in and around it to ensure the plot does not appear cramped or overdeveloped.

9.9 Overall it is considered that the design and layout of the proposed development respects that of the existing and surrounding dwellings and whilst large the two storey rear extension would not be visible and as such would not result in a cramped or overdeveloped appearance. The architectural style is sympathetic to the surrounding area and the proposal will not have a detrimental impact upon the character and appearance of the area. The proposal therefore complies with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

Impact on Residential Amenity

9.10 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 neighbouring property at No.26 benefit from a two storey side and single storey front extension and pitched roof over existing rear extension granted under LPA ref. 4/00331/11/FHA.

9.12 The proposed two storey side/rear extension would be set in from the side boundary with No. 22 by approximately 1.2 metres and the plans indicate that the proposed extension would comply with the 45 degree rule, reducing harm to light levels and overshadowing. In addition no fenestration is proposed to face towards No.22. Therefore, it is not considered that the proposed development would have a detrimental impact on loss of sunlight / daylight, overshadowing or appear visually

intrusive or overbearing. Moreover this element of the proposal as set out already benefits from planning permission.

9.13 The application site is set back from the neighbouring property at No.26. The full width rear extension now proposed is large and would extend beyond No.26's rear elevation however, the plans indicate that the proposal would comply with the 45 degree rule such that it would not significantly affect light levels or appear unduly overbearing or visually intrusive to the detriment of residential amenity. Again no fenestration is proposed to face towards No.26 such that there would be no privacy or overlooking concerns.

9.14 Whilst the proposed front facing windows would allow views of the properties opposite in Whitewood Road, these are over 40m away and moreover these views would be similar to the existing windows at first floor. The rear facing windows would also permit views over the rear facing gardens of adjacent and surrounding properties of Orchard Avenue but again these views would be similar to those of the existing first floor windows and the properties are over 40m away such that no significant harm would be caused. There would be no detrimental impact or intensification of overlooking. It is proposed to introduce a Juliette balcony at first floor level but this would permit similar views to the existing first 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.

9.15 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

9.16 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2019) states that when setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.17 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 and a five bedroomed property must be assessed on an individual basis.

9.18 The existing dwelling comprises three bedrooms. As a result of the proposed development there would be five bedrooms (room created in loft is deemed as a bedroom) wherein the parking requirement would be for at least three vehicles on the basis that a four bedroom property would require three. Whilst it is noted that there would be a loss of one off-street parking space from the demolition of a garage, the proposed scheme introduces an extended driveway/area of hard standing to accommodate at least three vehicles. The provision of three spaces is considered sufficient to serve the enlarged dwelling and furthermore, there is addition front garden that could be converted to parking is required by the applicants. In addition there are local public transport routes situated in close proximity to the application site.

9.19 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).

Berkhamsted Town Council Objection

9.20 Berkhamsted Town Council has objected on the grounds of scale, mass and bulk and the loss of amenity to the neighbouring property. However, the matters raised have been addressed in the visual impact and neighbour amenity assessment.

9.21 The proposed first floor rear extension is large in scale. However sufficient space is retained in and around the building to avoid a cramped feel. In addition the rear element is not visible such that 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. In regards to impacts on neighbour amenity, the first floor rear extension demonstrates subservience and would not breach the 45 degree lines from neighbouring properties such that it would not significantly reduce light levels or appear visually intrusive or overbearing to the detriment of residential amenity.

Response to Neighbour Comments

9.22 No comments have been received.

Community Infrastructure Levy (CIL)

9.23 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.

Chiltern Beechwood Special Area of Conservation (SAC)

9.24 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.

9.25 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. CONCLUSION

10.1 The proposed development through its design, scale and finish will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2019).

11. RECOMMENDATION

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

Condition(s) and Reason(s):

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

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

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

3068.02.11
3068.05.06
3068.04.12
Design and Access Statement

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 and approved plans.**

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

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
Berkhamsted Town Council	Objection The Committee objected to this development on the grounds of scale, mass and bulk and the loss of amenity to the neighbouring property. CS12

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	0	0	0	0

Neighbour Responses

Address	Comments

Agenda Item 5h

Item: 5h

22/01353/FHA	Single Storey Side and Rear Extensions, Hip to Gable Roof Extension and Associated Works	
Site Address:	9 Parkfield, Markyate	
Applicant/Agent	Mr Sunderland/ Mr Coates	
Case Officer:	Robert Freeman	
Parish/Ward:	Markyate	Watling
Referral to Committee:	The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council.	

1. **RECOMMENDATION** – That planning permission is **GRANTED**

2. SUMMARY

- 2.1 The extension of existing properties within the village of Markyate is acceptable in accordance with Policies CS1 and CS4 of the Core Strategy
- 2.2 The building constructed is considered to be appropriate in terms of its design and siting and would not detract from the overall character and appearance of the site and its surroundings in accordance with Policies CS11 and CS12 of the Core Strategy.
- 2.3 The building has no significant impact upon the residential amenities of neighbouring properties and is acceptable in accordance with Policy CS12 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site is located at the eastern end of Parkfield and to the north of properties at The Dell, Pickford Road, Markyate. Parkfield mainly comprises a mix of semi-detached properties and smaller terraces with gable roof forms. The application site and its immediate neighbour (7A) deviate from the consistency in design and urban grain.
- 3.2 9 Parkfield Road is a four bed bungalow constructed from brick and with a hipped roof form. This has been extended through the construction of a large flat roofed rear dormer featuring tile hanging. A single storey garage has been attached to the northern flank wall. A public footpath is located to the front of the property linking Parkfield with The Coppins/Pickford Road. There are substantial hedges along the southern and western boundaries of the site.

4. PROPOSALS

- 4.1 The proposals seek to demolish the existing garage and construct a side and rear extension to the property.
- 4.2 The proposals also seek to extend the hipped roof to form a gable roof with an associated increase in the size of the rear dormer. Two dormer windows would also be added to the front elevation of the property above the existing bay windows.

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 parties.

6. 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:

Core Strategy:

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:

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

7. CONSIDERATIONS

Policy and Principle

7.1 The application site is located within a residential area of the large village of Markyate wherein appropriate development is encouraged in accordance with Policies CS1 and CS4 of the Core Strategy. The proposal is thus acceptable in principle subject to a detailed assessment of its impact and compliance with all other relevant planning policies within the development plan.

Layout and Design

7.2 The proposed extensions are considered to be acceptable in terms of their layout, site coverage, design, bulk, scale, height and use of materials. The gabled roof form to the main dwelling and a proposed side extension is sympathetic to the character and appearance of neighbouring units whilst the dormer additions to the front of the property would be proportionate in size and appearance to the existing front dormer window and bay window projections. This would not detract from the overall character and appearance of the property in accordance with Policies CS11 and CS12 of the Core Strategy. Although the rear dormer is excessive in scale and would not be set in from the margins of the extended roof as suggested in Saved Appendix 7 of the Local Plan 1991-2011. The existing dormer roof addition already dominates the rear roof slope to the property and extends to the edges of the roof space. Its increase in size is relatively minor and would not be unduly harm the appearance of the property given its location at the rear of the property and the views thereto.

Impact on Neighbouring Properties

- 7.3 The proposed extensions will not result in any harm to the amenities of neighbouring properties given the siting and juxtaposition of dwellings in the locality. The proposed works whilst extending the main roof of the property would not result in any significant impact on daylight or sunlight to the neighbours with the extensions set off the common boundary with 7A and a high hedge to properties at The Dell, Pickford Road. The Dell is located on rising ground above the application site and although there is a flank window to the nearest dwelling within this complex, this would be unaffected by the increased height of the application property. The proposals are therefore considered to be acceptable in accordance with Policies CS11 and CS12 of the Core Strategy and Saved Appendix 7 of the Local Plan.

Access and Parking

- 7.4 The proposed works would result in the demolition of the existing garage to the property. This would not be replaced as a result of this development. The loss of the garage is not considered to result in any harm to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. A property of this size in this location would be expected to provide 3 parking spaces in accordance with the Car Parking Standards SPD 2020. There is adequate off-street parking space within the curtilage of the property for a four bedroom property and adequate space to manoeuvre in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

Representations

- 7.5 There have been no objections to the proposals from neighbouring properties to the site, with the only objections being raised by the Parish Council. The Parish Council consider the proposals to be over development of the site.
- 7.6 The above considerations set out how the proposals are acceptable in terms of their site coverage and design. The proposals do not result in any material increase in the size of the dwelling nor do they result in any deficiencies in off-street parking or external amenity space for the occupants of the dwelling. For these reasons, the extension of this property cannot be considered to be an over development of the site.

Chiltern Beechwood Special Area of Conservation (SAC)

- 7.7 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 7.8 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.

8. RECOMMENDATION.

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

Conditions:

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

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

- 2. The development hereby permitted shall be constructed in accordance with the materials specified on the approved plans and 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:**

SC/2005923 02

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

INFORMATIVE

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
Markyate Parish Council	The Parish Council object to this application due to over development of site.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
24	0	0	0	0

Agenda Item 5i

ITEM NUMBER: 5i

22/01856/LBC	Advertising Board and hanging sign	
Site Address:	97 High Street Hemel Hempstead Hertfordshire HP1 3AH	
Applicant/Agent:	Mrs Claire Hobson	Mr Mark Biddiss
Case Officer:	Sally Robbins	
Parish/Ward:		Hemel Hempstead Town
Referral to Committee:	Applicant is a DBC Councillor	

1. RECOMMENDATION

That listed building consent be **GRANTED**

2. SUMMARY

2.1 The proposed advertisement board and hanging sign will not harm the setting or special character, appearance and historic interest of this Grade II listed building so would have a neutral impact on the heritage asset. The proposal therefore complies with Core Strategy Policy CS27, Saved Policy 119 of the Local Plan and Section 16 of the NPPF.

3. SITE DESCRIPTION

3.1 The application site comprises a Grade II listed building and is located on the east side of the High Street in Hemel Hempstead old town, within the Conservation Area. The site comprises a retail unit at ground floor level with residential units above. The surrounding area comprises a mix of uses, including residential, retail, cafes/restaurants and drinking establishments.

4. PROPOSAL

4.1 The application seeks listed building consent for the following advertisement signs:

- A: Fascia board above the shopfront measuring 2m x 0.3m
- B: Hanging sign measuring 0.8m x 0.8m

The advertisements would be finished in white text on a grey background.

4.2 The advertisements are in relation to the change of use of the ground floor and basement unit from Class E (retail) to Sui Generis (café serving alcohol) and the associated advertisement consent, which were recently granted permission at the Development Management Committee meeting held on 23 June 2022 (refs. 22/01442/FUL and 22/01443/ADV).

5. PLANNING HISTORY

Planning Applications:

22/01442/FUL - Change of use of ground floor (with basement) from Class E(a) retail, to Sui Generis, café serving alcohol
Granted - 27th June 2022

22/01443/ADV - Fascia and hanging board signs
Granted - 24th June 2022

6. CONSTRAINTS

Area of Archaeological Significance: 36
CIL Zone: CIL3
Hemel Hempstead Conservation Area
Listed Building, Grade: II,
Parish: Hemel Hempstead Non-Parish
Residential Character Area: HCA14
Parking Standards: New Zone 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents/Policies:

Planning (Listed Building and Conservation Areas) Act (1990) – Section 16(2) and 66(1)
National Planning Policy Framework (NPPF) (2021) – Section 16
Dacorum Borough Core Strategy (2013) – Policy CS27
Dacorum Borough Local Plan (2004) – Saved Policy 119

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Impact on Significance of Heritage Asset

Impact on Significance of Heritage Asset

9.2 Saved Policy 119 of the Dacorum Borough Local Plan states that consent to alter a listed building will only be granted where it can be satisfactorily demonstrated that the proposed works would be carried out in a manner appropriate to the scale, proportion and external and internal appearance of the building. The NPPF seeks to ensure that heritage assets are preserved and enhanced.

9.3 Regard is also given to the statutory tests of preserving listed buildings and their setting under Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.4 The proposal comprises minor external alterations comprising a new fascia board sign and hanging sign, finished in white text on a grey background.

9.5 The Council's Conservation and Design Officer has been consulted and raised no objection, noting that the proposed signage scheme is simple. Furthermore, the proposed signs would not be illuminated and would therefore assimilate with the character and appearance of the conservation area. There would be no harm to the listed building and any impact on the conservation area would be neutral. Thus, the balancing exercise does not need to be undertaken.

10. CONCLUSION

10.1 Overall, the proposal will not detract from the character, appearance or design of the listed building. The proposal meets the requirements of Saved Policy 119 of the Dacorum Borough Local Plan, Policy CS27 of the Dacorum Borough Core Strategy, the NPPF and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.

11. RECOMMENDATION

11.1 That listed building consent be **GRANTED**.

Condition(s) and Reason(s):

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

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

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

LOCATION PLAN
01 PLANS AND ELEVATIONS

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

Informatives:

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	No objections to this simple signage scheme.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Address	Comments
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Agenda Item 6

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 18 April 2022 and 01 July 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/03283/FUL	W/22/3297409	The New Forge, Maple Farm, Shantock Lane, Bovington	Written Representations
2	21/04643/FHA	D/22/3297951	Felden Orchard, Bulstrode Lane, Felden	Householder
3	21/04401/FUL	W/22/3298236	1 The Orchard, Kings Langley	Written Representations
4	21/04271/RET	D/22/3298518	6 Nettlecroft, Hemel Hempstead	Householder
5	20/03557/FUL	W/22/3298981	1 Park Road, Hemel Hempstead	Written Representations
6	21/03971/FHA	D/22/3299548	Broomhill Leys, Windmill Road, Markyate	Householder
7	22/00113/LDE	W/22/3299549	Gable End, 1 Threefields, Hemel Hempstead	Written Representations
8	22/00233/FUL	W/22/3300029	55 High Street, Markyate	Written Representations
9	21/04646/RET	D/22/3300471	136 Beechfield Road, Hemel Hempstead	Householder
10	22/00039/FHA	D/22/3300491	84 Seaton Road, Hemel Hempstead	Householder
11	21/04756/FUL	W/22/3300850	1 Dale End, Box Lane, Hemel Hempstead	Hearing
12	22/00635/FHA	D/22/3300793	Ravels, Shootersway Lane, Berkhamsted	Householder
13	22/00292/FHA	D/22/3301473	49 Crouchfield, Hemel Hempstead	Householder
14	22/00070/FHA	D/22/3301687	87 Grove Gardens, Tring	Householder
15	22/00656/FHA	D/22/3301844	16 Harcourt Road, Tring	Householder
16	21/04573/DRC	W/22/3301877	11 Bridge Street, Hemel Hempstead	Written Representations
17	22/00485/FHA	D/22/3302143	4 Southview Villas, George Street, Berkhamsted	Householder
18	22/01305/FHA	D/22/3302163	Imrie House, Doctors Commons Road, Berkhamsted	Householder

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 18 April 2022 and 01 July 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	20/03227/FUL	W/21/3289126	The Plough, The Back, Potten End	Written Representations
	Date of Decision:		29/04/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3289126			
	Inspector's Key conclusions:			
	<p>The appeal property was designated as an Asset of Community Value (ACV) by the Council in July 2018, as it was considered to “<i>further the social wellbeing or social interests of the local community</i>”¹. This designation was attributed to its ongoing use as a public house, hosting a community library/book swap facility, and it acting as a community hub for charity and other public events. Based on the extent of representations received, it is clear that this community use prevails, and is something which is valued by local residents.</p> <p>Two offers to purchase the appeal property have been made. One offer of £400,000 was made in July 2020 by a restaurateur who hoped to extend the property and trade as a restaurant. Another offer of £415,000 was made by a local community group in November 2020, who sought to preserve the appeal property as a community run pub. Both offers were rejected by the owner as they were considered too low.</p> <p>Irrespective of the pub's viability, these offers demonstrate real and legitimate interest to purchase the appeal property, both of which would have preserved its community use. Moreover, had the appeal property been marketed at a lower price, or at a time when trading conditions were more favourable, there may have been more interest from potential buyers. It is possible that a purchaser would have come forward who was willing to invest in the pub to help secure its longer-term viability, or who sought to buy the property for some other community use or facility. On this basis, I am not persuaded that all necessary attempts to secure the continued community use of the appeal property have been adequately pursued, particularly given its status as an ACV. For these reasons, I consider that the proposed development would conflict with Policy CS23 of the CS, the overriding objective of which is to protect social infrastructure where possible.</p> <p>The visual impact would therefore be broadly similar to the existing extension. As such, it would preserve the existing sense of enclosure and intimacy that characterises the lane. The development would preserve the character and appearance of the Conservation Area.</p>			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/00964/OUT	W/21/3286956	Marston Gate Meadow, Station Road, Long Marston	Written Representations
	Date of Decision:		03/05/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286956			
	Inspector's Key conclusions:			
	<p>It is the width of the newly proposed access (in proximity to the highway) combined with the positioning/alignment of the associated track that raises concerns. Notwithstanding references made to the relevant section of hedgerow being sparsely planted and to an intention to undertake future additional planting (including of black poplars), the intended access arrangements would necessitate the punctuation of a not insignificant and distinct gap in an established buffer of roadside vegetation and would have an urbanising influence accordingly.</p> <p>Furthermore, the fenced track would cover a considerable length in a location set away from any existing field boundary to either of its sides. It would thus appear as an intrusive and unexpected addition to the green and rural location in question. To my mind, having inspected the existing access and even when acknowledging the Highway Authority's recommended access width, it has not been robustly substantiated why the existing access could not be utilised (or adapted) for the purposes of attaining access to the proposed dwelling, nor why it would not be possible/workable to run an associated track in proximity to the field's southern edge.</p> <p>The proposed access arrangements would cause harm to the character and appearance of the rural area. Indeed, the open nature and rural character of the land would not be suitably maintained. The scheme conflicts with Policies CS1, CS7 and CS12 of the Dacorum Core Strategy.</p> <p>The site lies within a recently prescribed Zone of Influence where likely significant effects upon the SAC from net increases in development due to recreational impacts cannot be ruled out. As I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/01801/FUL	W/21/3283492	Land R/o 34 Great Road, Hemel Hempstead	Written Representations
	Date of Decision:		04/05/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3283492			
	Inspector's Key conclusions:			
	<p>There is an attractive spacious character to the area. The appeal proposes a detached dwelling within part of the rear garden to 34 Great Road, very close to a group of 3 fairly large trees within the adjacent garden of 32 Great Road.</p>			

<p>These trees are not protected by Tree Preservation Order, but they are visible from the street in the gaps between dwellings as well as from surrounding properties, and complement other nearby trees to provide for an attractive landscaped backdrop and setting to development. I consider that the group make a positive contribution to the character and appearance of the area.</p> <p>Given the height of these trees and the very close proximity of the dwelling, I am concerned that it would be at least partly within the root protection areas, and could therefore cause damage or harm to the health and longevity of the neighbouring trees. No tree survey, details of underground works or tree protection measures which Policy 99 of the Dacorum Borough Local Plan 2004 (DBLP) indicates would be required have been provided. I find that the appellant's suggestion that trees would not be harmed by the development to be little more than unsubstantiated assertion.</p> <p>Without robust arboricultural evidence, I cannot be confident that development could be carried out in this location without adversely affecting tree roots, and there is little to demonstrate that potential harm to trees could be effectively mitigated. Given this uncertainty, and that it relates to the location of the dwelling which is fundamental to the development proposed, I am not satisfied that it would in this case be appropriate to defer consideration of this matter to a planning condition. Accordingly, I am unable to conclude that the proposal would not harm the health or condition of the neighbouring trees causing detriment to the character and appearance of the area.</p> <p>In my judgement, the proposal would therefore lead to an inefficient use of land when considered more widely, and irrespective of the relationship of the dwelling with existing development in the vicinity, I find as a result that the proposal fails to take a comprehensive view of potential development opportunities in the immediate area. The proposal would result in an unsympathetic development that fails to optimise the overall use of land in the long term.</p> <p>Given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider further the effect of the proposal on the integrity of the SAC as it could not be determinative.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	21/00737/FUL	W/21/3286001	40 Valleyside, Hemel Hempstead	Written Representations
Date of Decision:			11/05/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3286001				
Inspector's Key conclusions:				
During my late morning site visit I noted a number of parked cars along the street, including partly on the footways, making it very difficult to pass without walking on the highway. This is likely to be at a higher volume in the				

<p>evenings and at weekends.</p> <p>The Council's adopted Parking Standards Supplementary Planning Document (2020) (the SPD) requires 3.5 spaces for the 7 bedroom unit created by the proposed development.</p> <p>Although the appellant contends that two vehicles could be parked here, I am not convinced by this. Even if two cars were able to park in that space, this would be cramped and I have no evidence before me to illustrate that both vehicles could be used freely. Such an arrangement would likely result in additional on street parking, if for nothing other than convenience.</p> <p>Irrespective of whether one or two vehicles could be accommodated here, the existing driveway would still not achieve the Council's parking standard for a property of this type and size. This is particularly relevant given the appeal site's location. Although I acknowledge the appellant's comment in respect of car ownership for the typical HMO occupant, it is highly likely that there would be a reliance on private cars for making trips to and from this property. I disagree with the appellant's comment in respect of the property being occupied by a large family as this is premised on hypothetical eventualities. I have no clear evidence to illustrate that the surrounding roads could comfortably and safely accommodate further vehicles.</p> <p>With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would add to the existing on-street parking levels on Valleyside and neighbouring streets, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety. For the above reasons, the proposed development would have a harmful effect on highway safety due to the lack of parking provision, contrary to the relevant provisions of Policy CS12 (b) of the Dacorum Borough Core Strategy (2013) and the SPD.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	20/02843/FUL	W/21/3266650	44 Martindale Road, Hemel Hempstead	Written Representations
Date of Decision:			17/05/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266650				
Inspector's Key conclusions:				
<p>Although a 2-storey rear projection with simple gable roof would not look out of place, the narrow width of the 2-storey side projection with lower ridgeline would appear awkward, contrived and wholly out of character with the prevailing simple roof forms that define the character of the area.</p> <p>The scheme's narrower front elevation would also jar with the clear plot rhythm and urban grain of the road, which is characterised by consistent front elevation property widths within each terraced section. This is made even more noticeable by the scheme's front elevation having a lower proportion of wall to window than exists at No 44. As a consequence, it</p>				

would create the impression of a development that had been tightly squeezed onto the site, wholly out of kilter with the consistent form, appearance and rhythmic character of other properties on the street. Further harm would arise from the gable of the narrow side-projection being flush with the rear projection, without any small indent between the two to break up the mass of the scheme and help define the side gable.

The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Martindale Road and Hollybush Lane, which would intensify its harmful impact. The use of materials to match the existing property would not overcome this harm.

I conclude that the scheme would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies CS11 and CS12 of the Core Strategy.

Although there are two trees in close proximity to the proposed dwelling, the Council and its Tree Officer accept that it can be constructed next to these without causing any harm, subject to the appellant's tree report recommendations being followed. I see no reason to disagree with this.

I do nonetheless recognise the Council's concern over the sustainability of these trees in the long-term. However, in terms of physical encroachment and associated leaf residue, I agree with the appellant that future owners of the dwelling would be able to cut back any branches that overhang the common boundary without causing any noticeable harm to the form of both specimens. I recognise that such maintenance might be viewed as inconvenient to future owners, but this situation would be clearly evident at the purchase stage and I would not consider such actions to be so cumbersome as to justify the removal of either tree.

The close proximity of the trees to the common boundary would result in a reduction of direct sunlight to the north-west facing rear garden of the new dwelling and its windows & doors from approximately midday onwards. For the same reason, the rear garden and windows & doors would also receive less diffuse daylight. However, I do not consider that the rear garden and internal living accommodation would become so unwelcoming, dark, prone to dampness or unusable as to warrant dismissal and agree with the appellant that some occupants may actually prefer the visual amenity benefits the trees in question would bring, along with the corresponding shade they would provide on hot days. In view of the above, I conclude that the scheme would not compromise preservation of the adjacent trees in both the short and long term.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	20/01866/FUL	W/21/3266474	16 Park Road, Hemel Hempstead	Written Representations
	Date of Decision:		08/06/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3266474			
	Inspector's Key conclusions:			
	<p>The appellant's Daylight and Sunlight Impact Assessment has demonstrated that the scheme would not result in any harmful loss of diffuse daylight or sunlight to neighbouring properties. I am also satisfied that there is a sufficient separation distance between the house on Plot 1 and Nos 1, 3 and 18 Vicarage Close, which would ensure that the latter do not experience a harmful loss of outlook.</p> <p>However, by reason of the close proximity of the houses on Plots 2 and 3 to the rear garden of No 18 Park Road, their 2-storey height and rising land levels, it is my view that the development would appear visually intrusive and oppressive to the occupants of No 18 Park Road when looking out of their rear elevation windows and when using their garden. In view of the above, I conclude that the scheme would be harmful to the living conditions of neighbouring occupiers at No 18 Park Road.</p> <p>The terrace of houses would have a simple and unfussy modern appearance utilising materials of a similar palette to other properties on Vicarage Close. The architectural style of these properties would not therefore be harmful to the character of the area.</p> <p>However, by reason of the house on Plot 1 being positioned on the central open hardstanding area, the scheme would obliterate the spaciousness of this part of the road which makes a significant contribution to its character. The rectangular footprint of this dwelling would also jar with the semi-circular shape of this part of the appeal site, which would exacerbate this harm. The row of terraced houses would also have an extremely limited depth of set-back and garden areas in front of those elevations facing the vehicular highway, in complete contrast to the more generous setbacks and front gardens of other properties on Vicarage Close.</p> <p>The short depth of front and rear gardens, together with the development's intrusive and incongruous encroachment into the central open hardstanding area, would result in a scheme that looks cramped and as if it has been squeezed onto the site, quite unlike the more spacious character of other properties on Vicarage Close.</p> <p>The above deficiencies, when taken collectively with the identified harm to living conditions of No 18 Park Road, demonstrates to me that the scheme represents an overdevelopment of the appeal site and would therefore appear incongruous with the surrounding area. In view of the above, I</p>			

	conclude that the scheme would be harmful to the character and appearance of the area.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	21/04453/FHA	D/22/3297019	16 Cowper Road, Berkhamsted	Householder
	Date of Decision:		24/06/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3297019			
	Inspector's Key conclusions:			
	<p>The proposed rear extension would project beyond No 15's ground floor rear extension. I find that this factor, when combined with the overall height of the proposed extension, would result in the proposal appearing to loom above the rear of No 15 to an overbearing degree. The harm arising from this would be exacerbated as a result of the change in levels between the two dwellings, such that the height of the proposal would be exaggerated when seen from No 15 and leading it to appear as an unduly dominant feature when seen from this neighbouring property.</p> <p>Further to the above, No 16 is located to the south of No 15 and I consider that a combination of the overall height, scale and location of the proposal would result in a loss of daylight and sunlight to the rear of No 15 and this is a factor that adds to the level of harm identified.</p> <p>The proposed outbuilding to the rear of No 15's garden would comprise a tall, wide and long structure. Its overall dimensions, when added to the change in levels between No 15's rear garden and that of No 16, would result in the presence of an unduly dominant structure that would appear to loom over No 15's rear garden to an overbearing degree. Whilst I observed there to be a tall wall at the end of No 16's rear garden, the front of the proposed outbuilding would be located much closer than this to No 15's rear windows and outside sitting areas; and it would also run alongside and appear above a considerable length of No 15's rear garden and these factors would add to the visually intrusive appearance of the proposal.</p> <p>Taking all of this into account, I find that the proposed development would harm the living conditions of the occupiers of No 15 Cowper Road, contrary to the National Planning Policy Framework and to Core Strategy1 Policy CS12.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	21/03846/FHA	D/22/3296120	4 Nettleden Road North, Little Gaddesden	Householder
	Date of Decision:		24/06/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3296120			
	Inspector's Key conclusions:			

<p>The appeal property is located within the Little Gaddesdon Conservation Area and is located in the Chilterns Area of Outstanding Natural Beauty (AONB). The Council is satisfied that the proposed development would conserve the special qualities of the AONB.</p> <p>The overall appearance of the area is dominated by the presence of attractive, characterful, distinctive and well-preserved historic buildings within a verdant setting. The terrace of which the appeal property forms part is notable for its simple, traditional brick and slate appearance. Whilst the appeal property has already been extended to the side, this extension comprises a modest single storey addition which appears subservient to the host property.</p> <p>By way of significant contrast, the proposed development would result in a considerably larger two storey side extension. To provide for first floor accommodation, the proposal would introduce a crown roof. I find that this would result in the addition of a flat-roofed element that would appear as an awkward and somewhat clumsy addition, out of character with the host property and that of the simple traditional qualities of the rest of the terrace.</p> <p>As such, the proposed development would draw attention to itself as an incongruous feature. The harm arising from this would be exacerbated as a result of the raising of the roof ridge and the addition of built development in a prominent location adjacent to the host property's eaves, leading the proposal to appear unduly bulky.</p> <p>Taking all of the above into account, I find that the proposed development would fail to conserve the character and appearance of the Little Gaddesdon Conservation Area.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	20/02550/FUL	W/20/3265837	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
Date of Decision:			30/06/2022	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265837				
Inspector's Key conclusions:				
<p>The proposal would increase the number of flats at the site to 10. My assessment of the scheme has been based on the submitted plans, which show provision for 4 parking spaces (including one disabled bay) at the front of the building and 7 parking spaces (including one disabled bay) at the rear; - a total of 11 parking spaces. The proposed additional flat would be allocated one of the existing community use facility parking spaces, leaving it with one (as opposed to the two it originally had); - all 10 flats would therefore have one allocated parking space each.</p> <p>The scheme before me is based on all spaces being allocated and would not result in the construction of any additional parking spaces at Nash House, but would instead utilise one of the community use parking spaces (leaving it</p>				

with only one). It therefore falls below the 1.25 spaces required for a 1-bedroom flat in Accessibility Zone 3.

The Council's parking guidance indicates that the overall Nash House scheme of 6 x one-bedroom flats, 4 x two-bedroom flats and a community use would have required a total of 19 spaces (where the residential parking is allocated) or 13 spaces (where the residential parking is not allocated). The scheme before me would result in 11 allocated parking spaces overall, well below the 19 spaces the Council's parking guidance specifies, and also below the much lower corresponding figure of 13 spaces where car spaces are not allocated.

I agree with the appellant that the site has good access to local shops, services, employment, community facilities and public transport. However, this in itself does not mean that occupiers of the flats & their visitors, or the staff/ users of the community use would not use or own private cars. In any event, the Council's parking guidance takes different accessibility levels into account in setting out its modest level of parking standards for each dwelling and the scheme falls below this.

At the time of my site inspection (during the daytime) a large proportion of the allocated parking spaces were already in use on the Sappi site, and the adjacent Red Lion Lane was dominated by on-road parking with no spaces available for use. Neither was any on-road parking available nearby on Lower Road because of parking restrictions. In my view, there was considerable parking stress and congestion in the locality, which I would expect to be even more intense in the evening when occupiers return home from work.

In view of this, I would not consider it acceptable for there to be an under-provision of visitor parking to the additional flat or for its allocated bay to be at the expense of the community use facility as this would inevitably result in visitors to both uses seeking to park close-by. This would add to the already significant parking stress in the locality, which in the case of the Sappi site, is dominated by narrow highways.

I am particularly concerned that any unauthorised parking in front of Nash House (within the Sappi site) would; (1) restrict visibility of small children crossing the road to use the central play area; (2) make it more dangerous for mobility restricted people in wheel chairs or on scooters who utilise the shared surface road; and (3) harm the amenity of residents by making it more difficult for them to manoeuvre into their own allocated spaces.

I conclude that the scheme would have an unacceptable impact on parking stress in the locality and highway & pedestrian safety. The proposal would therefore conflict with Policy CS12 of the Core Strategy, which seeks, amongst other things, to ensure that development provides sufficient parking space.

No.	DBC Ref.	PINS Ref.	Address	Procedure
10	20/04010/FUL	W/21/3277285	Nash House, Dickinson Square, HH	Written Representations
	Date of Decision:		30/06/2022	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3277285			
	Inspector's Key conclusions:			
	<p>I have dealt with another appeal on the site which is the subject of a separate decision [see appeal decision above]. The difference between both is that this appeal proposes the construction of an additional single parking space, whereas the other does not.</p> <p>The scheme before me would result in 12 allocated parking spaces overall, well below the 19 spaces the Council's parking guidance specifies, and also below the much lower corresponding figure of 13 spaces where car spaces are not allocated.</p> <p>I conclude that the scheme would have an unacceptable impact on parking stress in the locality and highway & pedestrian safety. The proposal would therefore conflict with Policy CS12 of the Core Strategy, which seeks, amongst other things, to ensure that development provides sufficient parking space.</p>			

6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 18 April 2022 and 01 July 2022.

None.

6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 18 April 2022 and 01 July 2022.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 18 April 2022 and 01 July 2022.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 18 April 2022 and 01 July 2022.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00312/NPP	C/21/3282333	Land At Church Road, Little Gaddesden	Written Representations
	Date of Decision:		08/06/2022	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333	
	Inspector's Key conclusions:			
	<p>[The appeal decision was conjoined with the appeal below].</p> <p>The breach of planning control as alleged in the notice is without planning permission, the creation of a new vehicular access and the installation of wooden gates, construction of 3 timber buildings and installation of post and wire fencing.</p> <p>Ground (b) is that the matters alleged have not happened. On site I saw the posts in position but no wire. Nevertheless, it is clear from the photographs that both fences were constructed sufficiently to comprise a means of enclosure, even if they were not completed. It is clear...the new vehicular access and gateway, the 3 timber buildings and the fence have all been erected or created. The ground (b) appeal must therefore fail.</p> <p>In November 2019, in order to protect the open quality of the land to the south of Church Road, the Council issued an Article 4 direction which removed permitted development rights to, amongst other things, construct or erect fences or a means of access to a highway. There is no suggestion the access and fences were constructed before the article 4 direction came into force. The fences, gates and access therefore require planning permission. The various sheds are clearly buildings that fall within the definition of development and so also require planning permission. As the site is less than 5ha there are no permitted development rights for new agricultural buildings and so they too require planning permission. The ground (c) appeal also fail.</p> <p>There is no suggestion that any of the development has been in place for more than 4 years prior to the issuing of the enforcement notices. The appeal on ground (d) fails.</p>			

[Ground (a) appeal, i.e. that planning permission should be granted]. From photographs provided and the description in the conservation area appraisal it would seem the open greensward in front of the Church was not only beautiful in its own right but clearly an important part of the setting of the listed Church and the conservation area. I would say therefore that dividing the land into plots, with the associated accesses and fences required to separate them from each other would be irreparably damaging to the character and appearance of the conservation area and the setting of the Church, as well as seriously harming this part of the AONB.

The setting of the Church more generally within the conservation area and the village and the quality of the landscape in this part of the AONB are important considerations.

The long straight line of fencing along the southern side of Church Road has been interrupted by the insertion of the access and gates, and the latter is much more prominent than the original fence. The Council note the access is dangerous as it sits directly opposite the access to the Chiltern Way, heavily used by walkers, and that vehicles have difficulty negotiating the entrance. This is supported by numerous third party testimony. The appellant offers to set the gates further inside the field and while this may solve any highway safety issue it would simply make the access more prominent and intrusive.

The fences separating the northern side of the plot from its neighbour are equally intrusive and out of place, completely undermining the essential openness of the character of the landscape on this side of the road. The insertion of the access also allows a much more intensive use of the land as shown by the track that has been worn across the pasture. While the lawful use of the land is agricultural the combined effect of the Article 4 designation, the conservation area and the AONB are to severely limit the way the land can be used in order to protect the very specific and locally unique setting of the Church and the conservation area. It follows that the introduction of just one access or one fence is harmful and should be resisted.

The three sheds sit at the back of the field and, although they have now been painted brown, they still stand out as intrusive and harmful. The introduction of the three sheds, although they are relatively small, is clearly harmful to the open, rural feel to the land, which is characterised by lightly used pasture and an absence of buildings or structures.

The visual impact of the use introduced by the appellant serves to underline the harm that splitting the wider landscape into smaller parcels is likely to create. The introduction of small buildings, animal shelters, parked vehicles, and general detritus and paraphernalia associated with a small holding is entirely typical of this sort of development, and it is this fragmentation the various protections provided by the Council are intended to prevent. In my view, whether seen collectively or taken individually, each element of the matters alleged is seriously harmful to the conservation area and the AONB and contrary to the Council's policies. The appeal on ground (a) fails.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	E/21/00312/NPP	C/21/3283466	Land At Church Road, Little Gaddesden	Written Representations
	Date of Decision:	08/06/2022		
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3282333			
	Inspector's Key conclusions:			
	<p>[The appeal decision was conjoined with the appeal above. There was no Ground (a) for this appeal].</p> <p>The breach of planning control as alleged in the notice is without planning permission, the construction of a timber outbuilding.</p> <p>Ground (b) is that the matters alleged have not happened. It is unclear to me where the existing, dilapidated shed was supposed to be, but further photographs show a brand new shed behind the tree line in roughly the position shown on the plan attached to the notice subject to appeals C and D. The photographs show a pile of materials which are labelled "materials from previous building demolition". As I saw on site this shed is large, and even if it does incorporate part of the existing shed, that shed no longer exists and has effectively been replaced by a new, larger, structure. It cannot be argued this is merely repair and maintenance. It is clear...the timber building is new and not just the refurbishment of an existing shed. The ground (b) appeal must therefore fail.</p> <p>The various sheds are clearly buildings that fall within the definition of development and so also require planning permission. As the site is less than 5ha there are no permitted development rights for new agricultural buildings and so they too require planning permission. The ground (c) appeal also fail.</p> <p>There is no suggestion that any of the development has been in place for more than 4 years prior to the issuing of the enforcement notices. The appeal on ground (d) fails.</p>			

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 18 April 2022 and 01 July 2022.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 18 April 2022 and 01 July 2022.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2022 (up to 01 July 2022).

APPEALS LODGED IN 2022	
PLANNING APPEALS LODGED	40
ENFORCEMENT APPEALS LODGED	1
TOTAL APPEALS LODGED	41

APPEALS DECIDED IN 2022 (excl. invalid appeals)	TOTAL	%
TOTAL	45	100
APPEALS DISMISSED	31	68.9
APPEALS ALLOWED	12	26.7
APPEALS PART ALLOWED / PART DISMISSED	2	4.4
APPEALS WITHDRAWN	0	0

	TOTAL	%
APPEALS DISMISSED IN 2022		
Total	31	100
Non-determination	1	3.2
Delegated	26	83.9
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	4	12.9

APPEALS ALLOWED IN 2022	TOTAL	%
Total	12	100
Non-determination	0	0
Delegated	11	91.7
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	8.3

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	E/21/00041/NPP	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	tbc
2	21/04756/FUL	W/22/3300850	1 Dale End, Box Lane, Hemel Hempstead	tbc

6.11 UPCOMING INQUIRIES

None.

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 18 April 2022 and 01 July 2022.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 18 April 2022 and 01 July 2022.

None.