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# DEVELOPMENT MANAGEMENT

# AGENDA

**THURSDAY 13 APRIL 2023 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](mailto:Member.support@dacorum.gov.uk)

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

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

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

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

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

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

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

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

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

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

- (a) 21/04556/MFA - Construction of 234 apartments and 1,486 sqm of commercial floor space, provided in three main buildings ranging from 5 to 9 storeys on two podiums, with associated car parking, landscaping, amenity space and service areas - Plots 1 & 2 Maylands Avenue Hemel Hempstead HP2 4FQ (Pages 6 - 86)
- (b) 21/03244/FUL - Conversion and construction of 6 dwellinghouses on brownfield site - 50 High Street Markyate St Albans Hertfordshire AL3 8HZ (Pages 87 - 145)
- (c) 21/04769/MFA - Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works - Land at Miswell Lane, Tring (Pages 146 - 195)
- (d) 22/02560/FUL - Removal of temporary dry bay practice structure, replacing with a permanent teaching and practicing building - Ashridge Golf Club Golf Club Road Little Gaddesden Berkhamsted Hertfordshire HP4 1LY (Pages 196 - 213)
- (e) 22/03454/FUL - Construction of a Single Dwelling - Land at The Willows, Potten End Hill, Water End, Hemel Hempstead (Pages 214 - 276)
- (f) 23/00195/FHA - Garage Conversion, Replacement Windows and Doors, Smooth Rendered Finish to Existing and New Walls, Single Storey Rear Extension, Cladding / Rendering of Existing Out-building / Garage Block. - Russett View Dunny Lane Chipperfield Kings Langley Hertfordshire WD4 9DD (Pages 277 - 289)

**6. PLANNING ENFORCEMENT REPORT (Pages 290 - 300)**

## INDEX TO PLANNING APPLICATIONS

Item No.	Application No.	Description and Address	Page No.
5a.	21/04556/MFA	Construction of 234 apartments and 1,486 sqm of commercial floor space, provided in three main buildings ranging from 5 to 9 storeys on two podiums, with associated car parking, landscaping, amenity space and service areas Plots 1 & 2 , Maylands Avenue, Hemel Hempstead, HP2 4FQ	
5b.	21/03244/FUL	Conversion and construction of 6 dwellinghouses on brownfield site. 50 High Street, Markyate, St Albans, Hertfordshire	
5c.	21/04769/MFA	Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works. Land At Miswell Lane, Tring, Herts, HP23 4JU	
5d.	22/02560/FUL	Removal of temporary dry bay practice structure, replacing with a permanent teaching and practicing building Ashridge Golf Club, Golf Club Road, Little Gaddesden, Berkhamsted	
5e.	22/03454/FUL	Change of use of land to residential and construction of dwellinghouse, associated amenity space and parking The Willows, Potten End Hill, Water End, Hemel Hempstead	
5f.	23/00195/FHA	Garage Conversion, Replacement Windows and Doors, Smooth Rendered Finish to Existing and New Walls, Single Storey Rear Extension, Cladding / Rendering of Existing Out-building / Garage Block. Russett View, Dunny Lane, Chipperfield, Kings Langley	

# Agenda Item 5a

## ITEM NUMBER: 5a

<b>21/04556/MFA</b>	<b>Construction of 234 apartments and 1,486 sqm of commercial floor space, provided in three main buildings ranging from 5 to 9 storeys on two podiums, with associated car parking, landscaping, amenity space and service areas</b>	
<b>Site Address:</b>	<b>Plots 1 &amp; 2 Maylands Avenue Hemel Hempstead HP2 4FQ</b>	
<b>Applicant/Agent:</b>	<b>Hightown Housing Association</b>	<b>Hayden Todd</b>
<b>Case Officer:</b>	<b>Andrew Parrish</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead (No Parish)</b>	<b>Adeyfield East</b>
<b>Referral to Committee:</b>	<b>Referred under s.2.3.2 (1) of Part 3 of the Council's Constitution as the recommendation would have the effect of granting permission for matters previously refused by the Development Management Committee.</b>	

## 1. RECOMMENDATION

1.1 That the decision be delegated to the Head of Development Management with a view to approval subject to the completion of a s106 agreement to secure the following:

- Provision of at least 35% Affordable Housing
- Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- To enter into a s278 agreement with the Highway Authority to secure:
  - Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
  - Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road;
  - Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'; and
  - Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- Provision of a Framework Travel Plan for the entire site
- Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- A contribution of £913.88 per dwelling is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A mitigation strategy or financial contribution as necessary towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Subject to any minor changes to the wording of conditions as necessary, and its referral to the Secretary of State as a Departure from the Development Plan.

## 2. SUMMARY

2.1 The application is recommended for approval. An application for 268 residential flats and 1405 sq m of employment floorspace was refused by the committee in June 2019 and a subsequent appeal dismissed.

2.2 Approval is sought in this amended scheme for 234 one and two bed apartments and 1487 sq m of employment floorspace in a development of up to 9 storeys. 35% of the dwellings would be for affordable housing.

2.3 The proposals have been subject to extensive pre-application discussions with DBC officers, and were presented to the Community Review Panel in November 2020 and December 2021.

2.4 The proposals would result in the loss of employment land which is contrary to policies of the Development Plan. However, taking into consideration NPPF paragraph 122, a flexible approach to the use of site for residential and commercial is considered applicable as the proposal would offer significant benefits to the Borough which justify a departure from the Development Plan.

2.5 Balanced against the loss of employment land, the proposal would make a valuable contribution to the Borough's housing stock, which would greatly assist in meeting housing targets and prevent larger green belt releases. Substantial weight would be attached to this in the overall planning balance and the application of Para. 11 of the NPPF.

2.6 The scheme's residential and commercial mix is considered to accord with Policy CS18.

2.7 The proposed density of the scheme at 234 dph represents a reduction on the dismissed scheme of some 34 units, would make efficient use of land and is not considered to cause harm to the street scene or surrounding area.

2.8 The overall layout is considered acceptable and well considered, allowing for active frontage and a landscaped setting. Compared with the dismissed scheme, the proposed buildings have been reduced in scale and now range from 5 to 9 storeys (previously 6 to 12 storeys) and the overall height, design, scale and appearance is considered to accord with Development Plan policies and design guidance.

2.9 Whilst the development would require the removal of some 29 small landscape trees from the site plus two Poplars to which the Tree Officer raises no objection, the most significant vegetation is off site and comprises a belt of mature trees along the western boundary, which is to be retained. The loss of vegetation would be offset by a high quality landscaping scheme. Given the greater building set back from Maylands Avenue, the proposals provide for greater tree planting and landscaping opportunities than the dismissed proposal to the benefit of the public realm and street scene.

2.10 Provision of high quality private amenity space has been central to the design of the proposed development. The revised proposal would provide approximately 3000 sq m of communal amenity space, around 50% more than the previous scheme which had 2000 sq m. The revised scheme has fewer apartments, which will also help provide more appropriate levels of amenity space.

2.11 The predicted increase in traffic on local roads is within the daily variation of traffic and hence is considered to be not significant in traffic engineering terms. Moreover, when assessed against the permitted office use under the outline permission, the proposal generates less traffic. Improvements to existing sustainable transport infrastructure would be provided and Herts Highways raises no objection to the application subject to conditions, informatives and s106 contributions to travel plan monitoring and sustainable transport.

2.12 A total of 296 parking spaces plus 3 managed spaces would be provided within undercroft parking garages to serve the development which would accord with the Parking Standards SPD. EV hook up, cycle and refuse storage would accord with standards.

2.13 Whilst the development would be visible from properties at The Flags, Greenway, New Park Mews and Maddox Road, notably in winter when the foliage has dropped, the proposal would retain

sufficient separation distances so as not to result in any significant detriment to their residential amenities.

2.14 The results of a daylight and sunlight assessment on future residents indicate that internal daylight and sunlight will be largely compliant with the recommendations in the BRE guide and considered acceptable for approval.

2.15 All the proposed dwellings would meet the Nationally Described Space Standards (DCLG 2015). Given the Council has no current adopted policy on minimum internal space provision in new development, the proposed provision is welcomed.

2.16 Subject to the condition as recommended by the Environmental Health Officer, the proposals will provide an acceptable living environment from the point of view of noise and ventilation and would comply with relevant Policies of the Development Plan.

2.17 An air quality assessment concludes that with appropriate mitigation, as identified, construction phase impacts would be reduced to an insignificant level. Operational phase impacts on existing receptors were concluded to be negligible and the application site was determined appropriate for residential development, in terms of air quality with no air quality specific mitigation required. An addendum provides a damage cost value calculation for an existing receptor and a condition is recommended seeking details of the suggested mitigation.

2.18 In line with the 3 step hierarchy, the development takes on a fabric first approach, to limit internal gains/losses to use less energy, coupled with an all-electric heat pump led solution aimed at improving on Part L of the Building Regulations. The proposals will also include a comprehensive SUDs strategy, tree planting, maximisation of biodiversity opportunities, responsible sourcing of building materials, etc. to accord with sustainable design and construction principles.

2.19 A Biodiversity Net Gain Assessment states that there is a net loss to biodiversity from the development which is therefore not consistent with NPPF which requires a net gain. As this cannot be provided on site, mitigation options have been explored, and it has been agreed with the applicant that the net loss can be offset through financial contributions to fund an increase in biodiversity units of 1.73 BU at the nearby 'Prologis Maylands Compensation Site' south of the A414 Breakspear Way, together with a financial contribution to plug the financial gap needed to implement the existing Prologis EMP.

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

2.21 Delegated approval subject to conditions, completion of a s106 agreement and referral to the Secretary of State as a Departure is recommended.

### **3. SITE DESCRIPTION**

3.1 The 1 ha application site is situated on the western side of Maylands Avenue within the Maylands Gateway Regeneration area, as defined within the Maylands Masterplan. This employment area is located on the eastern side of the built up area of Hemel Hempstead, close to junction 8 of the M1 and some 3.5 km from the town centre.

3.2 The site comprises plots 1 and 2 of the Kier Park site, which covers approximately 1 hectare of land on a corner plot adjacent to the St Albans Road/Breakspear way roundabout. Site land levels fall by approximately 3 metres from north to south.



3.3 Plot 3 comprises the hotel and associated uses granted within app ref: 4/02124/08/MOA. Plots 1 and 2 of the site are currently vacant with some temporary landscaping to the edges of Plot 2. Plot 1 falls north of the existing access road and Plot 2 to the south.

3.4 The site falls within a General Employment Area. Bounding the site to the west is a tree belt and beyond this large residential areas comprising parts of the New Town expansion completed in the 1980s. To the north of the site is a cycle and footpath with a self-storage unit beyond this. Opposite the site to the east is the recently permitted 4 storey Prologis warehousing development and to the south is the Travel Lodge hotel.

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

#### **4. PROPOSAL**

4.1 Full permission is sought for 234 apartments and 1487 square metres of office floorspace provided within 3 main buildings ranging from 5 to 9 storeys on two podium decks, with associated car parking, landscaping, amenity space and servicing areas. The apartments would comprise a mix of 1 and 2 bed affordable housing units.

4.2 Access to the site would utilise the existing access road that serves the Travel Lodge.

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

##### Planning Applications

4/02286/18/MFA - Construction of 268 flats and 1404.5 square metres of office space split across six blocks, with associated car parking, landscaping and amenity Space.  
*REFUSED - 20th June 2019*

4/01031/15/MFA - Development of a building to comprise a Lidl foodstore with b1(a) office floorspace at first floor level, with associated car Parking.  
*REFUSED - 30th October 2015*

4/02226/11/ADV - 2 internally illuminated post signs, 5 internally illuminated fascia signs, 1 non illuminated post sign and 4 floodlights  
*GRANTED - 29th February 2012*

4/01901/11/DRC - Details of sustainability, tree protection and method statement, hard and soft landscape works, site waste management plan, external lighting and cctv, and wheel washing as required by conditions 3, 4, 6, 8, 9 and 11 of planning permission 4/00239/11 (ext  
*GRANTED- 2nd April 2012*

4/01737/11/DRC - Details of contamination as required by condition 12 of planning permission 4/00239/11/ful (extension to approved access road, hard standing and relocation of electricity substation)  
*GRANTED - 10th July 2012*

4/00239/11/FUL - Extension to approved access road, hard standing and relocation of electricity substation  
*GRANTED - 7th June 2011*

4/00062/08/MFA - Development comprising hotel, offices, self-storage, retail and residential

*WITHDRAWN - 15th April 2008*

4/00237/98/FUL - Additional parking, alterations to site entrance and improved perimeter fencing  
*GRANTED - 15th April 1998*

4/01026/96/FUL - Single storey vehicle bay extension to incinerator block and additional car parking  
*GRANTED - 30th September 1996*

4/01485/92/FUL - Extension of car park  
*GRANTED - 23rd December 1992*

Appeals:

20/00023/REFU - Construction of 268 flats and 1404.5 square metres of office space split across six blocks, with associated car parking, landscaping and amenity Space.  
*DISMISSED - 6th April 2021*

## **6. CONSTRAINTS**

Area Action Plan Boundary: East Hemel Hempstead AAP

CIL Zone: CIL3

Former Land Use (Risk Zone):

General Employment Area: Maylands Avenue, Hemel Hempstead

General Employment Area: Maylands Avenue, Hemel Hempstead

Open Land: OL/3 Tree Belt parallel to Maylands Avenue, Hemel Hempstead

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Town: Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)

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

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

Relevant Policies:

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

NP1 - Supporting Development

- CS1 - Distribution of Development
- CS2 - Selection of Development Sites
- CS4 - The Towns and Large Villages
- CS8 - Sustainable Transport
- CS10 - Quality of Settlement Design
- CS11 - Quality of Neighbourhood Design
- CS12 - Quality of Site Design
- CS13 - Quality of Public Realm
- CS14 - Economic Development
- CS15 - Offices, Research, Industry, Storage and Distribution
- CS17 - New Housing
- CS18 - Mix of Housing
- CS19 - Affordable Housing
- CS26 - Green Infrastructure
- CS28 - Carbon Emission Reductions
- CS29 - Sustainable Design and Construction
- CS31 - Water Management
- CS32 - Air, Soil and Water Quality
- CS34 - Maylands Business Park
- CS35 - Infrastructure and Developer Contributions

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

- Policy 10 - Optimising the Use of Urban Land
- Policy 13 - Planning Conditions and Planning Obligations
- Policy 18 - The Size of New Dwellings
- Policy 21 - Density of Residential Development
- Policy 31 - General Employment Areas
- Policy 51 - Development and Transport Impacts
- Policy 54 - Highway Design
- Policy 57 - Provision and Management of Parking
- Policy 63 - Cyclists
- Policy 76 - Leisure space in New Residential Developments
- Policy 99 - Preservation of Trees, Hedgerows and Woodlands
- Policy 100 - Tree and Woodland Planting
- Policy 111 - Height of Buildings
- Policy 118 - Important Archaeological Remains
- Policy 129 - Storage and Recycling of Waste on Development Sites
- Appendix 3 - Layout and Design of Residential Areas
- Appendix 6 - Open Space and Play Provision

Supplementary Planning Guidance/Documents:

- Maylands Master Plan PPS – Sept 2007
- Maylands Business Park Design Strategy - May 2013
- Maylands Gateway Development Brief - May 2013
- Maylands Business Park Improvements Specification
- Environmental Guidelines SPD (May 2004)
- Strategic Design Guide SPD (February 2021)
- Parking Standards SPD (Nov 2020)
- Affordable Housing SPD (September 2013)
- Affordable Housing SPD - Clarification Note (August 2019)
- Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
- Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
- Water Conservation SPD (July 2005)

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- Background
- Pre-application Engagement
- Policy and Principle
- Residential Use
- Residential and Commercial Mix
- Impact on Street Scene and Surrounding Area
- Landscaping and open space
- Impact on highway safety and car parking
- Impact on residential amenity
- Sustainable design and construction
- Flood risk and SUDS
- Ecology and Biodiversity Net Gain
- Other material planning considerations
- Chiltern Beechwoods Special Area of Conservation (SAC)
- CIL and Planning Obligations
- The planning balance

### Background

9.2 The application is an amended proposal following refusal of a similar scheme in June 2019 by the Development Management Committee. The committee resolved that the officer recommendation should be overturned on the grounds of poor daylight and sunlight levels, inadequate parking, overdevelopment, lack of architectural merit and that the application goes against Policy CS12: (a), (b) and (c). The reasons for refusal were as follows:

**The proposed development would not result in the high quality landmark development envisioned for the gateway of the Maylands Business Park; contrary to the provisions of Policies CS10, CS12 and CS34 of the Core Strategy (2013), Maylands Gateway Development Brief (2013), Maylands Master Plan (2007), Maylands Business Park Design Strategy (2013), Saved Policy 111 of the Local Plan (2004) and paragraphs 124, 127 and 130 within the National Planning Policy Framework (2019) which focus on good design.**

**The shortfall of 72 residential car parking spaces would result in insufficient off street parking provision for the 268 proposed units. This shortfall would result in pressure for on street parking within the surrounding residential streets; contrary to paragraph 106 of the National Planning Policy Framework (2019), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies 51, 58 and Saved Appendix 5 of the Dacorum Local Plan (2004) and Accessibility Zones for the Application of Car Parking Standards (July 2002).**

**By virtue of the poor internal and external noise environment within the proposed units and serving balconies, lack of external amenity provision and insufficient daylight and sunlight standards for several units, the proposed development would fail to secure a good standard of amenity for future occupiers; contrary to paragraphs 127, 170 and 180**

**of the National Planning Policy Framework (2019) Policies CS12 and CS32 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).**

**For the reasons given above the dominant scale, insufficient parking provision, lack of external amenity space, small unit sizes and insufficient standards of daylight and sunlight received to future residents would amount to overdevelopment of the site which would be harmful to the character and appearance of the immediate and wider area; contrary to the National Planning Policy Framework (2019), Policies CS10, CS11, CS12 and CS34 of the Core Strategy (2013), Saved Policies 18, 21 and 111 (2004), Maylands Gateway Development Brief (2013), Maylands Master Plan (2007) and Maylands Business Park Design Strategy (2013).**

9.3 A subsequent appeal was dismissed by the Inspector who concluded (in summary) as follows:

#### *Design and street scene*

9.4 that building A at 13 storeys is the pivotal element but its 'gateway role' would be undermined by its extension into building C which would be further diminished by the continuous building line to Maylands Avenue and the bookend of building E. The design of the scheme would fail to deliver a landmark building in line with Policies CS10 of the Core Strategy 2013 and Saved Policy 111 of the Local Plan 2004. The differentiation in materials was insufficient to break the uniformity of the buildings, which would be reinforced by the continuous building line. The industrial rhythm of regular spaced windows with recessed panels provide only granular distinctions in the design of the façade but where stronger design features are required. The siting adjacent to the back edge of footway adds to the schemes dominance which could have been addressed by a wider set back, a varied building line, and structural planting, which is not adequately addressed by the glazed curtain walling and hanging gardens.

9.5 Given the competition for the space, the access designed as a shared surface for vehicles and pedestrians, would not adequately function as a plaza and would conflict with Policy CS12. Only limited areas for incidental open space at ground level would be available, contrary to guidance for development to be in an open plan setting. At its heart the scheme fails to introduce a form of development required by policy which in turn can balance both concluded that the proposed scheme would conflict with Policies CS10, CS12 and CS34 of the Core Strategy 2013 and Saved Policy 111 and those parts of the National Planning Policy Framework (the Framework) which seek to promote high quality buildings and places.

#### *Parking*

9.6 The Inspector noted the overall shortfall of 72 spaces against the Appendix 5 standards but considered that the overall provision would be acceptable as 25 more spaces than required are included for the commercial element, that the appeal site was located in Zone 3, rather than Zone 4, reflecting a more accessible location, that the standards would allow flexibility in the amount of parking by up to 50% for the commercial element, and spaces for the commercial element could be conditioned for use by residents. The proposal would not therefore be in conflict with Policies CS8 or CS12.

#### *Living conditions of future occupiers*

9.7 In terms of noise, the Inspector noted that although within flats there would be adequate sound insulation, disturbance would arise when doors/windows facing Maylands Avenue have to be opened to allow adequate ventilation. This he considered critical given the large number of flats along this frontage that are single aspect and he did not accept the appellant's suggestion that mechanical ventilation would suffice. The proposal was therefore contrary to Policy CS32 and Appendix 3.

9.8 In terms of sunlight / daylight, the Inspector noted that only 69% of flats would meet average daylight factor BRE target values and 83% would meet the target values for daylight distribution. These failings would be significant for the studio flats. He also noted a large number of single aspect flats having a northerly aspect and concluded on this issue, despite the need to take a flexible approach in historic centres and high rise buildings, that neither of these scenarios apply in this case and that the proposal would be harmful to future amenities and contrary to Policy CS12 and saved Appendix 3.

9.9 In terms of amenity space, the Inspector noted a mix of roof top terraces, balconies and 2 public podium spaces within the scheme with the main area of dispute between the parties in relation to the amount and quality of the space. He regarded the provision of amenity space as important given almost 50% of the units were for family sized accommodation. He accepted the benefit of private balconies and roof terraces but considered that these have only limited value due to their small size, compounded due to noise issues along Maylands Avenue and the northerly aspect of blocks B and D. The podium spaces were of insufficient size to meet the Council's standards and did not show how they were designed to cater for the different needs of residents. Of the suggested alternatives, he felt only High Street Green would provide an alternative without the need to cross major roads, but would still be a long walk for parents with children. Overall he concluded on this issue that the proposal would conflict with Policy CS12.

#### *Overdevelopment*

9.10 Taking into consideration Council's objection to the size of the individual market flats when assessed against the Technical Housing Standards which provide a suitable benchmark in Policy 18 terms, he noted that a significant proportion of the market flats would fail the standard and that overall, with the other objections to the scheme, considered that the proposals would represent overdevelopment of the site, contrary to policies CS10, CS12, CS32 and CS34 which require new development to be of a high quality design, with measures to protect from noise and Policy 18 and Saved Appendix 3 of the Local Plan 2004.

#### Pre-application Engagement

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

9.12 Following the above appeal decision, the Council entered into extensive pre-application discussions with new applicants, Hightown Housing Association (20/02721/PPA), with regards to progressing proposals for an amended application that addressed the issues raised by the Inspector. These discussions have involved input from key technical consultees including Design Officers, Environmental Health, Herts IQ and presentation to the Dacorum Community Review Panel (CRP).

9.13 The scheme was presented to the CRP on 3<sup>rd</sup> November 2020 where in general the feedback was positive in respect of the architectural approach, and notably an improvement on the refused scheme, with the commercial space welcomed and positive comments in respect of the car parking and servicing. Some concerns were raised over the height and density, the adequacy and variety of opportunity for all ages in respect of amenity space.

9.14 In response to these comments, the scale and number of units was reduced to ensure the scheme was below the hotel and lower in comparison to the refused scheme, and stepped down towards the housing area to the west with Plot 2 and additional screening with Plot 1. Other detailed matters were also picked up. Following a further meeting with officers, a revised and updated scheme was presented to the CRP on 22<sup>nd</sup> December 2021 which included setting the building line

back from Maylands Avenue with room for street planting in front, alterations to the feature balcony element over the main block entrances (buildings B and D), giving more slender taller looking elements, an increase in height of building D to give a higher focal point (slightly higher than the Travelodge), alterations to the top floor of building C materials to refocus the scale of the facades to appear to step up towards the roundabout, and the addition of new face fixed balconies to enliven the elevations.

9.15 Following the 22<sup>nd</sup> December CRP, further design comments from officers, together with comments of the Local Enterprise partnership (via Herts IQ) and Environmental Health were taken on board, and in response to Herts IQ wish for the commercial space to fall within the EZ boundary (i.e. Plot 1) the commercial space was redesigned so that more units were in Plot 1 utilising the first floor with only a couple of units on the ground floor of Plot 2. This has resulted in a slight increase of commercial floorspace of 1487 sq m compared with 1405 sq m with the dismissed scheme. At the same time the number of dual aspect apartments was increased.

9.16 The scheme was presented to the Ward Councillors for Adeyfield East on 22<sup>nd</sup> September 2021.

9.17 Following submission of the application in December 2021, the design has been further developed in response to comments received from the Highway Authority and Parks & Open Spaces in respect of the access road width, bin stores, the need for a fire statement, cycle storage provision and play areas.

#### Policy and Principle

##### *Employment Use*

9.18 The site falls within the Maylands General Employment Area wherein, under Policies CS1, CS14, CS15, CS34 and CS4 of the DCS, saved Policy 31 of the DBLP and NPPF, there is a presumption against the loss or redevelopment of the site for non-B class employment uses as was set out within the committee report accompanying the previous application for the site in 2019.

9.19 Policy CS1 of the CS sets out the settlement hierarchy and confirms Hemel Hempstead will be the focus for new homes, jobs and strategic services. It makes reference to maintaining a balanced distribution of employment growth, with growth and rejuvenation in the Maylands Business Park.

9.20 Policy CS4 confirms that within General Employment Areas, appropriate employment generating development is encouraged.

9.21 Policy CS14 confirms that most employment generating development will be in towns, local centres and General Employment Areas. It reiterates the importance of focusing new economic development in Hemel Hempstead.

9.22 Policy CS15 of the Core Strategy sets out minimum floor space targets for business development. It notes that General Employment Areas will be protected for B-class uses and that new office uses will be directed to core office locations and town centres.

9.23 Policy CS34 relates specifically to the Maylands Business Park. The site forms part of the Maylands Gateway designation, which is intended to provide opportunities for new HQ offices and other complementary uses, such as hotels and conference facilities.

9.24 Saved Policy 31 of the Local Plan identifies the application site as a Core Office Location within a General Employment Area where business uses, and in particular office development, is directed.

9.25 The proposed residential led scheme does not strictly conform to the above policies. However, these policies were prepared in a different economic climate and the demand for high quality office floor space in Maylands has diminished to the point it is no longer viable.

9.26 The Marketing Report produced by Brasier Freeth, in support of the previous application, confirmed these findings and identified an oversupply and lack of demand for office floor space in the Maylands area. The Marketing Report identified several issues with the site that compromised its attractiveness to commercial developers, including the division of the two plots and its distance from the railway station. Rent levels in this area were found to be insufficient to make office led development viable in the short to medium term. These findings were all demonstrated through an extensive marketing campaign, where the application site did not receive any serious interest from commercial developers and by the fact the site has remained vacant for over 13 years. Indeed, this is why the outline application for hotel and office floorspace did not proceed further than the Travelodge.

9.27 Relevant economic reports (The South West Hertfordshire Economic Study Update (2019) and the Dacorum Employment Land Availability Assessment (2017)) demonstrate that there is currently limited demand for B1 office use, with the proposal, at approximately 5% of overall floorspace, maximising the amount of B1 use currently viable in the present market. The Economic Study confirms that whilst some rents have been increasing in Maylands, these are not at a level where new office led development is viable and given the scale of investment required to improve connections in this area, further large scale growth in high value office uses is unlikely in the foreseeable future. These issues have been compounded by the COVID pandemic, which is expected to have long lasting implications on the office market.

9.28 In considering the previous application, the DMC accepted that the site was no longer required or suitable for high quality office development. The principle of residential led development was supported, and did not form part of the reasons for refusal. The Council has also approved other residential, non-compliant schemes in Maylands, which conforms with NPPF Para 122 that seeks a flexible approach to outdated policies.

9.29 The emerging Dacorum Local Plan also recognised the changing market conditions and designated the site for approximately 250 dwellings and 1400 sq m of office floorspace. However, it is accepted that little weight can be attributed to this given it was not approved for the next stage of consultation.

9.30 Therefore, taking into consideration NPPF paragraph 122, a flexible approach to the use of site for residential and commercial is considered applicable if the proposal offers significant benefits to the Borough which would justify this departure from the Development Plan.

#### Residential Use

9.31 Balanced against the loss of employment land, the Council accepts that the proposal could make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17), including a large contribution to affordable housing (CS19), on a brownfield site which would greatly assist in meeting housing targets and prevent larger green belt releases in the future.

9.32 Policy CS1 states that Hemel Hempstead will be the focus for new homes.

9.33 Furthermore, para 120 of the NPPF encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed.

9.34 As noted above, para 122 of the NPPF states that planning policies and decisions should reflect changes in the demand for land and where no reasonable prospect exists of an application



coming forward for the use allocated in a plan, it should reallocate the land for a more deliverable use and in the mean-time should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.

9.35 Para 74 of the NPPF requires councils to demonstrate how they can deliver the required housing levels through a housing trajectory, and how a five year supply will be maintained. The Council is currently unable to demonstrate a 5 year supply and therefore in accordance with Para 11 of the NPPF the tilted balance must be applied in favour of the development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.36 Para. 125 of the NPPF confirms where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

9.37 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. The application site is situated within an urban area in relatively close proximity to shops and services at the Heart of Maylands and the infrastructure in the immediate area has been developed to provide good sustainable transport links for existing land uses that can be taken advantage of.

9.38 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17), which would greatly assist in meeting housing targets and prevent larger green belt releases in the future. As such the proposed residential scheme would attract substantial weight in the planning balance and the application of Para. 11.

#### Residential and Commercial Mix

9.39 Policy CS18 states that new housing will provide a range of housing types, tenures and sizes, housing for special needs and affordable housing in accordance with Policy CS19, the mix in any specific case being guided by SHMAs, housing needs surveys and site-specific circumstances. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged and units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites.

9.40 The proposals will deliver 234 residential units, comprising a mix of sizes as follows:

Dwelling Size	Plot 1	Plot 2	TOTAL
1-bed / studio	2	2	<b>2</b>
1-bed / 2 person	62	66	<b>118</b>
2-bed / 3 person	2	0	<b>2</b>
2-bed / 4 person	49	61	<b>110</b>
<b>TOTAL</b>	<b>115</b>	<b>119</b>	<b>234</b>

9.41 There is a high proportion of 2 bed dwellings, mainly 2 and 4 person and in addition all the dwellings would be accessible in compliance with Part M4(2) of the Building Regulations. Whilst the proposals have not included any larger family sized units, this is in response to the Council's previous comments that there is limited demand for 3 or more bedroom apartments in this area.

9.42 The proposals would provide 35% affordable housing (82 apartments), comprising 75% affordable rent and 25% intermediate housing. The proposals are considered acceptable with the mix ensuring a reasonably sustainable and balanced community and all dwellings exceeding National Minimum Space Standards.

9.43 B1 commercial floorspace (now class E2 (g)) of 1487 sq m would be split between the plots as follows with the provision on the ground floors of Plots 1 and 2 and on the first floor of Plot 1 only:

Unit No.	Plot 1 (sq m)	Plot 2 (sq m)	TOTAL (sq m)
Unit B1	398		<b>398</b>
Unit B2	292		<b>292</b>
Unit B3	156		<b>156</b>
Unit C1		197	<b>197</b>
Unit C2		131	<b>131</b>
Unit C3		313	<b>313</b>
<b>TOTAL</b>	<b>846</b>	<b>641</b>	<b>1487</b>

9.44 The commercial floorspace comprises a modest uplift on the refused scheme by 82 sq m and is considered to provide a reasonable contribution to commercial floorspace on the site taking into consideration the current market for office floorspace. Herts IQ has raised no objections to the revised distribution of floorspace that ensures the majority falls within the EZ boundary. It would be recommended that it be clarified by condition that the use be restricted to E2 (g) *“Uses which can be carried out in a residential area without detriment to its amenity”* and which accord with the expected (former B1 class) uses for the site.

#### Impact on Street Scene and Surrounding Area

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

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

9.47 Policy CS34 of the Core Strategy relates to the Maylands Business Park and states that design should emphasise the importance of movement gateways through appropriate features and bolder building design, height and landscaping. It requires new development to distinguish between character zones and follow a co-ordinated approach to building design, movement and streetscape.

9.48 Saved Policy 111 of the Local Plan notes that tall buildings will be permitted provided there is no harm to the character of the area and that they make a positive contribution to the townscape.

9.49 The Core Strategy policies are supplemented by advice contained within the Maylands Masterplan, where the site falls within the 'Maylands Gateway' which is identified as a first rate business park where very high quality, individually designed buildings, set within a landscaped setting and utilising high quality materials is a defining principle. Buildings should create an active frontage, company signage should be integrated into the building design and car parking should be avoided on the frontages with the potential for undercroft provision explored.

9.50 The Maylands Gateway Development Brief (2013) and Maylands Business Park Design Strategy (2013) set out the Council's aspirations for the development of the Maylands Business Park, which include high quality and individually designed buildings with active frontages set within landscaped settings.

9.51 The application site is located within the Maylands Business Park, which consists of various building types, sizes and styles. The site adjoins the Travelodge, which is a high rise building of up to 9 storeys. There are numerous other large and tall buildings nearby, including the adjoining Lok'n Store, which is 4 commercial storeys high, the Prologis B8 warehouse concurrently under construction opposite the site, the BSI Building of 5 storeys and the two high rise apartment buildings on Woolmer Drive of 10 storeys. To the west of the site is two storey terraced and semi-detached housing dating from the construction of the new town. The surrounding area has a diverse character, which continues to evolve and provides a flexible environment for further changes and innovations.

#### *Amount of Development*

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

9.53 The proposed scheme would have a density of 234 units per hectare. This represents a reduction on the dismissed scheme of some 34 units. The previous scheme was not specifically refused on density grounds, although concerns were raised that the proposals were an overdevelopment of the site on account of the combination of siting, design, lack of landscape opportunities, substandard parking, poor living conditions for future occupants, and substandard apartment sizes. These are all addressed as part of this revised application, not least a reduction in units, and should be balanced against the Inspector's finding that the site is relatively sustainably located in an urban location in close proximity to shops and other services at the Heart of Maylands with good sustainable transport links.

9.54 It is considered that the proposals would make efficient use of urban land in accordance with Para 124 of the NPPF which requires that decisions should take into account:

- ☐ the identified need for different types of housing and other forms of development,
- ☐ local market conditions and viability;
- ☐ the availability and capacity of infrastructure and services, including sustainable transport
- ☐ the desirability of maintaining an area's prevailing character and setting and
- ☐ the importance of securing well-designed, attractive and healthy places

9.55 Taking account of the above, and given the sustainable location that can justify increased densities, the proposals would not be considered to cause harm to the street scene or surrounding area, noting that Maylands Avenue serves an industrial area and the site is not seen in the context of the lower density residential development to the west. The proposals would therefore accord with saved Policies 10 and 21 and will assist the Council in meeting its future housing target.

## *Layout*

9.56 The site layout has resulted from the site analysis and evaluation exercise which provides the main mass of the new buildings along the Maylands Avenue frontage with a smaller built element located on the western edge where the site is wider and allows for building without overlooking issues.

9.57 This arrangement with the main mass of buildings onto Maylands Avenue resolves a number of issues by providing:

- 5 a public hard edge and streetscape to the main road
- 6 a gateway/landmark building to the Maylands Area
- 7 protection to the more private residential areas to the rear
- 8 the north/south orientation helps maximise daylight for external areas and flats

9.58 The site is split by the existing access road which is to be retained and used for access into both plots. This ensures car parking and servicing requirements do not disrupt traffic movements along Maylands Avenue. The access road continues through the site to serve the Travelodge and attached retail units. Car parking to serve the development is provided by two / three floors of undercroft parking each side of the access. Refuse can be collected from refuse stores located at the front of these car parks and there is turning provision on site.

9.59 Communal amenity space above the undercroft car parks would be provided at podium level to serve the apartments, this ensuring a level of privacy from street level, and optimum use of the land.

9.60 The layout has been designed to allow room for landscaping and tree planting to all public realm frontages, including to the access road, the southern boundary facing the Travelodge and the cycle & footpath to the northern boundary. In addition, the communal amenity areas would be soft landscaped and additional tree planting provided adjacent to the existing tree belt to the west.

9.61 The northern extent of the buildings on Plot 1 would be sited in close proximity with the footpath & cycle route connecting Maylands Avenue to The Flags, which could result in the route being overshadowed and oppressively enclosed by buildings of significant height and mass between the adjacent self-storage unit and the site. Building A (4 storeys) would touch the northern boundary of the site whilst building B (7 storeys) would be approximately 2.4 m away. Nevertheless, the cycle & footpath is relatively wide, at 5.6 metres, and the residential units of blocks A and B would provide some natural surveillance for users of this footpath. Furthermore, the development has been designed with a recessed section of some 37 metres length together with a 12 metre gap between buildings A and B at podium level that would provide visual relief for users of this public right of way. In addition tree planting between the building and the right of way would help soften and mitigate the visual impact of these buildings. Therefore on balance it is considered that the relationship to the public right of way is acceptable and will receive sufficient sunlight and daylight.

9.62 The higher flat roofs of the development would be utilised for M&E equipment, close to building cores and concealed by parapet walls whilst the lower flat roofs (block A and block B) would be wildflower roofs.

9.63 The overall layout is considered acceptable and well considered, allowing for active frontage and a landscaped setting and would accord with Policies CS10, 11, 12 and 13, CS34, the Maylands Masterplan, Maylands Gateway Development Brief and the Maylands Business Park Design Strategy.

## *Design and Appearance*

9.64 The main design concerns with the dismissed scheme related to the overall design quality and the lack of an appropriate landmark building for the entrance to Maylands Business Park. As noted above, there has been significant pre-application engagement with the Council's Planning Department in order to address the previous concerns. The design analysis and various iterative amendments to the proposals are comprehensively covered within the Design and Access Statement.

9.65 The proposed buildings have been reduced in scale and now range from 5 to 9 storeys (previously 6 to 12 storeys). The Maylands frontage would be 8 to 9 storeys (with one small element reaching 10 storeys), dropping down to 5 and 6 storeys to the western side. Whilst a significant amount of built form is proposed along the Maylands frontage, this is considered appropriate in order to provide a landmark and focal point at the entrance to the Maylands Business Park and to help provide suitable balance with the height and scale of the adjoining Travelodge across the roundabout apex. However, the applicants recognised that a large wall of development would need careful design in order to break down the mass of the building without detrimentally affecting the landmark concept. The building elevations and rooflines have therefore been broken down into smaller elements which help reduce their overall scale and massing by utilising the following devices:

- ▣ breaking up the roof line
- ▣ use of different external materials
- ▣ subdivision of elevations
- ▣ use of highlight features – balconies/glazing etc
- ▣ proportions of openings/windows

9.66 The design has evolved via an iterative process of change with close input and agreement with the Council's design officers.

9.67 Buildings B and C along the Maylands Avenue frontage, would be designed so that their higher elements would bookend either side of the access road and adjacent to the Travelodge, thereby helping to highlight these important focal points. With the set back of the buildings from Maylands Avenue, and the introduction of structural landscaping elements to the frontage to help break up the facade, it is considered that the buildings would appear visually settled in the street scene and not overbearing or dominant. Furthermore, the proposal would be viewed within the context of the adjoining hotel, large warehouses opposite and surrounding commercial buildings, where it would not appear overly large in this diverse area.

9.68 The variation in building heights, elevation treatment and articulation would help provide visual interest and individuality, whilst still appearing harmonious across the scheme. The introduction of feature bays and balconies would highlight main entrance positions whilst the introduction of double height glazing to the commercial spaces facing the roundabout and Maylands Avenue would provide a positive active frontage and commercial interface at street level. The glazing would provide the buildings with a lightweight and contemporary lower section, defining and reinforcing the commercial aspect of the scheme.

9.69 In terms of materiality, the surrounding area comprises a mix of buff and red brick for the new town housing to the west, with some painted render to 3 storey flats, grey with orange metal cladding for the Lok'n Store to the north, grey and white metal cladding for the Travelodge and further afield, a whole range of different cladding materials. The architects have responded by designing the building with a limited palette of materials but in a variety of ways to help break up the elevations whilst maintaining a cohesive whole. The primary facing material would be pale buff brickwork with feature areas highlighted with grey brick, glazing and metal cladding. The grey is used at high level to help reduce the apparent height of some elements and in vertical bands to provide a break

between main elements. The buff is used in banded and flat recessed panels. Bronze metal cladding would be used for the most visible corner of the development near the roundabout and Travelodge (10 storey element), to match the bronze colour of the window frames and balconies.

9.70 With the attention given to the details of design and materials, the proposals are considered to strike the right balance between maintaining a human scale to the development and the need to create a landmark building on this prominent site to act as an important gateway to the Maylands Business Area. The treatment of the facades in architectural and materiality terms is considered to be of high quality with appropriate relief and interest which, when combined with the scale of the proposals, would provide an attractive gateway development at the entrance to the Maylands Business Park.

9.71 Subject to details of materials, the overall height, design, scale and appearance is considered to accord with Policies CS10, 11, 12, 13 and CS34, saved Policy 111 and guidance within the Maylands Masterplan, Maylands Gateway Development Brief and the Maylands Business Park Design Strategy.

### Landscaping and Open Space

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

9.73 Core Strategy Policy CS13 seeks to ensure that new development provides natural surveillance over areas of public realm, promotes pedestrian friendly, shared spaces in appropriate places, and incorporate coherent palette of sustainable surface materials, planting and street furniture and soft landscaping.

9.74 Saved Local Plan (2004) Policy 99 seeks to retain and protect visually important trees and requires accurate tree surveys and details of proposed underground works and tree protection measures. Saved Policy 100 encourages the provision of trees, woodland and hedge planting in appropriate locations particularly as part of development landscaping schemes. All tree planting should, wherever possible, be with appropriate native broad-leaved species.

### *Tree Protection*

9.75 The site has been disused for many years following demolition of previous buildings. There is no significant vegetation cover and the site is considered to be of low ecological value.

9.76 An arboricultural report by Duramen has been submitted with the application which identifies the existing tree constraints on and off site. Overall, no category A (high quality trees) were recorded on site, with two individual trees and one group (G5) identified as Category B (moderate quality) and the rest identified as category C (low quality). All of the trees surveyed were early mature to semi-mature and many have been planted within the last 7 or so years as an interim measure forming part of the adjacent Travelodge development.

9.77 The development would require the removal of all the small landscape trees within groups G1 to G4 of the site comprising some 29 trees. In addition two Poplars within the off-site tree belt have been agreed in principle with the Council's Tree Officer for removal as noted in the arboricultural report. Off-site trees T1 and T2 within the highway verge will be retained as will the two trees in G6 on the site. The most significant vegetation is off site and comprises a belt of mature trees along the western boundary, which is to be retained. However, the boundary trees within G5 within the off-site tree belt will need to be pruned and removal of the two Poplar trees immediately beside the

boundary hedge will be agreed with the Council on site, as necessary. Tree protection is proposed in respect of the retained trees T1, T2 and G6. Notwithstanding these details, it is recommended that full details of tree protection are sought by condition as the details are somewhat sketchy and the Tree Officer has raised concerns that conventional methods to construct hard surfacing for the car park adjacent to G5 would cause harm and should be avoided.

### *Landscaping*

9.78 The Arboricultural Report notes that the plan of the proposed development shows compensatory tree planting to replace small landscape trees that will to be removed. Landscape proposals by Alban Landscape have been submitted. This proposes some 44 fastigiated street trees to the frontages, fastigate forms of courtyard trees to the podium gardens, replacement native tree and hedge planting to the western boundary, planted crib-lock retaining walls and native multi-stemmed trees to the northern boundary and specimen shrubs to raised beds, in addition to grassed areas, wildflower mixes to green roofs and groundcover planting.

9.79 The main building line is to be set back from the footpath running along Maylands Avenue allowing the introduction of a planted buffer, in contrast to the dismissed scheme, between the busy street and the development. The planting is designed to be bold and simple with the use of fastigate trees and specimen shrubs in mass groundcover planting, including clipped groundcover forms to create a unified effect, both in scale and in character with Maylands Avenue.

9.80 The access road would continue the above theme featuring fastigate flowering trees within generous bands of groundcover and within planters, all composed to emphasise the linear space. The provision of rain-gardens utilising building and roadway run-off is to be explored by the design team as part of the SUDS strategy.

9.81 A small plaza surfaced with natural stone to create an attractive and functional space between the commercial units' southern outlook and the Travelodge would be created featuring a line of flowering trees to provide shade, height and form to the space. This would create a public realm space within the site that would also allow for a cohesive link between the three phases of development. This area would also provide some external amenity for the commercial units in accordance with Appendix 6 of the Local Plan.

9.82 Biodiverse green roofs will be incorporated onto the lower roofs of blocks A and B with a wildflower mix. These would enhance the local biodiversity of the site and provide visual interest to the residents residing at a higher level in blocks A and E. The green roofs and podium open spaces would also include a SUDs strategy to store and control the release of surface water back into the atmosphere.

9.83 New street planting is also proposed within and along the outer verges of the roundabout to create a distinctive and formal tree lined transport gateway to the town. It would be recommended that this be secured via s278 under the s106 agreement.

9.84 The proposed soft planting is strongly supported subject to further details of size, species, numbers / densities by condition.

9.85 In terms of hard landscaping, the proposals indicate high quality materials comprising a mix of porous resin bond paving, natural stone slab paving, raised deck areas, block paved parking bays / roadway, asphalt main access roadway, benches and privacy screens to deck level private terraces. Details by condition would be recommended, including details of benches, planters, privacy screens and any play area equipment / fencing.

9.86 Details of landscape implementation and management including long term management are provided within the Landscape Statement. This notes that a detailed Landscape Ecological Management Plan (LEMP) is to be prepared which should be captured by the landscape condition.

9.87 Given the greater building set back from Maylands Avenue, the proposals provide for greater tree planting and landscaping opportunities than the dismissed proposal to the benefit of the public realm and street scene. The overall effect of the landscape proposals will be to create a strong and unifying landscape structure on the site, both at ground level, on the podium gardens and also as part of the architecture itself, where biodiverse roofs are incorporated. The scheme will be planted using stock sizes that will give immediate impact and will mature to create a highly attractive setting for the built development, contributing positively to the urban realm along Maylands Avenue.

9.88 The Council's Trees and Woodlands Officer has raised concerns that no detailed planting scheme has been submitted and some anomalies on the Landscape Proposals in terms of the retention of G6. It is considered that the landscape condition can suitably pick these issues up.

9.89 Subject to the above recommended conditions, the landscaping and tree protection is considered acceptable and would accord with Policies CS12, 13 and saved Policies 99 and 100.

#### *Amenity Space*

9.90 A concern of the dismissed scheme was the lack of sufficient and good quality private amenity space to serve the development in accordance with saved Appendix 3 of the Local Plan.

9.91 Saved Policy 76 of the Local Plan (2004) also states that permission cannot be granted for new residential developments over 25 dwellings or 1 hectare in area unless public leisure space is provided. This leisure space contribution should meet a standard of at least 1.2 hectares (3 acres) per 1,000 population, or 5% of the development area, whichever is greater. This play space provision should meet local needs which varies according to the housing type in accordance with the specifications detailed in saved Appendix 6 of the Local Plan (2004).

9.92 Saved Appendix 6 states that starter homes (which this may be considered to fall under given 1 and 2 bed units) should provide general open space and toddlers play areas (LAP – Local Area of Play). However, the applicants also refer to the podiums catering for all ages including older children. On this basis the Parks and Open Spaces Officer recommended that the proposals should include a LEAP (Local Equipped Area of Play). However, given the podium open spaces will be closely surrounded by flats, officers consider that there would be noise and disturbance issues associated with having a LEAP so close on site. Also, there is an existing LEAP at Datchworth Turn / Marchmont Pond within 5 minutes walking distance which would serve the development. However, the Parks and Open Spaces Officer has advised that this facility is under equipped to serve the development and the area it is already serving (plus additional development in the area). He has therefore requested a financial contribution to its upgrade to a NEAP (Neighbourhood Equipped Play Area). This would be considered reasonable mitigation of the impact of the development and a contribution of £50,000 has been agreed by the applicant. In addition, the applicant has amended the plans to incorporate a fenced unequipped LAP of 100 sq m aimed at 4 to 6 year olds.

9.93 The 2019 amendments to the CIL regulations removed the requirement for a Regulation 123 list which was the previous reason for not seeking a contribution. The Council's CIL Officer has confirmed that if the funding of a play area is necessary to make the development acceptable in planning terms, this can be secured via s106.

9.94 Provision of high quality private amenity space has been central to the design of the proposed development. The buildings have been arranged around generously sized communal amenity areas. The revised proposal provides approximately 3000 sq m of communal amenity space, around



50% more than the previous scheme which had 2000 sq m. The revised scheme has fewer apartments, which has also helped provide more appropriate levels of amenity space.

9.95 Residents of each block would have access to communal amenity spaces located at podium level above the car parking areas. The podium decks will provide a high quality, protected area that will provide a more than adequate amount of amenity space. They will be overlooked by apartments/balconies and provide a secure and safe environment for children to explore and play. The distribution and orientation of the building masses ensures both noise protection from Maylands Avenue and good receipt of natural light. The size of these areas has been increased significantly with respect to the dismissed scheme. Apartments directly facing these podium areas would have access to private terraces which would be defined by low walls and privacy screens. Most other apartments will also have private balconies conforming to the minimum size requirements of 5 and 7 sq m respectively for 1 and 2 bed apartments, as set out with the Strategic Design Guide SPD. In total 77% of the apartments would have private balconies or terraces.

9.96 The podium gardens will provide a variety of different areas with seating, sculptural elements, hard landscaping, decking, intensively planted and lawned areas, providing a flexible space that can be used for a variety of uses. Planting would include fastigiated trees, helping to provide an element of shade and seclusion. A LAP (Local Area of Play) of 100m<sup>2</sup> will be provided on the north podium (between buildings A and B) for toddlers and children under the age of 6 in accordance with the requirements of Appendix 6. Play equipment will be included if necessary following consultation with Dacorum BC, which can be secured by condition.

9.97 Whilst the communal gardens would not meet the size requirements of Appendix 3 (area equal to the footprint of the buildings for 2 storey development, increasing with building height), given the increased provision over the dismissed scheme, the provision of a high proportion of the flats with useable private balconies or terraces, and the proposals for high quality landscape design, it is considered on balance that the proposals provide sufficient and useable open space for residents of the scheme.

9.98 The proposals would accord with Policy CS12 of the Core Strategy and saved Policy 76 and Appendices 3 and 6 of the Local Plan.

#### Impact on Highway Safety and Parking

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

9.100 Policy CS34 of the Core Strategy (2013) requires developments in Maylands Avenue to support more sustainable forms of transport. Saved Policy 51 of the Local Plan (2004) outlines that development should have no significant impact upon the nature, capacity and use of the highway network, the provision of routes and facilities for pedestrians, cyclists and passenger transport users or on-street parking. Development proposal should take into consideration transport measures which would reduce the dependency on cars.

9.101 Policy CS12 of the Core Strategy requires a satisfactory means of access and sufficient parking provision for new development. The Council has adopted a new Parking Standards SPD Nov 2020 which supersedes saved Policy 58 and Appendix 5, on which the dismissed scheme was assessed, is now a material consideration.

9.102 Paragraph 109 of the NPPF (2019) 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. This severe impact would need to be demonstrated by evidence.

#### *Access and circulation*

9.103 The main vehicular access to the site is to utilise the existing access from Maylands Avenue.

9.104 The Transport Assessment identifies an increase in traffic on the local road network of between 0.7% - 1.3% with the exception of the short section of Maylands Avenue between the site access and the A414 roundabout of 2.6% against the 2026 base + committed. This increase is within the daily variation of traffic and hence is considered to be not significant in traffic engineering terms. Moreover, when assessed against the permitted office use under the outline permission, the proposal generates less traffic.

9.105 HCC Highways raises no objection to the application subject to conditions, informatives and s106 contributions to travel plan support monitoring and sustainable transport.

9.106 Herts Highways originally objected to this proposal primarily on the grounds that the proposals did not follow pre application advice given by HCC with regards to maximising levels of accessibility and permeability in and around the site and therefore the proposals were not in compliance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018). The key concerns were as follows:

1. The internal access roads were wider than the standard recommended in pre-application advice, Roads in Hertfordshire and Manual for Streets. The applicant has now provided amended plans that address concerns around the excess width of the access and refuse collection.
2. Inconsistencies were identified with regards to the cycle parking on site. This has been clarified by email and through the provision of drawing 1728 (SK) 220127(03) which resolves Herts Highways issues with regards to cycle parking.
3. The Transport assessment failed to identify the opportunity to enhance the adjoining public right of way connecting The Flags with Maylands Avenue by widening it (within the site if necessary) to LTN 1/20 standards.
4. Herts Highways has also identified an opportunity to upgrade the cycle and footpath surfacing from the junction of the Flags/New Park Drive to Leverstock Green Road.

Both items 3 and 4 are considered essential to making the site acceptable in line with national and local policies aimed at promoting sustainable development, and are part of a key connection to local schools within the Adeyfield area as well as the first part of a route to the Hemel Hempstead railway station.

5. A further improvement identified by Herts Highways is the upgrade of the nearby uncontrolled crossing of Maylands Avenue to a formal toucan crossing for pedestrians and cyclists.

9.107 Whilst the applicant initially committed to providing a contribution to the works under points 3 and 4, Herts Highways consider that the project can more effectively be delivered via a s278 agreement and has recommended conditions to this effect. It is considered that the s278 works should be secured through an s106 agreement since the works fall outside the boundaries of the site on third party land and securing them by Grampian style condition prior to any works commencing would not seem reasonable.

#### *Travel Plan*

9.108 Para 113 of the NPPF states that all developments which generate significant amounts of movement should be required to provide a travel plan and transport statement / assessment so that the likely impacts of the proposal can be assessed. Saved Policy 51 also states that for developments which generate a substantial demand for movement, a framework for a 'Green Travel Plan' should be presented and be capable of incorporation into a planning obligation.

9.109 A Framework Travel Plan has been submitted alongside the planning application to further support a shift away from car use. The Travel plan seeks a reduction in car usage, traffic speed and road safety and more environmentally friendly delivery and freight movements. Measures would include a welcome pack for new residents, promotion of an onsite car club scheme, promotion of cycling, use of public transport, cycle facilities and training, walking, etc. Herts Highways has recommended a condition to secure additional information in an updated Travel Plan prior to occupation. This would also require individual Travel Plans for each land use of the site that exceeds the relevant threshold set out within HCC's Travel Plan Guidance with clear correlation between the Framework TP and Individual TPs. A Framework Travel Plan, setting out overall outcomes, targets (including for modal shift) and indicators for the entire site that sets out how these will be effectively monitored for each year of TP implementation is to be secured via an s106 agreement, in addition to a Travel Plan support and monitoring fee.

9.110 Subject to the above, the proposals would be acceptable and would comply with saved Policy 51 and HCC TP Guidance.

### *Car Parking*

9.111 The previous application was refused on grounds of a shortfall of parking for the residential element by 72 spaces which would result in pressure for on street parking within the surrounding residential streets. The refused application provided a total of 334 car parking spaces for 268 apartments (private with 20% AH) and 1,405 sq m of commercial space, of which 268 were for the residential element and 66 for the commercial element.

9.112 However, in considering the appeal the Inspector did not support the Council, considering the overall provision acceptable as 25 more spaces than required are included for the commercial element. In addition he noted that the appeal site was located in Zone 3, rather than Zone 4, reflecting a more accessible location, and that the standards would allow flexibility in the amount of parking by up to 50% for the commercial element, and spaces for the commercial element could be conditioned for use by residents. He therefore considered that the proposal would not be in conflict with Policies CS8, CS12 or Appendix 5.

9.113 Appendix 5 has since been superseded by the Parking Standards SPD. On-site parking provision should now accord with parking standards as set down in the SPD. The parking standard is as follows for (the new) Zone 3, all unallocated:

	Units	Flsp (m2)	SPD Standard	Requirement	Provision
1-bed / studio	4		1 space / unit	4	
1-bed / 2 person	118		1 space / unit	118	
2-bed / 3 person	2		1.2 spaces / unit	2.4	
2-bed / 4 person	110		11.2 spaces / unit	132	
Commercial (B1)		1487	1 space / 35 m2 GEA	42.5	
Visitor			None required as all unallocated	0	
<b>Total</b>	<b>234</b>	<b>1487</b>		<b>298.9</b>	<b>296</b>

9.114 A total of 296 spaces would be provided. The proposals are therefore 3 spaces short of the requirement. However, there are 3 No. additional managed spaces not included in the above (originally excluded as they blocked entrances). However, following amendments to the siting of the commercial units, these can now be included in the number as they are in Plot 2 – where the commercial units are now located - and they can be easily managed by the commercial tenants - which was deemed acceptable in the previous application. On this basis the proposal meets the standard, and it is also noted that Hightown schemes generally have less demand for parking than private development. Additionally, if required, residents could potentially use the commercial spaces outside normal working hours and there is the additional benefit of a car club space, and Travel Plan measures which will help reduce the demand for parking spaces. It would be recommended that details of parking management be secured by condition. In addition, an element of motorcycle parking is also proposed with 6 spaces for the residential element and 2 spaces for the commercial element which will help offset car parking demand. Therefore overall the proposals are considered to accord with the SPD and there is justification for the slight under-provision. The parking provision is a significant improvement over the refused scheme and is not likely to lead to any on street parking issues in surrounding streets or within the development. In addition the following points should be noted:

- ☐ The site is within and in close proximity to the largest employment area in the County which should reduce the need for residents to rely on private cars as much for employment purposes.
- ☐ The proposal will be in close walking proximity of existing and proposed services and facilities in the Heart of Maylands. There is an Aldi supermarket close by and there are other shops and services at Maylands Plaza.
- ☐ Maylands Avenue has an existing cycle / footpath and the site adjoins an east west foot & cycle path between Maylands Avenue and The Flaggs and beyond giving access to schools and other facilities.
- ☐ The s106 will secure upgrades to the existing right of way to the north of the site and beyond, and improved crossing facilities for pedestrians and cyclists on Maylands Avenue.
- ☐ In addition, a Travel Plan will be required by condition and s106 which is intended to secure a modal shift by residents for journeys which can be undertaken by sustainable modes of transport.

9.115 Based on the above, it is considered that the site is sustainably located and that with the enhancements to sustainable transport, the proposal complies with Policies CS8 and CS12 and the SPD.

#### *Electric vehicle charging*

9.116 The SPD requires provision at least 50% of all parking spaces to have active charging points for parking associated with apartments with the remainder as passive provision. In addition, the commercial floorspace standard is 20% active / 30% passive EV provision. The proposals will accord with these standards, the distribution of which is shown on the layout plans in the Design and Access Statement Section 5.1. The details are considered acceptable and it is not considered necessary to condition further details, only for a compliance condition.

#### *Cycle parking*

9.117 Secure cycle parking is required at the rate of 1 space / dwelling and 1 space / 20 dwellings for short term parking. For the commercial space, the long term requirement is 1 space / 10 FT staff members and 1 space / 500 m2 floorspace for short term cycle parking in accordance with the SPD.

9.118 Cycle stores will be located at ground and first floor levels accessible from the car parks with short term parking located close to residential and commercial entrances. Two tier cycle racks will be used for long term storage with Sheffield hoops for short term parking which is considered acceptable. Their siting is shown on the relevant floorplans and on the layout plans in the Design and Access Statement Section 5.2 and it is not considered that further details are required. Details of their appearance can be secured as part of the landscape condition. A compliance condition would be recommended.

#### *Refuse strategy*

9.119 In accordance with the Refuse Storage Guidance Note, appropriate refuse storage facilities are required to serve flattened schemes. The applicant has had regard to this and will provide bin storage as follows:

9.120 Each separate building core contains a refuse store at ground floor level sized to provide requisite space in accordance with the standards for food, mixed and non-recyclable bin types. Commercial provision will be separate from residential provision.

9.121 Refuse storage areas will be at ground level within the undercroft parking areas, with access from the main access road. 3 of the refuse stores will be within 25 m of the access road and can be accessed by the refuse collection service directly from the road via the car parking level. The remaining 3 stores are beyond 25 m and site management staff will therefore place from these stores within temporary holding areas internally adjacent to the access road laybys. Commercial waste will be similarly handled with an agreement as necessary with the private refuse contractor.

9.122 The details as shown on the relevant floorplans and on the layout plans in the Design and Access Statement Section 5.3 are considered acceptable and Herts Highways has not raised any concerns. A compliance condition would be recommended.

#### Impact on Residential Amenity

9.123 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.

9.124 The previous application was refused on grounds of presenting a poor standard of amenity for future residential occupiers by virtue of a poor internal and external noise environment, lack of external amenity space and insufficient daylight and sunlight standards for a number of the units. The adequacy of communal amenity space has already been discussed above. No objections were raised in respect of the impact on neighbouring residential amenities.

#### *Impact on surrounding properties*

9.125 The application site sits on Maylands Avenue which comprises predominately employment, retail and warehouse uses. The only residential properties within the immediate vicinity of the site are to the west of the site within Adeyfield South residential character area.

9.126 Block A would be located some 35 metres away from the flank wall of the closest property No. 27 The Flags, and over 40 metres from the rear elevation of 26 / 26a The Flags, which is 3 metres greater than the refused scheme. This block would be 5 storeys high, rising to 6 storeys at its southern end, at a height of 17 to 20 metres. DBC have no side to rear separation distance standards but would comply with the minimum 23 metre back to back distance. Given the 15 metre high boundary trees at this location this relationship is considered to be acceptable in outlook and

privacy terms, and as demonstrated on the CGI, the building would not be visible above the trees from The Flags.

9.127 Block B on the Maylands Avenue frontage would further away at over 80 metres distant.

9.128 The south western corner of Building C of the proposed development would be located approximately 54 metres away from the side elevation of the closest property No. 8 Greenway, which is 3 metres greater than the refused scheme. This separation distance is considered sufficient and raises no significant concern in regards to loss of outlook or privacy serving this or any other property. The remaining part of this building would be over 80 metres distant.

9.129 Whilst the development would be visible from properties at The Flags, Greenway, New Park Mews and Maddox Road, notably in winter when the foliage has dropped, the proposal would retain a sufficient separation distance so as not to result in significant detriment to their residential amenity.

9.130 A daylight and sunlight assessment has been carried out which reviews the likely impact of the development on existing external amenity areas to determine whether any additional overshadowing would occur. However, given the distance and orientation, it was concluded that there would not be any increase in the level of overshadowing currently experienced. This report also assessed the impact on daylight and sunlight receipt at surrounding receptor sites comprising 46 windows (34 rooms) assessed for Vertical Sky Component and 12 windows assessed for Annual Probable Sunlight Hours which concluded that these would continue to meet target values as set out in the BRE guide.

#### *Impact on Daylight and Sunlight of Future Residents*

9.131 Turning to the living conditions of future residents, this was a point of refusal on the previous scheme.

9.132 The applicants have addressed this item by providing a high number of dual aspect apartments compared with the refused scheme and orientating the majority of the single aspect apartments on a north-south axis to maximise the amount of natural light. With all apartments having south, east or west facing windows – i.e. no north facing only rooms, the number of failing rooms / apartments has been reduced. The applicants have also designed the apartments to have full height floor to ceiling windows to maximise the amount of natural daylight.

9.133 A Daylight and Sunlight Assessment was carried out with respect to the proposed apartments. With regards to internal daylight of the 580 rooms assessed for Average Daylight Factor (ADF), 79% would meet the target suggested in the BRE guide and, with respect to Daylight Distribution (DD), 82% would meet the target. This represents an improvement over the refused scheme (previously 69% ADF and 83% DD).

9.134 In terms of internal sunlight, of the 580 rooms assessed, 368 would have at least 1 window falling within 90 degrees of due south and therefore has a reasonable expectation of enjoying direct sunlight. 300 (82%) will meet the BRE guide target value with 68 falling marginally short of the BRE target. However, it is stated that 15 of these are bedrooms which the BRE guide says are less important than other habitable rooms. Furthermore, where access to sunlight is limited, this is offset by access to well sunlit external amenity areas.

9.135 With regards to overshadowing of external amenity areas, 30 apartments on the second floor were assessed, with a finding that 9 apartments failed the standard, including 2 apartments receiving no sunlight at all on the spring equinox of 21<sup>st</sup> March. However, the occupiers of these apartments will have access to communal amenity space which does meet the target, so these occupiers will not be without suitable amenity.

9.136 Regard should also be given to para 125 of the NPPF which states that local planning authorities when considering applications for housing, 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.

9.137 In summary, the results of the assessment indicate that internal daylight and sunlight will be largely compliant with the recommendations in the BRE guide and considered acceptable for approval.

9.138 Concerns were also raised in respect of the refused scheme in regards to the quality of environment within the northern enclosed gallery access to flats facing the PROW in terms of natural light serving this corridor and potential anti-social behaviour which may result. However, this is now designed out of the scheme and is no longer an issue.

9.139 Within plot 1 the relationship between Building A and B flats would be sited some 32 to 35 metres from opposing windows which is considered acceptable and an improvement on the previous scheme and is considered to secure a sufficient level of amenity provision to prevent overlooking between apartments. The relationship between flats at internal corners of the development with respect to all the buildings has been carefully designed with respect to room types and window positions to prevent any materially harmful overlooking issues between flats and balconies.

9.140 The west facing units with Building A would be located approximately 10 to 15 metres from the adjacent 15 metre high tree belt. This distance is considered sufficient to secure a reasonable outlook from the primary living rooms / balconies of the corner sited flats. The north facing flats within Buildings A and B would be located between 10 and 14 metres approximately from the adjacent self-storage unit, which although not an ideal relationship due to close proximity, is not considered sufficiently harmful to future residents' outlook to warrant refusal of the application, noting that all but 2 units on each floor also have a south, east or west facing aspect.

#### *Unit Sizes*

9.141 A large proportion of the 1 bedroom and 2 bedroom apartments on the dismissed scheme were noted as below the Nationally Described Internal Space Standards which are as follows:

1 Bed Studio 39 sq.m  
1 Bed/ 2 Person 50 sq.m  
2 Bed/ 3 Person 61 sq.m  
2 Bed/ 4 Person 70 sq.m

9.142 Whilst all the affordable units met the standard, only 4 of the 1 bed market units and 47 of the 2 bed market units would have met the standard, which the Council considered to be indicative of overdevelopment, and with which the Inspector agreed.

9.143 Whilst the Council has not currently adopted the nationally described space standards through policy (this was proposed as part of the Regulation 18 Local Plan), nevertheless the above figures were considered a further indication of the poor standard of amenity that many residents would experience as part of their new home.

9.144 The applicant has addressed this issue in the current application with all the proposed dwellings now meeting the Nationally Described Space Standards (DCLG 2015). Given the Council has no current adopted policy on minimum internal space provision in new development, the proposed provision is welcomed.

#### *Noise*

9.145 One of the reasons for refusal in respect of the previous proposal was in relation to noise which the Council considered would result in a poor internal and external environment for a number of the occupants of the development, in particular in relation to those flats facing road traffic noise on Maylands Avenue and facing other sources of noise within this employment area.

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

9.147 Saved Appendix 3 of the DBLP states that for new dwellings, a good internal standard to achieve is around 40 dB(A). Externally, a reasonable part of the garden should not be subject to noise levels exceeding 55 dB(A). It goes on to say:

*“The impact of noise can be minimised by careful attention to layout, landscaping and noise-screening measures, particularly if residential schemes are located in noisy areas.”*

9.148 Para. 170 of the NPPF notes that planning decisions should contribute to and enhance the natural and local environment by, inter alia:

*“e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability...”*

9.149 NPPF Para. 180 also states that planning policies and decisions should:

*“a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;”*

9.150 The applicant acknowledges that when the windows are opened, the rooms fronting Maylands Avenue would not meet internal acoustic targets. However, BS 8233 recognises that it will not always be possible to comply with the guidelines in certain areas where development is desirable. It notes that in these cases, development should be designed to achieve the lowest practical levels and should not be prohibited.

9.151 The site layout has been designed with the main mass of the buildings fronting onto Maylands Avenue providing an acoustic shield to the amenity areas set behind. Less acoustically sensitive uses such as the commercial areas are located on the ground and first floor levels where the noise levels are highest. The residential layouts have also been redesigned to provide dual aspect apartments enabling the majority of apartments (96%) to have access to the shielded areas (not facing Maylands Avenue) direct from the apartments.

9.152 In addition, the specification of the buildings includes masonry cavity wall construction, acoustic standard double glazing, mechanical ventilation to roadside facades but with opening windows to residents the option, natural ventilation to shielded facades, balconies with sound absorbing soffits, and buildings set back from the road with street tree planting to help visually and acoustically mitigate the impact of the road.

9.153 A noise report has been submitted in support of the application which indicates compliance with BS8233 in respect of the internal environment. With regard to the external amenity areas, noise levels within the communal spaces which are shielded from the roadside would not exceed recommended maximum noise levels of 50 to 55 dB LAeq. However, balconies on the roadside are



predicted to exceed this threshold but as noted above suitable mitigation and design specifications would ensure that the impact on residents amenities would be minimal.

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

#### *Air Quality*

9.155 The site does not fall within an Air Quality Management Area. An Air Quality Impact Assessment report 2020 has nevertheless been prepared by specialist consultant AECOM.

9.156 The assessment considers the impacts air pollution (dust and vehicle emissions) during the construction and operational phase of the development and makes recommendations to reduce any air pollution generated by the construction of the development.

9.157 The air quality assessment concludes that with appropriate mitigation, identified in the assessment report, construction phase impacts would be reduced to an insignificant level. Operational phase impacts on existing receptors were concluded to be negligible and the application site was determined appropriate for residential development, in terms of air quality with no air quality specific mitigation required.

9.158 Despite the above, DBC requested that a damage cost value calculation be provided in support of the Proposed Development, following Defra guidance, in order to mitigate the impact on an existing receptor close to the A414/A4147 roundabout which already exceeds the annual mean Air Quality Strategy objective. An addendum was therefore prepared to identify the cost which was calculated at £46,882 over a 5 year period, and mitigation spending on site, for example encouraging cycling, uptake of EV, car club provision, improved cycle / footpaths, etc.

9.159 The Environmental Health Officer has requested a condition for an air quality assessment. However, given this has already been provided, we have asked the EHO to review his requirements and an update will be provided. In the absence of this, it would be recommended that a condition seeking further details of mitigation to satisfy the air quality damage cost value be submitted.

#### Sustainable Design and Construction

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

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

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

9.163 The application is supported by a CS29 Sustainability checklist, together with an Energy Statement, a sustainability section within the Design and Access Statement and a Drainage Strategy. There are no specific requirements for decentralised energy supply in current policy. However, emerging policy includes requirements for a proportion of renewable energy in residential schemes.

9.164 In line with the 3 step hierarchy, the development takes on a fabric first approach, to limit internal gains/losses to use less energy, coupled with an all-electric heat pump led solution. The all-electric heat pump application is in direct response to the decarbonisation of the grid and the UK's transition away from fossil fuels. The all-electric strategy will passively see improvements to operational carbon over time as the grid decarbonises. For Maylands Avenue, with cost being the major driver in providing affordable housing, a zero carbon development is not viable. Instead, the sustainable measures will be such as to minimise operational carbon as far as reasonably possible through low-carbon solutions such as heat pumps and a fabric first approach. These measures are aimed at improving on Part L of the Building Regulations.

9.165 In terms of being clean, decentralised energy sources such as District Heat and Combined Heat and Power systems have been considered but are not feasible due to scale and cost considerations.

9.166 In terms of being green, active renewable technologies have been considered but with the present site configuration these are not considered practical due to the impact on the site and costs. With a decarbonising grid, the benefit of PV in reducing operational CO2 would reduce. Furthermore, with flatted schemes, it is difficult to serve individual dwellings with PV due to cabling / electrical issues, therefore the occupants would not see a benefit.

9.167 As well as energy conservation measures, the proposals will include a comprehensive SUDs strategy, tree planting, maximisation of biodiversity opportunities, responsible sourcing of building materials from verified sustainable sources, recycling and reduction of construction waste, minimisation of water use during construction, limiting residential indoor water consumption to 105 litres per person / day, incorporation of long life and adaptable internal layouts, etc.

9.168 CS29 seeks the planting of one tree per new dwelling in residential schemes to help mitigate climate change. The landscape design provides for a high level of tree planting, however, the available area for tree planting is limited due to the density of building on the site. Therefore Hightown has confirmed it will contribute to off-site tree planting to compensate for the under-provision on site. This is considered further below in respect ecology and biodiversity net gain.

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

#### Flood risk and SUDS

9.170 The site falls within Flood Zone 1, an area considered to be at the lowest risk of flooding from all sources and most suitable for residential development.

9.171 The flood risk has been modelled to demonstrate that there are no impacts from on-site surface water flooding at the 1:100 year plus 40% climate change event. The Drainage Strategy includes SuDS based on intensive green roofs and gardens/landscaped areas to capture and slow water runoff, including permeable surfaces. However, due to poor infiltration geology (Oadby Member clay), the proposals rely on surface water attenuation of runoff through use of underground water storage and restricted discharge to the public receiving system. The specified rate is 5.5 l/s which is 26% less than 3 times QBAR greenfield runoff rate and less than the brownfield QBAR runoff rate.

9.172 The Lead Local Flood Authority did not respond due to ongoing resourcing issues. However, it is understood the strategy has been developed in liaison with the LLFA and follows the recommended disposal hierarchy. Nevertheless, given that HCC advice is that runoff should be at a flow rate no greater than greenfield runoff (which in this case is 2.2l/s), it would be recommended that the final design and discharge rates be agreed with the LLFA as a condition of approval.

9.173 Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development. In the circumstances, Thames Water has requested a condition to deal with this problem requiring that all foul water network upgrades are in place prior to occupation or that phased occupation has been agreed.

9.174 Subject to the above, the proposed development is considered to accord with the principles outlined in the NPPF, together with Policy CS31.

### Ecology and Biodiversity Net Gain

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

9.176 Core Strategy Policy CS26 expects new development to contribute towards the conservation and restoration of habitats and species, the strengthening of biodiversity corridors and the creation of better public access and links through green space.

9.177 The application is supported by a Preliminary Ecological Appraisal 2021. The field survey results show that the Site is dominated by semi-improved grassland, scrub and amenity grassland. The site was appraised as having suitability for breeding birds, and the adjacent woodland for bats, breeding birds and invertebrate species. The grassland on site has some potential for reptile habitat but unlikely due to site isolation. The Site is suitable for construction of badger setts, though none was recorded as being present.

9.178 A pre-commencement walkover survey is recommended to determine the presence of invasive species and badgers. As a precaution, it is recommended that on-site grassland is maintained to prevent colonisation by reptiles.

9.179 Ecological enhancements are incorporated into the proposed landscape design in terms of green roofs, native tree and understorey planting adjacent to the western boundary, modular walling with climbers along the northern boundary, roadside and entrance tree planting, off-site tree planting adjacent to the roundabout and ornamental planting in raised beds, lawns, evergreen hedge frontages and ground cover.

9.180 The PEA recommends log piles or loggeries along the western boundary to benefit invertebrates, and that enhancements are detailed in a LEMP (Landscape and Ecological Management Plan). A condition to secure this, together with a walkover survey would be recommended.

9.181 The Herts and Middx Wildlife Trust highlighted in their comments that no assessment of measurable biodiversity net gain using the Natural England metric had been provided, therefore contrary to the NPPF.

9.182 A Biodiversity Net Gain (BNG) Assessment was subsequently submitted. This states that there is a net loss to biodiversity from the development which is therefore not consistent with NPPF which requires a net gain. A net gain is a 10% increase in biodiversity units as set out in the Environment Bill. There are two options – a biodiversity offset from the developer for the required number of biodiversity units or provision of a sum to Dacorum to provide the net gain on its behalf. Herts Ecology endorses this requirement, but considers that as the Environment Bill will not be enacted until 2024, there is no mandatory requirement for a 10% improvement.

9.183 The applicant has confirmed, despite initial assurances that the net gain could be provided on another site, that this is proving difficult and has asked that the Council review whether this can be mitigated with a financial contribution to provide the BNG on its behalf. Herts Ecology has calculated that this would be £24,000 to ensure no net loss but has noted that this is likely to underestimate the cost of creating new habitat considerably. It is noted in this regard that an SPD is currently in preparation by HCC for BNG which would have a cost calculator incorporated but that this is not yet adopted Council policy. Therefore any contribution would be on an informal basis that CSG are able to accept a financial contribution for BNG units and moreover that it has sites earmarked for biodiversity gain / enhancement where the money could be targeted.

9.184 The applicant has also indicated in their submitted Landscape Strategy some off-site street tree planting within and along the outer verges of the A414 / A4147 roundabout (subject to Dacorum BC and Herts CC agreement) to create a distinctive and formal tree lined transport gateway to the town. From a planning perspective this is welcomed and is recommended to be secured by s278 agreement via the s106. This could help offset the biodiversity loss as this is not currently included in their Assessment. However, this would be subject to Herts Highways final agreement. There is also the possibility that the money could be targeted at the Maylands Environmental Improvement Strategy for tree planting. However, neither of these options are ideal from an ongoing management / monitoring viewpoint of BNG in the Borough since 1) it is not under DBC control, 2) there would be potential double counting issues with DBCs own BNG requirements, and 3) accepting small parcels of disparately located land would create management and auditing difficulties.

9.185 Pursuing the option of a financial contribution to DBC to provide the biodiversity units on Hightown's behalf, it has been suggested that the £24k could be pooled with the resources already received in respect of the Prologis Maylands compensation site (south of the A414 Breakspear Way) to enable an uplift in biodiversity units of 1.98 BU. This site is currently stalled due to insufficient monies from the Prologis development. However, an offer from Hightown to make good the shortfall would enable CSG to implement the Ecological Management Plan (EMP), thereby providing a site for the 1.98 BU uplift. To this end, work to assess what could be achieved has been undertaken with the following results:

1. Baseline ecological value of the Prologis site – 10.3 BU
2. Net gain achievable through the original EMP for the site – 2.07 BU
3. Uplift achievable on the Prologis site – 1.73 BU

9.186 There would be a shortfall of 0.25 BU against the required 1.98 BU. However, Hightown has offered an additional contribution of £34,588 to make good the £45k already paid by Prologis in 2018 (but deemed insufficient) that would more than offset that shortfall. That would unlock the site which is currently stalled due to insufficient finances and would thereby enable the uplift of 1.73 BU to be provided in mitigation of Hightown's shortfall. It should be noted that without the implementation of the original Prologis EMP, it would not be practical in isolation to implement the 1.73 units on that site, and Hightown would be without anywhere for the additional £24,000 to be spent.

9.187 Allowing for inflation, insurance and management / monitoring / reporting costs over 30 years, a total contribution of £73,588 has been agreed which should be secured via an s106 agreement.

9.188 An Ecological Management Plan would also be recommended by condition which sets out in detail the measures that will need to be actioned on the site (after the initial EMP is implemented) to provide the uplift of 1.73 biological units. This is essential so that CSG know what needs to be implemented.

9.189 Subject to the above, the proposals would comply with Policies CS26 and 29, and Para. 174 of the NPPF.

### Other Material Planning Considerations

#### *Affordable Housing*

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

9.191 The proposed scheme provides for 234 dwellings, comprising 1 and 2 bed apartments. Hightown has committed to 35% affordable units on the basis that Dacorum has previously advised that it didn't want 100% affordable housing due to the need to create mixed communities, and because on a large site such as this, a high proportion of affordable units would be tantamount to a clustering which the SPD seeks to avoid. The applicant has also advised that it does not want to commit to any more than the 35% policy requirement, as it affects its ability to secure Homes England grant funding. Additionally, there are viability issues which retaining some private units may help address, but will be determined by market conditions at the time of development. The mix of affordable units will comprise 75% affordable rent and 25% intermediate housing which will ensure a reasonably sustainable and balanced community. All of the affordable apartments are located in Block C, using either Core C2 or Core C3. The majority of the Intermediate Housing is accessed via Core C2 and all of the rented are accessed by Core C3.

9.192 All apartments have been designed in full compliance with AD part M4(2) – Category 2: Accessible and adaptable dwellings of the Building Regulations. The design makes reasonable provision for most people to access each apartment and incorporates features to make them potentially suitable for a wide range of occupants. Including older people, those with reduced mobility and some wheelchair users. All communal areas will also comply with relevant standards of accessibility. Therefore it is considered that all of the units would be suitable for affordable housing in accordance with the SPD and Strategic Housing requirements.

9.193 The affordable housing, tenure mix and distribution should be secured by an s106 legal agreement for at least 35% affordable housing.

In consideration of the above, it is considered that the provision of affordable housing is in accordance with Core Strategy Policy CS19.

#### *Archaeology*

9.194 The site is adjacent to an Area of Archaeological Significance No. 38 an area of prehistoric and Romano-British occupation that includes a substantial Romano-Celtic temple and related religious complex dating to the 1st and 2nd centuries A.D.

9.195 Saved Policy 118 of the Local Plan states that on archaeological sites or monuments of more local importance and their settings, physical preservation in situ will be the preferred option and applications may be refused. The County Archaeological Group will be consulted on all planning applications affecting areas of archaeological significance and archaeological potential.

9.196 Policy CS27 of the Core Strategy states that Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

9.197 The Historic Environment Officer has advised that, based on previous archaeological evaluations and excavations in the area, the site has the potential to contain currently unknown archaeological finds and deposits. As such she recommends archaeological conditions covering submission of a WSI (Written Scheme of Investigation) and completion of site investigation and post investigation archaeological assessment, etc.

#### *Contaminated land*

9.198 Policy CS32 of the Core Strategy (2013) seeks to maintain soil, water and air quality standards and ensure any contaminated land is appropriately remediated.

9.199 Para. 183 of the NPPF seeks to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

9.200 The Scientific Officer has been consulted and recommends the imposition of the standard contamination condition given the development is for a residential end use on a previously developed commercial site where contamination may be present.

#### *Crime Prevention*

9.201 Paras 92 and 130 of the NPPF seek to ensure that decisions aim to achieve healthy, inclusive and safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.202 Policy CS11 states that developments should incorporate natural surveillance to deter crime and the fear of crime.

9.203 The design has been developed in consultation with the Hertfordshire Constabulary and will accord with Secure by Design standards and Approved Document Q of the Building Regulations. A number of passive security measures have been incorporated such a perimeter block layout providing a high level of surveillance of public areas, large double height glazed areas onto the street and footpaths giving an active frontage, private defensible front garden space to ground floor apartments in Building A, 1.8 m high railings and brick wall to the cycle path to the north together with building mounted external lighting, replacing the steel palisade fence with 1.8 m high mesh security fencing to the western boundary, and roller shutter doors and vehicle barriers to the parking entrances to prevent unauthorised parking. In addition to the above a number of detailed physical security features in respect of doors, lighting, CCTV, lifts, stairwells, etc. are to be specified.

9.204 The Crime Prevention and Design Advisor has been consulted and is content that security and crime prevention have been addressed for this application as detailed in the Design and Access statement. A compliance condition would be recommended.

#### Chiltern Beechwoods Special Area of Conservation (SAC)

9.205 The proposal would result in a net increase in dwellings; which, in turn, could result in greater recreational pressure at the SAC. Financial contributions in respect of Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) will need to be secured by way of a section 106 agreement prior to any grant of planning permission. The tariff per dwelling is as follows:

SAMM: - £913.88

SANG: - £4,251.71

TOTAL: - £5,165.59 (per dwelling)

9.206 SANG is finite and the Council cannot guarantee that this will be available to serve a development of this size, as to do so would rapidly diminish its availability for smaller developments (1-9 units), medium sized schemes (less than 50 units) or wholly affordable schemes, which are less able to arrange their own provision, or which we want to prioritise. It would be expected that for a development of this size the applicant should be seeking to contribute to its own provision. Before Dacorum decides whether the site could benefit from the Council's own SANG, there would need to be a formal request through the SAC mailbox and officers would need to be satisfied that Hightown has adequately explored options to source and provide additional land for SANG itself. There would otherwise need to be compelling reasons to use Dacorum SANG. In the event that this is not followed, the application for housing would be unlikely to be accepted.

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

9.207 Policy CS35 requires all new developments to provide the on-site, local and strategic infrastructure required to support the development, which may be in-kind or through financial contributions. In Dacorum, since 1<sup>st</sup> July 2015, these contributions will normally extend only to the payment of CIL. The Council has adopted a CIL Charging Schedule and the development would be liable for the payment of CIL. However, this does not extend to affordable housing or infrastructure requirements arising as a direct result of the development.

9.208 The recommendation to grant is subject to the completion of an s106 agreement that secures a number of financial and non-financial contributions from the development.

9.209 An s106 agreement to secure the following obligations has been agreed and is currently being processed by DBC and County:

- a) Provision of at least 35% Affordable Housing
- b) Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- c) Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- d) Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- e) To enter into a s278 agreement with the Highway Authority to secure:
  - a. Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
  - b. Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road; and
  - c. Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'
  - d. Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- f) Provision of a Framework Travel Plan for the entire site
- g) Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- h) Payment of SANG and SAMM as necessary.

#### The Planning Balance

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

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

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

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

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

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

9.215 There are significant benefits associated with the proposal in terms of the provision of 234 dwellings of which 35% would be affordable homes with an anticipated tenure split of 75% social rented and 25% shared ownership. Given the emphasis within the NPPF of addressing housing needs, this would attract substantial weight. The revised proposals which have been negotiated would also be considered to optimise under-utilised land by using a suitable brownfield land that has been vacant since 2007 in a relatively sustainable location in an urban area which attracts significant weight. The proposal would also provide 1487 sq m of employment floorspace within the scheme which whilst modest is nevertheless a benefit, and the mixed use development would also help provide community cohesion and activity.

9.216 In design terms, the proposals would provide a development of landmark quality which would complete this part of the Maylands Gateway entrance to the business park and should attract reasonable weight. The dwelling units would be well-designed and sustainable homes which include internal living space to National Described standards, provision of reasonably generous communal open space, children's play, and extensive high quality landscaping, provision of SUDs and EV charging. There would also be contributions to improving off-site play facilities. Sustainable transport infrastructure would be upgraded as a result of the proposals to the benefit of residents and would help mitigate the propensity for increased car journeys, and would therefore be environmentally sustainable. These would all be expected as part of any development and should therefore weigh neutrally in the balance.

9.217 There would also be support for local trades and employment during the construction of the site itself and significant benefits to the local economy through ongoing support of local shops, and other services. Modest weight is given to this.

9.218 In terms of negatives, these are relatively very few. There would be a loss of employment land to residential thereby resulting in the loss of employment infrastructure to the immediate area and an increased deficit in Dacorum's employment target, to which Maylands Business Park, and Maylands Gateway specifically makes an important contribution. Although a small element of employment provision would be provided, the scheme would not deliver the amount of economic gains expected for this location which would weigh against the proposal. There would also be a loss of net



biodiversity from the site although this would be mitigated off-site. The loss from the site would however represent a small negative. There would also be a small potential increase in traffic generation on local roads but this is not considered detrimental and limited weight in the planning balance is attached to this.

9.219 In officers' view, the above identified harm would not be significant and would be more than outweighed by the overall benefits of the proposal. As a result sustainable development would be achieved through this development. When assessed against the policies in the Framework taken as a whole the benefits would significantly and demonstrably outweigh the adverse effects of the proposal. Any conflict with the development plan (loss of employment land) is considered to be outweighed by other considerations including the Framework and as such sustainable development would be achieved in line with Para. 11 of the NPPF.

## **10. CONCLUSION**

10.1 The proposed residential use of this site would result in the loss of employment land in this Gateway location, serving the Maylands Business Park, which is a departure from the Development Plan. However, factors such as the current market demand for office space, and NPPF policy that seeks a flexible approach to the use of sites where policies are outdated, is considered applicable in this case and with significant benefits to the Borough in terms of meeting housing targets in particular, is considered to justify a departure from the Development Plan.

10.2 The scheme is also considered acceptable in terms of making a positive contribution to the street scene and the character of the area, securing a good standard of amenity for future residents, not harming adjoining residential amenities, satisfying parking standards, causing no material harm to highway safety or its operation, providing 35% affordable housing, improvements to sustainable transport infrastructure, improvements to children's play facilities, and other relevant matters.

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

Subject to completion of an s106 planning obligation to secure the matters listed below and relevant conditions, the proposal is considered to accord with the NPPF, policies of the Core Strategy (2013), saved policies and appendices of the Local Plan (2004), and relevant design and other advice contained with SPG, SPD and advice notes.

## **11. RECOMMENDATION**

11.1 That the decision be delegated to the Group Manager Development Management with a view to approval subject to the completion of an s106 agreement to secure the following:

- Provision of at least 35% Affordable Housing
- Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- To enter into a s278 agreement with the Highway Authority to secure:
  - Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
  - Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road;

- Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'; and
- Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- Provision of a Framework Travel Plan for the entire site
- Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- A contribution of £913.88 per dwelling is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A mitigation strategy or financial contribution as necessary towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Subject to any minor changes to the wording of conditions as necessary, and its referral to the Secretary of State as a Departure from the Development Plan.

### **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:**

**P01C**  
**P02K**  
**P03F in DAS only**  
**P04J in DAS only**  
**P05J in DAS only**  
**P06K**  
**P07J in DAS only**  
**P08J in DAS only**  
**P09J in DAS only**  
**P10J in DAS only**  
**P11J in DAS only**  
**P12J in DAS only**  
**P13J in DAS only**  
**P14F in DAS only**  
**P15F in DAS only**  
**P16F in DAS only**  
**P17F in DAS only**  
**P18D in DAS only**  
**P19D in DAS only**  
**P20D in DAS only**  
**P21D in DAS only**  
**P22F in DAS only**  
**P23F in DAS only**  
**P24F in DAS only**  
**4745-TR-11**  
**1728 (SK) 220127(03)**

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

3. The use of the commercial floorspace hereby permitted shall be limited to Class E2(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt as to the uses permitted and in the interests of ensuring a minimum base of employment opportunities are provided in accordance with the former B1 Office use of the site and extant policies.

4. **No development (excluding demolition, tree protection works, groundworks / investigations) shall take place until samples of the materials (together with summary details) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

5. **Notwithstanding any details submitted, no above ground development shall take place until 1:20 details of the following shall have been submitted to and approved in writing by the local planning authority.**

- Windows / panels (including set back and cross sections through the openings)
- External doors (including car park roller doors and cross sections through the openings)
- Curtain wall joinery details
- Balconies
- Balustrades
- Canopies
- Car park screens
- Rainwater goods
- Eaves / parapet wall / freestanding wall details
- Brickbond patterns

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

6. **Notwithstanding any details submitted, no development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved in writing by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development and No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved drawing. The details are required before commencement to ensure that tree protection is in place from the start of development.**

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

- 7. Notwithstanding any details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until updated details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o hard surfacing materials;**
- o means of enclosure;**
- o benches, planters, privacy screens and any play area equipment / fencing;**
- o soft landscape works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- o trees to be retained;**
- o proposed finished levels or contours;**
- o habitat enhancement for bats and other wildlife;**
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
- o submission of a Landscape Ecological Management Plan.**

**The approved landscape works shall be carried out prior to the first use of the development hereby permitted and retained fully in position.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character and ecology of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, 13 and 29 of the Dacorum Core Strategy September 2013.

- 8. Notwithstanding the details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until full details (in the form of scaled plans and / or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i) Roads, footways**
- ii) Cycleways**
- iii) Foul and surface water drainage**
- iv) Visibility splays**
- v) Access arrangements**
- vi) Parking provision in accordance with adopted standard**
- vii) Loading areas**
- viii) Turning areas.**

**The development shall be carried out, and thereafter retained, in accordance with the approved details.**

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), saved Policy 54 of the Dacorum Borough Local Plan 1991-2011 and the Car Parking Standards Supplementary Planning Document (2020).

9. **Prior to the first occupation / use of the development hereby permitted the vehicular access improvements, as indicated on drawing numbers 1728 (P) P04 J & 4745-TR-11, shall be completed and thereafter retained in accordance with details/specifications which shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

10. **Prior to the first use of the development hereby permitted, arrangements shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

11. **Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the vehicular access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

12. **The dwellings / commercial floorspace hereby permitted shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure shall have been provided in accordance with the details in Section 5.1 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.**

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

13. **The dwellings / commercial floorspace hereby permitted shall not be occupied until the short and long term cycle parking facilities shall have been provided in accordance with drawings 1728 (P) P03 F, P04 J, P05 J and 1728 (SK) 220127(03), Trade literature - Two Tier Bike Rack - With Gas Strut (BDS), and the details provided**

**in Section 5.2 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The cycle parking facilities shall thereafter be retained in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the parking of bicycles in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018, Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 14. The dwellings / commercial floorspace hereby permitted shall not be occupied until the relevant refuse storage facilities serving that use shall have been provided in accordance with drawing 1728 (P) P04 J and the details in Section 5.3 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The refuse storage facilities shall thereafter be retained and managed in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the disposal and collection of refuse from the development in accordance with Policy CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Refuse Storage Guidance Note (Feb 2016).

- 15. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP / Statement shall include details of:**
- a. Construction vehicle numbers, type, routing;**
  - b. Access arrangements to the site;**
  - c. Traffic management requirements;**
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
  - e. Siting and details of wheel washing facilities;**
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;**
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;**
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**
  - k. Phasing Plan.**

**The construction of the development shall be carried out in strict accordance with the approved CTMP.**

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). The details are required before commencement to ensure that all waste can be suitably managed from the start of development.

- 16. Prior to the commencement of development a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP / Statement shall include details of:**

- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o measures to control the emission of dust and dirt during demolition and construction;
- o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- o hours of demolition and construction work
- o control of noise and/or vibration
- o measures to control overspill of light from security lighting

The approved DCMP / Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties from the start of development in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 17. Works audible at the site boundary shall not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.**

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

- 18. Notwithstanding the submitted damage cost value calculation Addendum Report, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until further details of mitigation to satisfy the air quality damage cost value shall have been submitted to and approved in writing by the local planning authority. The details as approved shall be implemented in full prior to the first occupation of the development and retained where appropriate at all times thereafter.**

Reason: Given the locality of the proposed development to industrial units and the A414, details are required in the interests of safeguarding residential amenity and to protect public health in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 19. Prior to the commencement of development (excluding demolition, tree protection works, groundworks / investigations) a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.**

Reason: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of

safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

- 20. The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist, Energy Statement and the details provided in Section 5.7 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22.**

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).

- 21. Notwithstanding the submitted Drainage Strategy and Drg. Nos. C13154 0101 P2, 0102 P1 and 0103 P1, no development shall take place until the final design and surface water discharge rates from the site shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021). Details are required prior to the commencement of development to ensure that satisfactory drainage can be made available to serve the development.

- 22. The development shall not be occupied until confirmation has been provided that either:**

**1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or**

**2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow development to be occupied.**

**Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.**

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning).

- 23. No development shall take place until the results of a walkover survey, together with a Landscape and Ecological Management Plan (LEMP) for the site, as recommended in the Preliminary Ecological Appraisal 2021, shall have been submitted to and approved in writing by the Local Planning Authority, to include appropriate ecological enhancements. The development shall be carried out in accordance with the approved details prior to first occupation.**



Reason: To provide suitable ecological enhancement of the site having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021). The details are required before commencement to ensure that demolition and groundworks do not destroy ecological features prior to survey.

- 24. The development shall not be occupied until a comprehensive Ecological Management Plan (EMP) in respect of the Prologis Maylands compensation site (south of the A414 Breakspear Way) shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out in detail the proposals and measures that will need to be actioned on the site to achieve a BNG of 2.07 BU in accordance with the original EMP for that site together with a further uplift of 1.73 BU.**

Reason: To provide a suitable EMP that when implemented by DBC will compensate for the net loss to biodiversity on the application site of 1.98 BU, in accordance with Paras. 174 and 180 of the NPPF (2021).

- 25. The development hereby permitted shall be carried out in accordance with the crime prevention measures as detailed in the Design and Access Statement Oct 2021 Rev 06 received 25/08/22 (Section 5.4).**

Reason: To ensure the security of the site in accordance with the aims of Policy CS11 and 12 of the Dacorum Borough Core Strategy (2013), and Paragraphs 92 and 130 of the National Planning Policy Framework (2021).

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

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

**Development shall take place in accordance with the approved WSI.**

Reason: To ensure that below ground archaeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide. The details are required before commencement to ensure that demolition and groundworks do not destroy archaeological features and artifacts.

- 27. The development / or phases of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the WSI approved under condition XX has been completed. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis, publication and dissemination of results and archive deposition in accordance with the programme set out in the Written Scheme of Investigation approved under condition**

**XX has been secured and the details submitted to and approved in writing by the local planning authority.**

Reason: To ensure that below ground archaeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide.

- 28. A. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site shall have been submitted to and approved in writing by the Local Planning Authority.**
- B. 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.**
- C. 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:**

- o 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.**
- o 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.**
- o 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 the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021). The details are required before commencement to ensure that all land can be properly investigated and decontaminated.

- 29. All remediation or protection measures identified in the Remediation Statement referred to in Condition 28 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 that part of the development hereby permitted.**

**For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results**

**providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021).

- 30. Any contamination, other than that reported by virtue of Condition 28 above 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 and the NPPF (2021).

- 31. No development shall take place until details of measures to recycle and reduce demolition and construction waste which 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 waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013), saved Policy 129 of the Dacorum Borough Local Plan 1991-2011 and Policies 1, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The details are required before commencement to ensure that all waste can be suitably managed.

#### **Informatives:**

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

Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto: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.

3. Under no circumstances should waste produced from construction or demolition 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. These details should be included in the CMP/DMP referred to in the above condition.
4. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Strategic Planning & Regeneration (DBC)	I have looked at the revised plans and confirm that Herts IQ does NOT OBJECT to the application dated 26th November 2021.
Conservation & Design (DBC)	<p>We are supportive of this application and have no objections. We believe this development will deliver high quality homes and improve the character, connectivity and biodiversity in the area through an attractive integrated public realm scheme. We believe the appearance of the two blocks to be visually articulate and well designed which appropriately optimise density in this urban location.</p> <p>We recommended proposal should be subject to conditions as set out below to ensure design quality is delivered:</p> <ul style="list-style-type: none"> <li>- Building materials &amp; Hard Landscaping</li> <li>- Typical Balcony details</li> <li>- External Thresholds</li> <li>- Details of Entrance Canopy</li> </ul> <p>Comments:</p> <p>Design &amp; Appearance:</p> <ul style="list-style-type: none"> <li>o We are overall supportive of the design of the building and believe it will create an attractive gateway building to the Maylands area. Design of the façade has sufficiently accommodated officer recommendations regarding appearance during pre-application discussion</li> <li>o The two blocks are attractive in appearance and utilise</li> </ul>

	<p>techniques such as massing setbacks at different levels, recessed cores and setback brick and metal panels in the façade bays to add visual interest and break down the scale of the building.</p> <ul style="list-style-type: none"> <li>o Proportions of the building work harmoniously with a vertical emphasis in double height bays at the ground floor. The pattern of window grid and bays with vertical brick and metal panels appear elegant and assist in creating a smaller scale of urban grain.</li> <li>o The projecting balconies add visual interest to streets, frontages and the courtyard and should assist in activating the street whilst in use by residents</li> <li>o We support the materials specified in the proposal. Primary material of buff / beige brick works well in relating the the smaller scale residential houses and apartments along New Park drive / Maddox Road neighbourhoods. The grey toned brick adds a playfull approach referenceing tones similarly found on roofs of local houses and articulates the top of the building well</li> <li>o We believe the two tones of brick with the upper levels set back work well to visually reduce the scale and height of the two blocks in the street scene visuals provided</li> <li>o Ironmongery and window palette works subtly and harmoniously with the brick tones</li> <li>o Textured brick panels will add visual interest and contribute to a smaller scale of appearance.</li> <li>o Entrances are well designed with integrated canopy and signage which will create a sense of place for residents.</li> </ul> <p>Layout:</p> <ul style="list-style-type: none"> <li>o We are supportive of the proposals layout and believe will improve connectivity through increase in walking routes around the site</li> <li>o Public realm is attractive and well designed and will improve the greening of the area through planted rows of street trees, new verges and wildflower planters</li> </ul> <p>Scale &amp; Massing</p> <ul style="list-style-type: none"> <li>o We are supportive of the scale and height of the two blocks which align closely with the scale of the adjacent Travel lodge building and warehouses.</li> <li>o Whilst we note this development will have a visual impact from surrounding residential streets such as Maddox Rd this is largely mitigated through the mature tree band illustrated in views on pages 155, 156, 157, 158 of DAS</li> </ul> <p>Design of Homes:</p>
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	<p>o We are satisfied with the overall design of units in this development which meet NDSS and DBC size requirements for private amenity space as well as meeting M4(2) accessibility standards</p> <p>o Large communal gardens are to be provided in the development which will provide a well designed amenity space for residents which is well overlooked with attractive planting.</p> <p>Sustainability:</p> <p>We are supportive of the energy design response principals set out in the DAS integrating features such as heat pumps, water efficient fittings and a fabric first approach into the scheme</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p><b>CONDITIONS</b></p> <p>1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> <li>i) Roads, footways.</li> <li>ii) Cycleways.</li> <li>iii) Foul and surface water drainage.</li> <li>iv) Visibility splays</li> <li>v) Access arrangements</li> <li>vi) Parking provision in accordance with adopted standard.</li> <li>vii) Loading areas.</li> <li>viii) Turning areas.</li> </ul> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Existing Access</p> <p>Prior to the first occupation / use hereby permitted the vehicular access improvements, as indicated on drawing numbers (1728 (P) P04 H &amp; 4745-TR-11 Rev -), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To ensure construction of a satisfactory access and in the interests of highway safety,</p>

	<p>traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.</p> <p>Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>4A) Design Approval</p> <p>Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level* shall commence until a detailed scheme of highway improvements is submitted to and agreed with the LPA in consultation with the Highway Authority. The said scheme shall include:</p> <ul style="list-style-type: none"> <li>o Upgrade of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;</li> <li>o Upgrade of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road; and</li> <li>o Upgrade of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'</li> </ul> <p>4B) Implementation / Construction</p> <p>Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.</p> <p>Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>5) Provision of Visibility Splays - Dimensioned in Condition</p> <p>Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway</p>
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	<p>carriageway.</p> <p>Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>6A) Residential Electric Vehicle (EV) Charging Points</p> <p>Prior to the first occupation of the residential development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.</p> <p>6B) Commercial Electric Vehicle (EV) Charging Points as % of total car parking spaces</p> <p>Prior to the first use of the commercial development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 30% of the 45 car parking spaces to have passive provision for EV charging.</p> <p>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).</p> <p>7) Cycle Parking</p> <p>Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design as detailed on the drawing 1728 (SK) 220127(03), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.</p> <p>Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>8) Construction Management Plan</p> <p>No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management</p>
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	<p>Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Traffic management requirements</li> <li>d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</li> <li>e. Siting and details of wheel washing facilities;</li> <li>f. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</li> <li>h. Provision of sufficient on-site parking prior to commencement of construction activities;</li> <li>i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;</li> <li>j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;</li> <li>k. Phasing Plan.</li> </ul> <p>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).</p> <p>9) Travel Plan - Requested Prior to Use</p> <p>At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan / Travel Plan for the each land use shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.</p> <p>Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of</p>
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	<p>Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>10) Source of Illumination - General</p> <p>Prior to the first use of the development hereby permitted the intensity of illumination shall be provided at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>APPROPRIATE INFORMATIVES</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: <a href="http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx">www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx</a></p> <p>AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN3) 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</p>
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	<p>right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN4) 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 conditionsuch as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p>AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.</p> <p>AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to</p>
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	<p>obtain their permission and requirements. Further information is available via the County Council website at:  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx</a> or by telephoning 0300 1234047.</p> <p>AN7) Roads to remain private: The applicant is advised that the access roads marked on the submitted plans associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.</p> <p>AN8) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx</a></p> <p>AN9) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the</p>
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	<p>proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx</a> or by telephoning 0300 1234 40047.</p> <p>This should be carried out prior to any new apparatus is placed within the highway.</p> <p>AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website <a href="http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms">www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms</a> or by telephoning 0300 1234047.</p> <p>AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx</a> OR by emailing <a href="mailto:travelplans@hertfordshire.gov.uk">travelplans@hertfordshire.gov.uk</a></p> <p>COMMENTS/ANALYSIS</p> <p>Plots 1 &amp; 2 Maylands Avenue have a relatively long planning history having been part of a wider application in 2008 for a hotel and 6,455sqm of offices (4/02124/08). However only the hotel element</p>
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	<p>(a Travelodge) was actually constructed and further applications considered a mainly residential use in replace of the granted offices. This current application considers 234 apartments and 1,486.5sqm of commercial uses on the site adjacent to the Travelodge. In the interim Transport Policy has changed significantly and whilst credence is made to the level of development that was approved in 2010, the current application is also considered in light of that policy update, particularly Hertfordshire County Council's 4th Transport Plan (LTP4, 2018).</p> <p>HCC originally objected to this current proposal primarily on the grounds that the proposals did not pre application advice given by HCC with regards to maximising levels of accessibility and permeability in and around the site and therefore the proposals were not in compliance with Policy 1:Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018).</p> <p>In the first instance the internal access roads were wider than the standard recommended in the pre application advice and HCC's Roads in Hertfordshire and MfS. Within the pre application advice it was acknowledged that the existing access road is wider than the standard and provides access to some existing uses, however consideration would need to be given to reducing the width to 5.5m in some locations to provide a narrower crossing point within the site for pedestrians and would also promote slower driving speeds within the site. This originally had not been done, however the applicant has updated their access design accordingly (4745-TR-11 Rev -) and HCC are now satisfied that this will help to reduce motor vehicle dominance of the site and promote sustainable transport in line with the Policies of LTP4. Additionally the revised layout addressed concerns HCC had about refuse collection.</p> <p>Secondly, whilst the supporting Transport Assessment (TA) attached to the application identifies the presence of the segregated cycle path along the northern border of the site, it failed to identify the opportunity to enhance it in line with the given pre application advice. It is considered by HCC Highways that there is an opportunity to upgrade this cycle path from the site to The Flags</p>
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	<p>Residential area to full LTN 1/20 standard with widening within the site boundary if necessary. There is also an opportunity to upgrade the cycle path from the junction of The Flags with New Park Drive to Leverstock Green Road. Whilst due to residential properties it is unlikely it can be widened to LTN1/20 standards, there is an opportunity to upgrade the segregated surfacing.</p> <p>Both paths combined provide a key connection to local schools within the Adeyfield area of Hemel Hempstead and form the initial part of a journey to the Hemel Hempstead Rail Station. A good quality/ attractive sustainable link to these key trip attractors are considered essential in making the site acceptable in line with policies both national and local aimed at promoting sustainable development, particularly Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018).</p> <p>Directly outside the site there is an uncontrolled crossing of Maylands Avenue there also appears an opportunity to upgrade this to a formal toucan crossing enabling safe access for pedestrians and cyclists from the development to the employment area on the eastern side of the road.</p> <p>The applicant has initially committed to providing a contribution for the foot/ cycle path works, however HCC consider that the project can be more effectively delivered via a S278 agreement and thus have recommended the condition 4A) and 4B) above. If the developer accepts this condition it is considered by HCC Highways Development Management that the Policies of LTP4 and the pre application will have been met and the council would remove its prior objection.</p> <p>Additionally HCC Highways Development Management in its previous response identified a number of inconsistencies with regards to the cycle parking on site; this has been clarified in email and through the provision of the drawing 1728 (SK) 220127(03) and thus HCC considers issues with regards to cycle parking are resolved.</p> <p>Travel Plan</p> <p>HCC's travel planning team have reviewed the supporting Draft Framework Travel Plan and consider that it will require the additional information in an updated Travel Plan, prior to occupation.</p> <p>o TPC contact details are required to be provided prior to occupation.</p>
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	<ul style="list-style-type: none"> <li>o Secondary contact is required to be provided.</li> <li>o Information on time allocated to TPC role and frequency of TPC on site should be provided.</li> <li>o A steering group should be formed on site comprising of key stakeholders. Information should be given on the meeting arrangements.</li> <li>o HCC cycle training is recommended to be promoted.</li> <li>o Residential travel pack contribution is required to provide sustainable travel vouchers (£50 per flat, £100 per house) - see HCC travel plan guidance.</li> <li>o Baseline data collection is required to be completed within 3 months of first occupation or at 50% occupation.</li> <li>o Modal shift targets are required to for each mode of transport for each year of travel plan implementation.</li> <li>o Monitoring frequency should be annual rather than the in years 1,3,5.</li> </ul> <p>o Travel plan review frequency should be annual, a report should be submitted to HCC within 3 months of data collection.</p> <p>o An evaluation and support contrition of £1,200 per annum for 5 years is required if the TP is secured by S106.</p> <p>It is also recommended that it be indicated in a S106 agreement that for a mixed-use development with multiple occupants a Framework Travel Plan, setting overall outcomes, targets and indicators for the entire site, will be required in addition to individual Travel Plans for each land use that exceeds the thresholds laid out in Hertfordshire County Council's Travel Plan Guidance. Furthermore, clear correlation between the Framework Travel Plan and Individual Travel Plans is required.</p> <p>Full guidance is available at: <a href="http://www.hertfordshire.gov.uk/travelplans">www.hertfordshire.gov.uk/travelplans</a> or for more guidance contact: <a href="mailto:travelplans@hertfordshire.gov.uk">travelplans@hertfordshire.gov.uk</a></p> <p>Construction Management Plan</p> <p>As indicated by HCC within the pre application in the event of a full planning application a Construction Management Plan is required (this requires to be to the CLOCs standards) given that this has not been provided at this stage in the event of planning permission it will require to be secured via an appropriately worded condition if the development does proceed.</p> <p>S106 Agreements/ Contributions</p>
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	<p>HCC Highways operate two levels of S106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 S106 agreement and those items mitigating the wider cumulative impact of development on non car networks being addressed in a Strand 2 S106 agreement.</p> <p>In the first instance (Strand 1) HCC would envisage that the agreed improvements and travel plan support and monitoring fee (£1,200pa for 5 years, indexed via the RPI from May 2014) are delivered via a Strand 1 S106 agreement.</p> <p>In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (<a href="https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/developer-infrastructure-contributions-guide/technical-appendix-1-transport.pdf">https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/developer-infrastructure-contributions-guide/technical-appendix-1-transport.pdf</a>). The National Trip generation database TRICS suggests that on average (looking at sites in England and Wales within the last 5 years and excluding those in Greater London) 1,486.5sqm of offices would employ 80 employees which would nominally attract a Strand 2 payment of £33,760. 234 Residential dwellings according to the toolkit would attract a nominal Strand 2 payment of £1,597,284. Therefore, the combined nominal figure for Strand 2 contributions which would be allocated to the Plots 1&amp;2 Maylands Avenue Development would be £1,631,044.</p> <p>An element of this will be offset against the provision via S278 of the aforementioned improvements to the sustainable transport network (upgrades to the connection to Adeyfield and the signalised crossing of Maylands Avenue), which although Strand 1 mitigation measures would also serve the wider population and would address in part cumulative impact upon it. The remainder would be allocated to packages within the emerging South West Hertfordshire Growth and Transport Plan.</p> <p>HCC estimate the value of the sustainable transport upgrades to be in the region of £500,000, therefore the contribution would be reduced to £1,131,044.</p>
Crime Prevention Design Advisor	I am content that security and crime prevention have been addressed for this application as detailed in the Design and Access statement (Section 5.4).

<p>Environmental And Community Protection (DBC)</p>	<p>4/01/22</p> <p>Following receipt of consultation, please find the below conditions this department feels should be applied to the above planning application.</p> <p>1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works</p> <p>REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative:</p> <p>The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> <li>o the parking and turning of vehicles of site operatives and visitors;</li> <li>o loading and unloading of plant and materials;</li> <li>o storage of plant and materials used in constructing the development;</li> <li>o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>o details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;</li> <li>o wheel washing facilities;</li> <li>o measures to control the emission of dust and dirt during demolition and construction;</li> <li>o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.</li> <li>o design of construction access</li> <li>o hours of demolition and construction work</li> <li>o control of noise and/or vibration</li> <li>o measures to control overspill of light from security lighting</li> </ul>
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	<p>2. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.</p> <p>REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>3. Prior to the commencement of development an air quality assessment to assess the impact of local air quality on occupiers of the proposed development against the National Air Quality Standards and Objectives shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify exceedances of the air quality objectives in addition to any mitigation measures required to reduce exposure. Once approved the mitigation measures shall be implemented in full prior to the first occupation of the development and retained where appropriate at all times thereafter.</p> <p>REASON: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public health in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative: Any exceedance of the air quality objectives is considered to be significant and will require mitigation. This Council does not accept the use of the EPUK Guidance on quality assessment. Mitigation includes site and building layout and design as well as active filtered ventilation where necessary. It is strongly recommended that the applicant agrees the nature and scope of the assessment with the LPA.</p> <p>The assessment may be performed using a suitable dispersion model as specified in LAQM.TG(16). The modelled data must be validated and corrected against monitoring data from at least 3 months (preferably 6 months) in accordance with LAQM.TG(016). The assessment must ascertain concentrations of NO<sub>2</sub> and PM<sub>10</sub> at the building facade. As NO<sub>2</sub> concentrations have not been decreasing year on year as previously predicted, it is expected that a sensitivity test will be undertaken to establish the discrepancy between future-year</p>
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	<p>concentrations with the previously expected emission reduction and without.</p> <p>4. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.</p> <p>REASON: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative:</p> <p>It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.</p> <p>The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.</p> <p>The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - <a href="http://www.ioa.org.uk">www.ioa.org.uk</a>.</p> <p>Please also find the below informative comments to be added to the decision notice please.</p> <p>Noise and Working Hours Informative</p>
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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.

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

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

#### Waste Management Informative

Under no circumstances should waste produced from construction or demolition 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. These details should be included in the CMP/DMP referred to in the above condition.

#### Air Quality Informative.

We appreciate the details in regards to offset of Carbon Emissions detailed in the Energy Statement and Overheating Report. As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

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

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision across the

development is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one.

#### Invasive and Injurious Weeds - Informative

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

31/12/21

Having reviewed the documents submitted in support of the above planning application and having considered the ECP Team records I am able to confirm that there are no objections to the proposed development based on land contamination issues.

However, because the proposed development is for a residential end use on a previously developed commercial site it will be necessary for the applicant to demonstrate that the potential for land contamination has been appropriately assessed.

As such the following planning conditions should be included if permission is granted.

#### Contaminated Land Conditions:

##### Condition 1:

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable

	<p>likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance</p>
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	<p>with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
Lead Local Flood Authority (HCC)	<p>Thank you for your consultation on the above application but the Lead Local Flood Authority (LLFA) is currently unable to respond to any new planning consultations.</p> <p>LLFA guidance is available under Policies and Guidance on our website: <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#</a>. We recommend that any new development site follows the LLFAs policies on SuDS, which are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand requirements. A climate change allowance note for Hertfordshire is also provided on the website. The surface water drainage webpages also contain links to national policy and industry best practice.</p> <p>If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#</a></p> <p>When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.</p> <p>This is not a message we had wanted to deliver and appreciate this is far from satisfactory but is necessary.</p>
Thames Water	<p>Waste Comments</p> <p>Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:-</p> <ol style="list-style-type: none"> <li>1. All foul water network upgrades required to</li> </ol>



	<p>accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at <a href="https://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a>. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. . In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>Supplementary Comments Waste-The problem with this application is that the proposed development belongs to a developer cluster at the area which already suffered from flooding. Therefore we would propose a hydraulic modelling study to be conducted prior to the construction. Furthermore, more information regarding the surface water strategy are required. In accordance with the Building Act 2000 clause H3.3. Positive connection to a public surface water will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being ; - 1st Soakaways; 2nd Watercourses; 3rd Sewer.</p>
Trees & Woodlands	12/05/22

	<p>The information submitted is suitable to ensure retained are offered appropriate protection. However, there doesn't appear to be any specific planting scheme addressing tree species, size, aftercare and replacement for new trees. This shouldn't be an issue as this can be conditioned and submitted prior to planting.</p> <p>7/02/22</p> <p>Thanks for the information. I can't recollect the site but obviously have dealt with this before. Consequently, I'm happy to go along with my previous recommendations that these poplar trees should be removed if the application is given consent.</p> <p>14/01/22</p> <p>Thank you for the information. I have examined the tree report and have the following concerns:</p> <ul style="list-style-type: none"> <li>. According to section 5.2 of the Tree Report tree roots emanating from G5 will be encroaching into the development site along the western boundary of the northern plot. The site plan suggests the placement of a 'Parking Court' directly adjacent to G5. Conventional methods to construct hard standing parking areas involve excavation into the subsoil, damaging structural and fibrous tree roots. This action can cause either the reduction a trees lifespan or cause trees to become destabilised and should be avoided.</li> <li>. The landscape proposal indicates a number of new trees to complement the development site. However, no 'Planting Scheme' has been submitted indicating tree species, size, planting method, necessary aftercare and replacement in the event of failure. In order to ensure these trees are afforded the best chance of survival post development I require further information in the form of a Planting Scheme. This should be in accordance with current guidance BS8545:2014 Trees: from nursery to independence in the landscape.</li> <li>. According to section 7.2 tree group G6 will be retained. However, according to the Landscape Proposal submitted G6 is not included as 'Existing Trees'. Consequently, I require the applicant to confirm if tree group G6 is being retained and, if so, what protection measures will be incorporated to ensure these trees survive the development process.</li> <li>. The Tree Report advises in section 6.1 an agreement has been reached with Dacorum Borough Council to remove the two hybrid poplars along the western edge of the northern plot. I require the applicant to confirm the individual advising on behalf of the Council who has agreed these removals.</li> </ul>
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<p>Historic Environment (HCC)</p>	<p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>The proposed development site is adjacent to Area of Archaeological Significance no. 38, as identified in the Local Plan. This denotes an area of prehistoric and Romano-British occupation that includes a substantial Romano-Celtic temple and related religious complex dating to the 1st and 2nd centuries A.D. (Scheduled Monument No. 27921), south of Wood Lane End. Excavations in advance of housing development in 1982 and 1983 identified remains including a temple or mausoleum, a bath house and several other buildings [Historic Environment Record no. 94].</p> <p>Archaeological evaluation in 2016, followed by archaeological excavations c.250m to the north east of the site, in 2017, have revealed the remains of several Roman corn-driers, a tile kiln, a lime kiln, and other industrial evidence [Maylands Gateway - HER no. 31265]. It is likely that these features can be linked to the construction of the temple-mausoleum complex, and that they together comprise an archaeological site of considerable significance.</p> <p>An archaeological evaluation was undertaken by Oxford Archaeology in 2007 which sampled approximately 5% of the whole of the then development site (i.e. Plots 1, 2 and 3). The results of this investigation suggest a high level of disturbance across the site, particularly where the construction of the former GPO buildings has had a considerable impact. However, despite this a number of significant, albeit truncated, archaeological features were identified. The site therefore has the potential to contain currently unknown archaeological finds and deposits.</p> <p>I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> <li>1. the archaeological supervision of the removal of soil and overburden to the archaeological horizon, via a 'strip and record' exercise, in areas to be agreed in consultation with the Historic Environment Team - and the investigation and recording of any archaeological features or deposits thereby revealed, prior to the commencement of any groundworks associated with the development;</li> <li>2. the archaeological monitoring and recording of all other remaining ground works associated with the proposed development - including foundations, service trenches, landscaping, etc. (and also including a contingency for the further investigation and recording of any remains then encountered);</li> </ol>
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	<p>3. a contingency for the rapid archaeological investigation of any remains encountered during the monitoring programme,</p> <p>4. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, the publication of the results, as appropriate,</p> <p>5. such other provisions as may be necessary to protect the archaeological interests of the site.</p> <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2018), and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).</p> <p>In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:</p> <p>Condition A</p> <p>No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> <li>2. The programme for post investigation assessment</li> <li>3. Provision to be made for analysis of the site investigation and recording</li> <li>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>5. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ol> <p>Condition B</p> <p>i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).</p> <p>ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis</p>
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	<p>in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p>
British Pipeline Agency	<p>Planning Application 21/04556/MFA - Not Affected</p> <p>Thank you for your correspondence regarding the above noted planning application.</p> <p>Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.</p> <p>However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.</p> <p>Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.</p> <p>Yours sincerely Lands Department</p>
Parks & Open Spaces (DBC)	<p>24/01/22</p> <p>I think the LEAP nearby is pretty under equipped to serve the new development and the area it is already serving( Plus housing are building a big development right next to it). It is simply too small to accommodate all of this. If you think we can't justify a LEAP on site, it would be good to get a contribution to upgrade this play area to a NEAP.</p> <p>20/01/22</p> <p>I couldn't see any detailed landscaping plans in amongst all the documents on the planning app so I don't know what the podiums are. If they think these podiums will cater for all ages then it may be more appropriate to have a LEAP as a minimum.</p>

Hertfordshire Ecology	<p>A lack of time means this letter addresses just two aspects of this application as follows:  Biodiversity net gain (BNG); and  Recreational pressure on the Chilterns Beechwoods Special Area of Conservation (SAC).</p> <p>I have not reviewed the Preliminary Ecological Appraisal that accompanies this application.</p> <p>Regarding the former, the applicant has supplied a summary of the BNG assessment (Brooks Ecological, 16 March 2022). This identifies a shortfall of 1.98 biodiversity units post development. Policy and law are clear that all development should deliver a net gain. Whilst Herts Ecology and the Wildlife Trust have different opinions regarding the scale of gain required (the Trust argues for 10% whereas we believe this is not yet mandatory) we both agree that that a net gain is required.</p> <p>Consequently, granting consent now would be contrary to contemporary planning policy. The Trust has provided options to you via its most recent email. I endorse these suggestions and recommend that you encourage the applicant to takes the necessary steps to deliver one or the other. Until such time as a satisfactory approach is committed to, I cannot recommend that you grant consent.</p> <p>Turning to the Chilterns Beechwoods, Natural England wrote to the Council on 14 March 2022. It related to concerns that increases in recreational pressure from new residential growth could lead to harmful effects on this highly protected site. It stated the following:  In light of the emerging research, we recognize that there could be a significant potential conflict between the plans for new housing provisions in the areas around Chilterns Beechwoods SAC, and the conservation objectives for the site.</p> <p>It went on to add that within a 12.6km radius around the SAC:  ... likely significant effects on the SAC from net increases in development due to recreational impacts cannot be ruled out, triggering the need for an Appropriate Assessment. We are advising that in such cases, adequate mitigation measures to avoid additional recreational impacts from net increases in development will be needed, in order for the Appropriate Assessment (AA) to be able to conclude that there will be no adverse effects on the integrity of the SAC...</p> <p>The Council subsequently declared an effective moratorium on new residential development within this zone until mitigation measures could be identified and implemented. The proposed development falls within this zone and is affected by it.</p> <p>This means that no new residential development should be consented until the Council's mitigation measures are in place or if each development provides its own mitigation. If the latter approach is pursued, the development will need to be accompanied by a Habitats Regulations Assessment (which it currently lacks).</p>

	<p>Until such time as impacts on the SAC are resolved, it is clear that consent should not be granted.</p> <p>Given these circumstances, I recommend that you consult Natural England.</p> <p>Assuming that it provides the same advice as I have immediately above, should you still be minded to grant consent against its advice, you must give it 21 days' notice to provide the opportunity for Natural England to respond.</p> <p>I'm copying this letter to Natural England.</p>
Herts & Middlesex Wildlife Trust	<p>Apologies for not replying sooner but I have been on leave. The Biodiversity metric states that there is a net loss to biodiversity from the development. This is not consistent with NPPF which requires a net gain. A net gain is a 10% increase in biodiversity units as set out in the Environment Bill. In this case the proposal is 2.32 habitat units short of providing a biodiversity net gain. The LPA therefore have 2 options to comply with policy. They can either require the developer supply details of a biodiversity offset for the required amount; or require that they provide a suitable sum for the LPA to deliver the offset on their behalf. The habitat required should be calculated by using the off site biodiversity baseline and creation tabs in the metric. Once this is known a bespoke habitat creation and maintenance cost can be generated to ensure that the LPA have sufficient funds to deliver the offset required.</p> <p>HMWT is happy to help you with calculating this if required but DBC will also need to liaise with Herts Ecology to formulate costings and delivery mechanisms.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
44	17	0	17	0

### Neighbour Responses

Address	Comments
14 Greenway Hemel Hempstead Hertfordshire HP2 4QG	<p>A similar application was rejected a couple of years ago and I cannot see how the new plans differ enough to warrant this development going ahead.</p> <p>My main objection is to the height, a 9 storey building will be far taller than the current travel lodge building particularly due to the elevated site, this is totally unacceptable to neighbours as we will lose privacy</p>

	<p>and light. The development will also be far taller than the current tree line. There is still inadequate parking for the number of flats and the increase in traffic will create additional congestion at busy times. The Maylands roundabout and adjoining roads are already gridlocked at certain times of the day.</p> <p>I thoroughly object to this development and cannot understand how such a similar proposal to the last one has been allowed to be submitted.</p>
<p>9 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>I have lived right next to this area for 40 years and there has been noise pollution / anti social happenings since the travel lodge went up . I spoke to a man from Hightown housing surveying in the wooded area that was grown as a screen to help with noise etc from Maylands . It would be extremely awful for the houses so near and along that area on other side to be without that woodland in place, It has affected wild life already in that area , have not seen a badger this last year and bird sightings are at a low . Its noisy over there at all sorts of hours , starting every morning with deliveries and beeping from 4.30 am . Dont think it would be good for residential area and we need more houses not flats so kids can experience gardens . PLEASE if it goes ahead dont build so many and keep the wooded area in place ,its terribly upsetting ,and maybe consider more houses instead of people stuck in flats while there kids are growing up please consider my thoughts , sincerely [ but badly written , sorry ] MS B Bean</p>
<p>21 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>We object to planning permission as there is not enough information on the project and request full details to be uploaded.</p>
<p>31 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>I object as this was rejected when similar plans were put forward and now it has been sold to Hightown similar plans have been put forward and the residents who previously applied are being ignored! 9 story's high on podiums is going to be more than 9 story's high, how tall will they actually be?</p> <p>Little parking information- will there be enough for all residents and visitors or will local roads be congested??</p> <p>As well as poor infrastructure in the area , poor bus service and local services all stretched extra traffic and pollution to local people, I do not think adding 238 flats to the area should be considered!</p>
<p>24 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>A similar application that had been submitted on the same site was rejected a couple of years ago and I cannot see how the new plans differs that much from the original.</p> <p>Although there has been a reduction in the number of flats and an increase in residential parking spaces, there has also been an increase in commercial space with 21 less parking spaces for this use. There is potential that 230 of the flats (that can accommodate 2 adults) will have 2 cars, as most families do now. The parking would therefore overflow into surrounding streets, The Flags being the most likely as it is one of the main roads closest to this proposed development and there is an alleyway directly to the street. I see this as a danger to our children in</p>



	<p>the street, having an increase in traffic. There are children who play out in the street and some of which have no choice due to no outdoor space at their own flats.</p> <p>The traffic into Maylands is currently horrendous at rush hour times with very long queues. To increase the traffic to accommodate these new dwellings would not only put a strain on an already busy and congested route but also dramatically increase pollution caused by the extra vehicular activity.</p> <p>I also feel there is not enough outdoor space provided for the flats, given that nearly 50% of the accommodation could house families with children, the nearest outdoor spaces would need families, or even children alone, if old enough, to navigate dangerous roads to access these.</p> <p>I am also concerned that the proposed height of the development is still going to overlook our properties and invade on our privacy. A lot of the balconies are facing towards residents in the local area. It states in the application that the development will be blocked by the trees currently there and therefore obscuring us (The Flags) from their view. The buildings on the development will be taller than the trees and for 50% of the year the trees have no foliage, therefore will provide no privacy at all. The pictures provided throughout the application are deceiving of height and have also been taken during the spring/summer months when they are in full foliage.</p> <p>I would also like to question if there is adequate need for yet more commercial space in the area? There has been no evidence provided to suggest there is a need and also has enough thought gone into providing the public with sufficient parking to access these businesses.</p> <p>I would also like a note to be made that this application was made on 7th December 2021, yet a letter wasn't written and dated to residents until 15th December 2021. I myself only received this correspondence from Dacorum borough council on the 24th December 2021 with a closing date for appeals on the 5th January 2022. This being Christmas means that many people may have been away, and not have had enough time to respond on returning. Also, upon asking many of my neighbours, some haven't even received the details of this planning application at all. These are properties that would be directly impacted by this development. I would ask that an extension is made on the closing date of this and that all local residents are informed, not just a handful. It states that only 44 properties in the local vicinity have been consulted, owing to the fact that there are 34 properties in The Flags alone I don't believe that enough of the local residents have been able to voice their concerns and opinions.</p> <p>I have taken recent photos showing the view from The Flags, across the new proposed development and also the current self storage unit next to it. These show the lack of privacy that will be available to local residents currently insitu behind the development.</p>
13 Greenway Hemel Hempstead Hertfordshire HP2 4QG	<p>We object because there is no information beside the title of the application.</p> <p>The only information we can get from the title, is that there are 34 less flats than previous application done by Keir. This is not enough information to comment, thus we assume Hightown Pretorian Housing Association is the same application done by Keir but they might have</p>

	<p>reduce the tallest tower by 4 floors, whihc previously was the strongest objection.</p> <p>We do not know if the application is addressing all the previous objection or not.</p> <p>Sincerely, Marga Pelli and Jose Zavala from 13 Greenway.</p>
<p>10 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>It seems very strange that this application has been provided, asking residents for comments by 5th January when there are no documents to understand the full impact of the proposal. Frankly this is completely unacceptable.</p> <p>Whilst there are 34 fewer apartments now planned, the commercial space has expanded from the previous Kier proposal. We have no details as to how many 9 storey buildings are planned. Frankly one of these is too high. We already suffer from the noise and light issues from the Travelodge which would be adjacent. Having two or three large structures directly next to that hotel will have a terrible effect on the overall landscape, light blockage and pollution and place tremendous pressure on the local infrastructure,</p> <p>The plan provides no details as to how many parking spaces are being provided, there is no updated transport plan, we have no details of the commercial proposal.</p> <p>There is no way we are prepared to accept any proposals until we are treated respectfully and provided with the necessary details to make informed decisions.</p> <p>We await an update with correct proposal details so we can understand exactly what is planned.</p>
<p>61 Masons Road Hemel Hempstead Hertfordshire HP2 4QU</p>	<p>I strongly object to the height of the proposed development of nine storeys, which is not in keeping with the area. Also far too many properties are being proposed with not enough parking spaces for them. Mayland's avenue is very very busy already and it will increase further traffic, congestion and noise as well as put a strain on the current utilities in the area.</p>
<p>15 Rathlin Hemel Hempstead Hertfordshire HP3 8TP</p>	<p>It's too close to the A414 and Maylands Avenue. So by building all thes flats there would be extreme congestion on all the roads in the surrounding areas. Then to go out to the M1, there would be very heavy congestion on A414 especially during the morning rush hour. Then in the evening there would be heavy congestion on the A414 coming in from M1 and A414. This would create a back log congestion onto the M1. As there are no feeder roads in or out of Hemel Hempstead, this would be a very chaotic situation which would lead to road rage incidents.</p> <p>With the construction of 234 flats the population of humans in that development would increase by at 1000 people and at least 234 vehicles. The vehicles could be more than this if there are two vehicles per flat. All this would put a heavy strain and burden on the local community and the people living in those flats.</p>

	<p>I strongly object to this development as there are no feeder roads to ease the vehicle congestion that will inevitably happen. So this application should be denied by all means.</p>
<p>57 Leverstock Green Road Hemel Hempstead Hertfordshire HP2 4HH</p>	<p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p> <p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p> <p>I have now twice submitted the comments below, but I cannot see them on the portal. Are other people's comments not shown? How can we know?</p> <p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p>
<p>9 Market Oak Lane Hemel Hempstead Hertfordshire HP3 8JN</p>	<p>How is the building of more housing to this extent and others applied for in Dacorum sustainable.</p> <p>The infrastructure of the town cannot sustain this level of accommodation.</p> <p>Parking, ecology, education, health etc are all impacted and already at breaking point.</p> <p>Dacorum is already a deprived area how is investing in making more rabbit hutch housing going to improve this?</p> <p>It is also proposed to be what is too high for the area</p>
<p>14 Highland Drive Hemel Hempstead Hertfordshire HP3 8PT</p>	<p>Strongly object to proposed application, as building too tall, too many flats, not enough parking, not enough green space, pollution, traffic and massive lack of parking, already too many housing developments on Marylands avenue, affecting local businesses and ecology let alone pollution.</p>

37 Highland Drive Hemel Hempstead Hertfordshire HP3 8PT	<p>I cannot believe that I have to appeal against this proposed development yet again as permission was denied last time. I am also concerned that last time I was informed personally by letter of the impending planning request, this seems to have been omitted this time!</p> <p>The new proposal has a very small reduction in the number of dwellings from 268 to 234 but now it has an additional 1,486 sqm of commercial floor space, how does this make it any better?</p> <p>The problems with this site have not changed.</p> <p>This area of Maylands Avenue has huge congestion problems especially at rush hour. The access road for this site will cause immense problems due to its proximity to the very busy roundabout, if traffic lights are added to allow access it will worsen the current 'gridlock' situation, local users of this area will understand this issue all too well. If traffic lights are not installed it will undoubtedly cause an accident 'black spot', either way the resulting extra traffic and gridlock issue will result in these vehicles bellowing out more exhaust fumes. I live local to this site and can attest to the horrendous pollution levels already existing at this point.</p> <p>The proposed towering blocks of flats, the tallest being 9 storeys plus extra storeys for parking will overlook and overshadow existing properties and the surrounding streets will undoubtedly end up being used for overflow parking if there is more than one vehicle per dwelling.</p> <p>I realise new homes are needed but I cannot understand how this over congested plan was ever allowed to reach this point. Perhaps the council need to consider quality of life for their residents above financial gain for property developers.</p>
93 Leverstock Green Road Hemel Hempstead Hertfordshire HP3 8PR	<p>I object to this development as the traffic in this area is already too heavy, causing long queues to build up which also causes poor air quality for residents living nearby. Has the air quality in this area been checked at busy times? The local infrastructure is unsuitable for the number of people already living here. The quality of life for the residents of Hemel Hempstead is not being taken into consideration. Far too many apartments planned and already erected.</p>
1 Greenway Hemel Hempstead Hertfordshire HP2 4QG	<p>This site is not suitable for this density of residency ( Is greed dictating this ? ) This site is still basically Hemel Hempstead's industrial area and therefore suitable for employment purposes.</p> <p>Where would all the children play? In factory car parks!</p> <p>I am also concerned about the welfare or the local bat colony. This development could be detrimental to these little fellows. We need the experts to assess this.</p>
57 Leverstock Green Road Hemel Hempstead Hertfordshire HP2 4HH	<p>Much higher than the highest building in the area, which is already too tall. The area is not suitable for such a skyline. Not enough parking to support building. This will cause parking issues for existing residents in the area.</p>
Herts and Middx Wildlife Trust, Grebe House St Michaels Street	<p>Objection: No objective assessment of measurable biodiversity net gain using the NE biodiversity metric provided. Application therefore does not demonstrate net gain and is not consistent with the NPPF</p>

<p>St Albans AL3 4SN</p>	<p>requirement for measurable net gain.</p> <p>There is no in principle objection to this development but it still needs an ecological appraisal. No ecological survey has been supplied that demonstrates how the development is capable of being consistent with NPPF in demonstrating a measurable biodiversity net gain.</p> <p>The NPPF states:</p> <p>'174. Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value</li> <li>d) minimising impacts on and providing net gains for biodiversity</li> </ul> <p>The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity.</p> <p>In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:</p> <p>'8.1 Making decisions based on adequate information The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:</p> <ul style="list-style-type: none"> <li>h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'</li> </ul> <p>The most objective way of assessing net gain to biodiversity in a habitat context, as incorporated into the Environment Act 2021, is the application of the Natural England Biodiversity Metric. The use of the metric is endorsed in the Environment Act and national planning guidance.</p> <p><a href="http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/">http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/</a></p> <p>In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score of a minimum of 10% to demonstrate compliance with policy. Habitat mitigation can be provided on or off-site.</p> <p>All ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated. For example, if integrated bat boxes and bird boxes are recommended the report must state what model, how many and where they will be</p>
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	<p>deployed and clearly mark this on plans. Landscape plans should contain species lists of native and appropriate species with management regimes. In order to properly understand what is being proposed, all ecological enhancement/mitigation/compensation measures must be clearly proposed and marked on maps. BS 42020 states:</p> <p>'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'</p> <p>A clear indication of all ecological measures that will be delivered by the development must be provided.</p> <p>All mitigatory or compensatory habitat provision must show exactly what management regime will be applied to it or how it will be sustained in perpetuity to offset the permanent ecological impacts. Habitat provision is only as good as the management that it receives, in order to achieve the desired condition. Sufficient information must be supplied to show exactly how these habitat creation areas will be maintained, by whom or how it will be financed.</p>
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## ITEM NUMBER: 5b

21/03244/FUL	Conversion and construction of 6 dwellinghouses on brownfield site.	
Site Address:	50 High Street Markyate St Albans Hertfordshire AL3 8HZ	
Applicant/Agent:	Herbert ( QH (London Colney LTD)	Kit Miller, Urbana Town Planning
Case Officer:	Nigel Gibbs	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Markyate Parish Council	

### 1. RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the outcome of the Applicant carrying out of additional ecological surveys and an appropriate assessment in accordance with article 6(3) of the Habitats Directive, securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation, the completion of an additional bat survey(s), with further delegated authority to add any bat / ecological mitigation conditions as necessary arising from the ecological surveys.

### 2. SUMMARY

2.1 In principle the development is acceptable with reference to Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013), with no overriding objection to the loss of a long established employment use. Subject to the carrying out of additional ecological surveys and that these do not identify overriding problems, on fine balance and taking a pragmatic approach, there is a case for the LPA to support this application.

2.2 The scheme has been subject to revisions since the application's receipt and following two withdrawn applications. In terms of the Revised Scheme, there are reservations expressed by the Design & Conservation Team regarding the design of Units 1 to 3, but this is based upon on less than substantial harm to Markyate Conservation Area. Whilst not fully in accordance with Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team. Therefore, on very fine balance the heritage harm arising would, in this instance, not outweigh the public benefits of the proposed development.

2.3 The context is that in developing brownfield land within built up areas such as the application site, it is rarely possible for every design expectation to be met. In this respect overall, it is considered that the development would appear compact and create a small high quality residential enclave of much needed small dwellings which is in accordance with the national space standards in an historically compact area. It is recognised that the 8.4m depth gardens of Units 1, 2 and 3 are below the 'standard' 11.5m depth, however they are still of a usable size with a south facing aspect. Units 4, 5, and 6 would also benefit from usable small amenity areas. There is also some scope for planting.

2.4 With reference to the adopted Parking Standards there would be adequate parking served by the existing very wide roadway linked to the High Street, with no highway objections from HCC Highways to the use of the long established site access. This takes into account that for vehicles exiting there is very minimal visibility to the access' right hand side which cannot be improved. Fire tenders can access the site in forward gear, with the proposal involving the provision of a sprinkler

system for Units 1 to 3, taking account that there is an inadequate turning area for tenders. There are no objections to the approach regarding the collection and storage of refuse.

2.5 There are objections raised by local residents to the scheme based upon the impact upon the residential amenity of adjoining/ nearby dwellings. Although not ideal, subject to the imposition of conditions it is not considered that there would be a case to refuse the application based upon the overbearing / physical impact, the loss of light, privacy, noise, disturbance and headlamp glare. The proposal has the potential to have less environmental impact as compared to the existing employment use, with reference to the expectations of Policies CS12 and CS32 of the Dacorum Core Strategy. It is fully acknowledged that when in use an outbuilding / residential annexe at no. 9 Albert Street would overlook the proposed rear gardens of Units 1, 2 and 3. However, if the application was refused for this reason it would result in the whole of the rear of the site being undevelopable for residential purposes.

2.5 There are several elements which are not environmentally ideal. However, subject to the outcome of additional ecological surveys, these are not considered to individually or collectively represent overriding environmental reasons to refuse the application, representing a sustainable development by providing new housing in accordance with the National Planning Policy Framework's social objectives

2.6 There will be the requirement for a planning obligation as referred to by the recommendation.

### **3. SITE DESCRIPTION**

3.1 The application site is a longstanding elongated commercial yard located on the south western side of Markyate High Street within the Conservation Area. It has been observed that commercial uses continue within the yard.

3.2 It features a range of buildings served by a wide access road between nos 50 and 52 High Street. As explained, the access has minimal visibility to the right hand side for vehicles exiting, but clear visibility to the left. The rear gardens of the terraced housing in the adjoining Albert Street abut the site's north western boundary which is defined by wall, in addition to the curtilage of no. 48 High Street. The rear curtilages of terraced dwellings at nos. 52 to 58 ( even ) in the High Street abut the eastern and south eastern site boundaries, especially the elongated garden at no. 58. The Telephone Exchange adjoins the site's south western boundary. Planning Permissions have been granted for detached and semi-detached dwellinghouses within the rear of the nearby no. 64 High Street.

### **4. PROPOSAL**

4.1 This application (Revised Scheme) involves the provision of 6 dwellings through the yard's redevelopment. It comprises of a fully hipped roof terrace of 3 two bedroom hipped roof two storey dwellinghouses (Units 1, 2 and 3) at the site's south western end, the one bedroom conversion and extension of a single storey commercial building (Unit 6) in the site's northern corner, and the conversion/extension of the two storey south eastern building adjoining the rear of nos 50 to 58 (even) to form 2 one bedroom dwellings (Units 4 and 5).

4.2 Units 1, 2 and 3 would be served by south western rear gardens, with small sheds and allocated parking involving 6 spaces. The slightly sunken terrace's centralised archway includes 2 tandem parking spaces. Units 4 and 5 would share an amenity area and be served by 2 allocated parking spaces, adjoining the development's communal cycle stand/ store. The single aspect Unit 6 would be served by a small usable south east facing garden and one parking space.



4.3 Background. Following the application's receipt, the Original Scheme (OS) involving a gable roof design for 3 bedroom at Units 1, 2 and 3 was amended to the Revised Scheme. The RS (RS 1) was subject to additional changes (RS 2) following a visit to 58 High Street, with the meeting attended by Councillor Jane Timmis and the occupier. The OS and RS1 were subject to full re-consultations and neighbour notification. RS 2 was limited to re-consultation with Markyate Parish Council and no. 58. **The OS would have been recommended for refusal because of the adverse design and parking implications.**

4.4 For clarification, it is understood that the Agent has made very extensive contact over a very long period with the Parish Council to explain how it has addressed the site's development, following the two previously withdrawn applications. The Council's Design & Conservation Officer and case officer were eventually able to view the site at meeting with the Agents/ Applicant following the relaxation of COVID restrictions, before the case officer's subsequent visits to neighbouring dwellings. In order to comprehensively assess the site's redevelopment, site visits have been essential.

4.5 Set against Paras 4.3 and 4.4, the submitted scheme is the culmination of the Agent's approach in attempting achieve a positive outcome following extensive dialogue.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

21/00456/FUL - Conversion and construction of 6 dwellinghouses on brownfield site.  
*WDN - 31st March 2021*

21/01964/FUL - Conversion and construction of 6 dwellinghouses on brownfield site (amended scheme).  
*WDN - 7th July 2021*

4/02271/00/FUL - Widening of footway crossover  
*GRA - 13th February 2001*

Appeals (If Any):

## **6. CONSTRAINTS**

Area of Archaeological Significance: 2  
CIL Zone: CIL3  
Markyate Conservation Area  
Former Land Use (Risk Zone)  
Large Village: Markyate  
Parish: Markyate CP  
RAF Halton and Chenies Zone: Green (15.2m)  
Residential Area (Town/Village): Residential Area in Town Village (Markyate)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3

## **7. REPRESENTATIONS**

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents

National Planning Policy Framework (2021)

National Planning Policy Guidance

National Design Guide

Dacorum Core Strategy 2006-2031 (adopted September 2013)

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

Site Allocations Development Plan Document 2017 (May 2017)

Dacorum Core Strategy

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

CS26- Green Infrastructure

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

Markyate Place Strategy

Dacorum Local Plan

Policy 10 - Optimising the Use of Urban Land

Policy 12 - Infrastructure Provision and Phasing

Policy 13 - Planning Conditions and Planning Obligations

Policy 18 - The Size of New Dwellings

Policy 21 - Density of Residential Development

Policy 34 - Other Land with Established Employment Generating Uses

Policy 51 - Development and Transport Impacts

Policy 54- Highway Design

Policy 58 - Private Parking Provision

Policy 62- Cyclists

Policy 111 - Height of Buildings

Policy 113- Exterior Lighting  
Policy 118 - Important Archaeological Remains  
Policy 119- Development Affecting Listed Buildings  
Policy 120-Development in Conservation Areas

Appendix 3– Layout and Design  
Appendix 8- Exterior Lighting

Site Allocations Development Plan Document 2017

Other

Parking Standards Supplementary Planning Document (Nov 2020)  
Environmental Guidelines Supplementary Planning Document  
Refuse Storage Advice Note (2015)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Affordable Housing Clarification Note  
Supplementary Planning Document Energy Efficiency and Conservation  
Supplementary Planning Document Sustainable Development Advice Note Water Conservation  
Supplementary Planning Document Planning requirements for waste water Advice Note  
Hertfordshire County Council Local Transport Plan 4

**CONSIDERATIONS**

9.1 The main issues are:

- Policy and principle- New Housing, Alternative Use of Established Employment Land Use with Housing.
- Design/ Layout /Impact upon the Conservation Area's Character / the Setting of Adjoining / Nearby Listed Buildings.
- Ecological Issues.
- Impact upon the Residential Amenity of the Locality.
- Highway Implications.

**Principle of Development**

The Local and National Approach to New Housing

9.2The importance of providing new homes is a central theme of the Core Strategy. This is comprehensively explained by its Chapter 14 and reinforced by The Site Allocations Development Plan Document.

9.3 The Core Strategy predates the National Planning Policy Framework (the Framework) wherein new housing is pivotal to delivering sustainable development. This is expressed through its Part 5 –‘Delivering a sufficient supply of homes’, with an emphasis upon maintaining the 5 year supply.

9.4 This is set against the Core Strategy’s Settlement Hierarchy (Table 1). Policy CS 1 expects that the Borough’s large villages such as Markyate will accommodate new development for housing, employment and other uses, provided that it:

- a) is of a scale commensurate with the size of the settlement and the range of local services and facilities;
- b) helps maintain the vitality and viability of the settlement and the surrounding countryside;
- c) causes no damage to the existing character of the settlement or its adjoining countryside; and
- d) is compatible with policies protecting the Green Belt and Rural Area.

9.5 Policy CS4 confirms that the Borough’s Large Villages development will be guided to the appropriate areas within settlements. In residential areas appropriate residential development is encouraged.

9.6 Policy CS17 supports new residential development to meet the district housing Allocation, with saved Policy 10 of the Dacorum Borough Local Plan (DBLP) expecting the optimisation of urban land. This approach is set against the Framework’s emphasis upon delivering sustainable development – with the social objective of providing a sufficient number and range of new homes, as expressed through Part 5 -Delivering a sufficient supply of homes.

9.7 Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure under criteria (a) housing for those with special needs through criteria (b) and affordable housing at criteria (c). This echoes the Framework’s s Paragraph 62 which addresses the needs for different groups. These include, but are not limited to those who require affordable housing, families children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their homes.

9.8 Policy CS19 specifically addresses the important role of affordable housing which needs to be considered in conjunction with the Framework’s Paragraph 64 and associated PPG.

9.9 It has been concluded that no affordable housing is required at the site.

9.10 In terms of layout, Policies CS10, CS11 and CS12, the Framework’s emphasis through its Parts 12 and 8 upon the importance of high quality design/ promoting healthy and safe communities, and the National Design Guide, are complemented by saved DBLP Appendix 3 establishing the parameters for new development.

9.11 These housing based policies are set against the Framework’s approach to ‘making effective use of land’ under its Part 11. This is with specific regard to achieving appropriate densities under paragraphs 124 and 125. Paragraph 125 explains that where there is a shortage of land for meeting housing needs it is expected that developments make optimal use of each site. This provides a context for saved DBLP Policy 21 regarding Density of Residential Development.

9.12 Also in considering the application, the Council does not have a demonstrable 5-year supply of deliverable housing sites. Under the Framework’s Paragraph 11, through the ‘tilted balance’ planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal.

## The Loss of the Employment Land

9.13 With regard to employment, Policy CS14 confirms that sufficient land will be allocated to accommodate growth in the economy, with an expectation that employment levels outside the main employment areas will be maintained to ensure a spread of job opportunities. The Framework also supports the rural economy (Para 84) through its Part 6 – ‘Building a strong, competitive economy’, reflecting the Framework’s economic objective.

9.14 Saved Dacorum Borough Local Plan Policy 34-Other Land with Established Employment Generating Uses confirms:

**‘Established employment generating uses not included within the minimum supply of employment land (Policy 29) or identified for conversion to housing (Policy 33), and which cause environmental problems in terms of noise, smell, pollution, safety or traffic generation, will be encouraged to relocate. Where appropriate, firms will be offered help in their search for new sites. The conversion of premises vacated by firms to an alternative employment generating use will be accepted, provided the new use will not cause any environmental problems.’**

Where an established employment generating use does not cause environmental problems, new small-scale employment development and redevelopment will be permitted on the following basis: (a) In the towns, large villages, selected small villages and the Rural Area: (i) there must be no undesirable impact on adjoining property and on the surrounding area; and Dacorum Borough Local Plan 1991-2011 adopted 21 April 2004 137 (ii) the site must not be extended, unless significant planning advantages, such as the rationalisation of the site layout and adjoining land uses or refurbishment of listed buildings, would result. (b) In the Green Belt there must be very special circumstances: normally new development/redevelopment will be refused permission’.

9.15 It is concluded that there is no fundamental policy objection to the replacement of the employment use with housing, with no received objections from the Strategic Planning Team.

## **Design/ Layout Impact upon the Conservation Area’s Character / the Setting of Adjoining- / Nearby Listed Buildings**

### General

9.16 S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.17 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.

9.18 The Framework’s Para 199 confirms that when considering the impact of 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).

9.19 Para 200 confirms that any harm to or loss of, should be with reference to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) and should require clear and convincing justification.

9.20 As explained by Para 201 where a development will lead to substantial harm of a designated heritage asset LPAs should refuse consent. This is unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

9.21 Para 202 addresses cases where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use.

## The Proposal

9.22 The Conservation & Design Team's representative has confirmed that the proposed approach has inbuilt design problems, advising that despite the many changes and improvements made to the scheme, in its current form the development does not fully preserve or enhance the character or appearance of the Markyate Conservation Area - a designated heritage asset, contrary to policy CS27 and the Framework's Part 16. The assessment has reference to the Framework's Paragraphs 194, 195, 197, 199, 200, 201 and 202. In summary, there are no Conservation based objections to the conversion/ modification of the existing buildings to provide Units 4, 5 and 6 and to the setting of adjoining/ nearby listed buildings (48, 48A, 48B, 48C, 58, 60, 81 High Street, 1, 9 and 13 Albert Street). There is ongoing concern regarding the terrace at Units 1, 2 and 3:

***'A short 'terrace' of 3 dwellings is proposed within the rear part of the site, with plot 1 being the most visible from the High Street. Following a considerable amount of negotiation the design and detailing has been improved and the height reduced. The setting of the grade II listed rear wing of 9 Albert Street will be preserved.'***

***However, the overall footprint and massing of units 1 to 3 at ground and first floor level has not changed since the initial application submission - the three dwellings have an uncharacteristically deep planform, particularly noticeable at first floor level, with a wide flank elevation and low (25 degree) pitched hipped roof over. Whilst the low pitch of the hipped roof does help to keep the massing down, the roof pitch is lower than the more traditional roof pitches seen surrounding the site. The new dwellings have a modern layout, in contrast to the built form of surrounding historic buildings and this, coupled with the low pitch roof does raise the question of how well the development will integrate with the Conservation Area. Setting the terrace down within a dip to reduce its height is not considered an ideal way to further reduce its apparent massing'.***

The Conservation Officer has clarified that the harm identified is considered to be 'less than substantial', with reference to the Framework's Paragraph 202, i.e. that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. On this basis the Conservation & Design Team recommend that 'Dacorum Borough Council, as decision maker weighs the less than substantial harm identified against any public benefits the scheme may possess'.

9.23 In this respect the Original Scheme has been changed; the Revised Scheme represents a design improvement on a very poorly maintained site. This harm needs to be considered in the wider context of the Conservation Area. With no Strategic Planning Team policy objection to the loss of the Yard/ employment use, in overall terms the Revised Scheme would reinvigorate the application site, through both the new alternative use and in terms of its overall appearance which is considered to be compatible with the locality, with the site adjoining the starkly designed Telephone Exchange. There would be significant public benefits in providing much needed small scale new housing in a sustainable location within the centre of Markyate. The public benefit would also involve addressing site contamination, with the adjoining dwellings environment improving because of the loss of the longstanding employment use.

9.24 Whilst not fully in accordance with Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on very fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team. Therefore, on very fine balance the heritage harm arising would, in this instance, not outweigh the public benefits of the proposed development.

## Layout

9.25 In terms of layout the scheme balances the conversion and adaption of the existing retained buildings for Units 4, 5 and 6 with the provision of the new southern terrace. The dwellings are in accordance with the National Space Standards. All the dwellings are served by useable amenity space, albeit that Units 1, 2 and 3's south facing gardens are quite short and the amenity space for Units 4 and 5 is limited. The combination of adequately sized dwellings, the protection of the proposed garden sizes by the recommended withdrawal of permitted development rights (Classes A for and E for extensions and outbuildings respectively) and the provision of external garden storage sheds from the outset, should ensure that there is a robust approach to the long term maintenance of the rear gardens for Units 1, 2 and 3 in their proposed form, avoiding their future reduction in size by effects of extensions and outbuildings. With regard to the 'standard' 11.5 m rear gardens this is historically derived from ensuring that dwellings facing each other have a minimum of 23m for privacy reasons. In this case the first floor windows of Units 1, 2 and 3 face onto the Telephone Exchange site.

9.26 There is adequate parking, refuse storage and collection facilities, the opportunity for soft landscaping (hedge planting and the requirement by condition for tree planting in accordance with CS29), with inbuilt cul-de-sac natural surveillance.

9.27 It is fully acknowledged that when in use an outbuilding / residential annexe at no. 9 Albert Street would overlook the proposed rear gardens of Units 1, 2 and 3. However, any future occupiers of these dwellings will be aware of this situation before they move to the dwellings/ outset. If the application is refused for this reason it would result in the whole of the rear of the site being un-developable for residential purposes.

## **Ecological Implications**

9.28 The submitted Initial Ecological Report/Survey indicated there were no fundamental ecological fundamental issues, with the findings valid for one year, after which updated surveys would be required for the Bat Survey. There were further Stage 2 surveys carried out.

9.29 Hertfordshire Ecology has noted that no evidence of protected species was found other than the potential for the buildings to be used by nesting birds and bats. However, HE has noted that feeding remains provided signs that the largest, B1, is a brick-built building has been used as a feeding roost by bats. HE has advised that due to this and the available access through the louvre windows, air bricks and gaps in the eaves, B1 was assessed as having a high potential as a bat roost, noting that subsequently, activity surveys were undertaken on the 23/06/2021, 07/07/2021 & 21/07/2021 and that no evidence of behaviour suggesting the presence of a roost was observed.

9.30 Hertfordshire Ecology has concluded that whilst there is no reason to doubt these conclusions, given the evidence for the past use of B1, the continued potential in terms of access points and the duration of time since these surveys were undertaken and that the report is now out of date, it is advised that an update survey is carried out. This should be prior to determination and sufficient to inform of any changes to the potential or presence of any bats within building B1. On the basis that the effects are expected to be limited to just one building, the LPA can derive some comfort from the previous surveys, but it is nevertheless necessary for additional survey work to be carried out.

## **Impact upon the Residential Amenity of the Locality**

9.31 The existing use has coexisted for many years with the surrounding housing. There are no apparent planning controls through previous planning decisions limiting the Yard's use in terms of hours of operation and types of use. The benefits of the residential redevelopment would eliminate

the possibility of harm resulting from the closeness of the existing employment uses.

9.32 With reference to the expectations of Policies CS12 and CS32, the site observations/ relationship of the proposal to existing housing, the representations from the local community, and the opportunity to impose conditions, although not ideal it is **not** considered that there would be a case to refuse the application based upon the impact to the residential amenity of the adjoining existing dwellings. This is with reference to privacy, the physical impact (whether overbearing/ visually intrusive), the receipt of sun and daylight, noise and disturbance and headlamp glare.

- (a) *The dwellings opposite the site access (nos. 83, 85 and 87 High Street) and the rear of no.50.* Nos. 83, 85 and 87 would experience some headlamp glare, noise and disturbance. No.50 would be subject to some noise and disturbance from vehicular movements. These effects have to be in context of a busy High Street location, and the impact of the existing yard for many years.
- (b) *No.58 High Street.* No.58's curtilage involves a significant physical connection with the application site. The main garden adjoins an existing large two storey building with some openings. The elongated part of the garden adjoins other parts of the Yard which is close to a new dwelling at No.64. Despite the closeness of the proposals, the demolition of part of the deteriorating existing building connected to the main building to form Units 4 and 5, should benefit no.58. This positive effect is also with due regard to the infilling of the existing openings to serve the building to provide Units 4 and 5 through recommended Condition 12. Moreover, and the future control of new openings to Units 4 and 5 through recommended Condition 10 aims to permanently protect the privacy and amenity of no.58 and its main garden area. When compared to the existing closeness of the Yard, the positive effect of these conditions would be reinforced by the provision of new boundary walls and complementary fencing along no.58's elongated rear garden in terms of protecting privacy, reducing noise and disturbance from Units 4/ 5 garden and noise and disturbance and headlamp glare from the adjoining proposed communal parking area. Given its location and the overall layout/ arrangement of no.58's garden, it is not considered that there would be a case to refuse the application based upon the effect of the massing and location of the south eastern flank wall of proposed Unit 3 and the dwelling's position, also taking into account the overall layout / arrangement of no.58's garden and the recommended conditions relating to Unit 3 in protecting no.58's privacy. This has been with due regard to the closeness of the dwelling at no.64.
- (c) *Nos. 52, 54, 56 High Street.* It is not considered there would be any harm. This takes into account the benefits arising from the demolition of the two storey south eastern part of the existing building in its re-design to form Units 4 and 5 and there being no proposed north eastern flank wall windows to serve Units 4 and 5 and the aforementioned role of Condition 10 to restrict new openings.
- (d) *The curtilage of no. 48 High Street and the rear of no. 1 Albert Street adjoining Proposed Unit 6.* Based upon site observations the extension of Unit 1 would have some impact upon no. 48 in terms of the physical impact and the receipt of light. The north-west facing 4.9m wide single storey slate gable extension with a 4m ridge level would further enclose the current more open aspect of the part of the south west facing garden serving no. 48. It is not considered that there would be a case to refuse the application based upon the extension's physical impact - it would not be too overbearing, visually intrusive or oppressive, whilst recognising that the rear wall would cause some loss of sunlight to the garden, with less impact upon the elongated rear garden of no. 1 Albert Street. Recommended Condition 10 would ensure the necessary control over changes to the extended Unit 6 to prevent the loss of privacy/ noise and disturbance resulting from new openings.



(e) *Nos.3, 5 and 9 Albert Street.* The terrace is south-east facing. In conjunction with no.1, nos.3, and 5 are served by parallel rear gardens of about 15.8 m depth. No.9 has no rear garden. No.9's facing high wall forms a common boundary (about 15.8m length) with no. 5 Albert Street. This wall causes the loss of sunlight to no.5. The common boundary of the dwellings with the application site yard is also defined by a high wall. With the exception of no.9 the rear elevations of nos.1, 3 and 5 are well separated from the application site yard because of the length of the respective rear gardens. The north-western flank wall of Unit 1 of the south western terrace of proposed dwellings will be slightly inset from the Yard's common boundary wall and would be clearly visible from no. 5. The Revised Scheme's full hipped roof significantly reduces the massing of Unit 1 as compared with the earlier proposed gable end, and consequently the physical impact of the development in terms of visual intrusion and the effect upon the receipt of sunlight to the bottom of no. 5's rear garden, would be limited. It is not considered that there would be a case to refuse the application based upon the physical impact of the south-western terrace in terms of visual intrusion (i.e. it would not be overtly overbearing or oppressive). It is fully acknowledged that no.5 is subject to the impact of no. 9's flank wall, however this is longstanding. It is also not considered that the location of the terrace would adversely affect no.9, but recognising that the location of the terrace is not ideal as the rear of no.9 would directly overlook the gardens of Units 1, 2 and 3. The landing window of the Unit 1 must at all times be of an obscure glass and should be either of a fixed type or limited to a top hung opening only in the interests of the residential amenity/privacy.

### **Highway Implications: Access/ Parking/ Sustainable Location**

#### **General**

9.33 There is no objection from HCC Highways.

#### **Access/ Sight Lines**

9.34 As confirmed, the roadway to the site is wide, enabling cars entering and exiting the site at the same time. The sight line to the right is non-existent, but that to the left is far better- with HCC Highways raising no concerns.

9.35 Fire tenders can access the site in forward gear, but with due regard to the lack of an adequate turning area and the distance from the High Street, Units 1, 2 and 3 would be served by sprinklers. Units 4, 5 and 6 closeness to the High Street would enable excellent access for firefighters.

#### **Refuse**

9.36 The location of the communal storage facility collection point close to the site access would enable the efficient collection of refuse.

#### **Disabled Access/ Access for Persons with Limited Mobility**

9.37 Other than Unit 5, access would be available.

#### **Parking/ Cycle Storage**

9.38.1 It is understood that there are no existing dwellings which have formal allocated parking within the application site. This is notwithstanding the representation that 'No 50a existing dwelling is losing its existing 2 parking spaces, there is no overflow parking already in Markyate so where are they proposed to park'. Therefore, based upon this understanding of no formal allocated parking the displacement of existing parking is not a material consideration. Based upon the following pragmatic application of the adopted Parking Standards, there is adequate parking in this

Accessibility Zone 3 in terms of the numbers of spaces and their location / distribution and opportunity for spaces 1, 4 and 6 to be adapted for parking for persons with disabilities:

Unit	Allocated Spaces	Requirement
Unit 1	2	1.5
Unit 2	2	1.5
Unit 3	2	1.5
Unit 4	1	1.25
Unit 5	1	1.25
Unit 6	1	1.25
Total	9	8.25

9.38.2 For clarification, the Original Scheme involved 3 bedroom dwellings for Units 1, 2 and 3, requiring 2.25 spaces for each house. Through Building Regulations, electric charging points will be available. In addition to the proposed communal cycle storage, Units 1, 2 and 3 can individually provide curtilage storage.

9.38.3 Part 10 of the Adopted Standards advises these 'are required by the Council where developments are proposed that do not meet the standards or in other situations where high parking stress is likely, to be advised by the Council'. Given that it is considered that the proposal is in accordance with the adopted Parking Standards and that it is recently adopted, it not considered that there is a case to expect the provision of a Parking Stress Survey(s).

#### Sustainable Location

9.39 In relation to Markyate itself the site is in a sustainable location.

#### Construction Management Plan

9.40 A condition is necessary because of the location of the proposed dwellings in relation to Markyate's High Street, as advised by Hertfordshire County Council Highways.

#### Other Considerations

##### Drainage/ Water / Contamination/ Land Stability/ Air Quality

9.41 This is with reference to Policies CS29, CS31 and CS32 and Parts 14 and 15 of the Framework.

9.42 Drainage. There are no fundamental objections from Thames Water. Given the site's location with a Groundwater Protection Zone and the site contamination, it would be inappropriate to install soakaways because of the potential for groundwater pollution. A condition is recommended in accordance with HCC Highways response.

9.43 Water. Affinity Water raises no objections.

9.44 Contamination. The Council's Lead Officer Scientific Team recommends conditions.

9.45 Land Stability. There are no apparent issues.

9.46 Air Quality. There are no apparent issues.

### Crime Prevention/ Security

9.47 The layout features a high level of natural surveillance which is often associated with the safer cul-de-sac type development. Hertfordshire Constabulary has not raised any objections. The LPA has also taken into account the representations from 58 High Street.

### Archaeological Implications

9.48 Hertfordshire County Council Historic Environment has raised no objections.

### Exterior Lighting

9.49 This is with reference to Policies CS27, CS29, and CS32, saved DBLP Policy 113 and Appendix 8 and the Framework's Paragraph 185 (c).

9.50 A condition is recommended to address the residential amenity, safeguarding the environment, crime prevention/ security, the ecological implications and highway safety.

### Sustainable Construction

9.51 The development would need to comply with Building Regulations.

### Environmental Impact Assessment

9.52 This is not an EIA development.

### Air Limits

9.53 The Air Authorities have not been consulted because of the development's height.

### Conditions

9.54 A number of conditions recommended with reference to the site conditions, the responses of technical consultees and the standard 6 tests.

9.55 The range of recommended conditions include the withdrawal of permitted development rights for the houses given the need to balance built development with retained garden space, taking into account that the houses are served by storage sheds and the gardens. This in the context of the Framework's Paragraph 54 - 'planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so'.

### Unilateral Undertaking/ Planning Obligation

9.56 This would need to address the Chiltern Beechwoods requirements as referred to below.

### Local Response to the Application: Residents and Markyate Parish Council

9.57 It is considered that the above report confirms how the LPA has considered a wide range of identified issues, taking into account with various changes to the Original Scheme. These include overdevelopment, the parking implications, impact upon residential amenity and the effect upon the historic environment. With regard to the 'legal boundary with no. 58' the Agent has been made aware of this, with the representation from no. 58 confirming 'the location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately'. The change to the boundary – a key element of the scheme in terms of new walls and fencing - will be

dependent upon the Applicant liaising with no. 58 and ensuring compliance with Recommended Condition 16 and that the submitted Certificate A has been correct.

#### Community Infrastructure Levy

9.58 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 of the Core Strategy and the 'Charging Schedule'. The site is located within CIL Zone 3 and therefore a charge of £100 per square metre (plus indexation) would be levied against the proposal.

#### Chiltern Beechwoods Special Area of Conservation

9.59 Natural England advised to the Local Planning Authority on the 14th March 2022 that the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the Chiltern Beechwoods Special Area of Conservation (CBSAC) the Zone of influence (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.60 Due to the expectations of the Conservation of Habitats and Species Regulations 2017 and that the proposal involving 6 additional dwellings, there is a possible likelihood that this additional development could adversely affect the integrity of the SAC (Chilterns Beechwoods). Therefore to address this mitigation is necessary to reduce the impact on the SAC and discourage visitors.

9.61 This Council's Mitigation Strategy confirms tariffs towards SAMM and SANG, on a 'per dwelling'. This is based upon a calculation to offset the negative impact of the development on the Integrity of the SAC.

9.62 The National Trust has confirmed that these Strategic Access Management and Monitoring (SAMMS) measures will cost a total of £18.2million. This cost will be shared across all of the affected local authorities. In Dacorum, this means that developers will be required to pay a tariff of £913.88 for each new home built.

9.63 To help to reduce recreational pressures on Ashridge Commons and Woods, alternative green spaces need to be identified. All new developments within the Zone of Influence will need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere. Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. The Council has currently identified Bunkers Park and Chipperfield Common as SANGs. Developers that are unable to provide a suitable new SANG will be required to make a payment to us towards the long-term management and maintenance of these sites, which is £4,251 per new home.

9.64 The LPA will seek this financial contribution in order to complete its obligations under the Habitat Regulations through planning obligations.

## **10. CONCLUSION**

10.1 The principle of residential redevelopment is acceptable, providing an essential opportunity for much needed new housing in a sustainable location with no objection to the loss of the employment land. The development is in accordance with Policies CS1 and CS4. It is not considered that the proposal is an overdevelopment of the site, but in its revised form is a pragmatic approach.

10.2 Through very extensive dialogue the scheme has been improved. To reiterate the Original Scheme would have been recommended for refusal. There are a range of matters confirming that the Revised Scheme 2 scheme is not environmentally ideal; however, in developing many brownfield sites such the application site, it is rarely possible to ensure every design expectation can be met, in reconciling policy expectations with site conditions. There is always a need for a pragmatic approach in such circumstances, with the question whether in this case the scheme's identified inbuilt individual and collective inevitable limitations provide a robust reason to refuse the application. This takes into account the very important role of the recommended conditions.

10.3 Whilst not fully in accordance with the expectations of Policies CS12 and CS27, with reference to the Framework's Part 16, it is concluded that, on very fine balance, the public benefits of providing new housing in the proposed compact form- a quality alternative when compared to the existing array of buildings by providing a modern residential enclave- outweighs the less than substantial harm confirmed by the Design & Conservation Team.

10.4 In recommending the grant of permission this is subject to the need for additional ecological survey work.

## **11. RECOMMENDATION**

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the outcome of the Applicant carrying out of additional ecological surveys and an appropriate assessment in accordance with article 6(3) of the Habitats Directive, securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation, the completion of an additional bat survey(s), with further delegated authority to add any bat / ecological mitigation conditions as necessary arising from the ecological surveys.

### **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. **Notwithstanding any of the materials referred to by the submitted plans and application form, no works shall take place other than the demolition of buildings at the site, until details of the samples of all materials to be used for 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 for inspection. The scheme shall include a programme for the repair of the wall forming the common boundary with dwellings in Albert Street which shall be carried out fully in accordance with the approved details.**

Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2021).

3. **Prior to the first occupation of any of the dwellings hereby permitted the roadway shall be upgraded (to accommodate the 19m tonnes loading required for fire tenders), all vehicle parking spaces including 2 spaces within the archway at Units 1, 2 and 3 and the cycle storage shall be provided fully in accordance of the approved plans. Once provided all these shall be retained at all times and the parking spaces and cycle storage shall not be used for any other purposes.**

Reason: In order to ensure that the development is always served by the approved access and parking arrangements, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004).

4. **The development hereby permitted shall not be occupied until a scheme for the installation of sprinklers ('the sprinkler system') has been submitted to and approved in writing by the local planning authority based upon the principles referred by the approved plans. The sprinkler system shall be fully installed and operational prior to the occupation of any part of the development and thereafter retained at all times and thereafter regularly maintained in perpetuity fully in accordance with the requirements of Hertfordshire Fire & Rescue Service and Building Regulations requirements.**

Reason: To ensure that the layout of the residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Borough Core Strategy (2013) and Section 8 of the National Planning Policy Framework (2021).

5. **No works shall take place other than the demolition of buildings at the site until a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority. This shall include the planting of 6 trees and hedge planting.**

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policies CS12 (e) and CS29 of the Dacorum Borough Council Core Strategy (2013)

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

**Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

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

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

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

**(ii) 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.**

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

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

- 7. Any contamination, other than that reported by virtue of Condition 6 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

Informative: The 2 contamination conditions are considered to be in accordance with paragraphs 174 (e) & (f), 183, and 184 of the National Planning Policy Framework 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>

- 8. No dwelling hereby permitted shall be occupied before details of the design of the communal refuse collection area adjoining the site access shown by the approved plans have been submitted to and approved in writing by the local planning authority. Once installed the refuse facility shall be retained at all times, providing a minimum of 6 standard Dacorum Blue or Back Bins.**

Reason: In the interests of residential and visual amenity in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 9. 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 within the residential curtilages of any of the dwellinghouses hereby permitted out without the prior written approval of the Local Planning Authority:**

**Schedule 2 Classes A and E for the dwellinghouses referred to as Units 1, 2 and 3.**

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

- 10. No additional windows or other openings (other than those shown by the approved plans) shall be installed in the outside walls of any of the dwellinghouses subject to this planning permission.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 11. All bathroom windows and flank wall landing windows shall be installed with obscure glass of the highest levels of obscurity at all times in accordance with details submitted to and approved in writing by the local planning authority. The flank wall landing window of Unit 1 shall be fitted at all times with a fixed type with the exception of a top hung part above 1.8 from finished floor level.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 12. Within 3 months of the commencement of the development hereby permitted and, before the occupation of Units 4 and 5 hereby permitted, the existing openings to serve Units 4 and 5 within Elevation 7 on Plan No. TL-4444-21-2K and TL-4444-21-4G shall be blocked up with flint and changed to obscure glass respectively fully in accordance with these approved plans subject to the other requirements of this condition. The openings fitted with obscure glass shall be non-openable and the obscure glass installed shall be of the highest levels of obscurity available in accordance with details approved in writing by the local planning authority. Following the installation of the flint and the approved obscure glass within the respective openings, the installed flint and obscure glass shall be thereafter retained at all times.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 13. The bathroom window of Unit 3 shall be non-openable at all times with the exception of a top hung part measured a minimum of 1.8m above the finished floor level.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

- 14. Unit 3 shall not be occupied until the details of the study window serving Unit 3 have been submitted to and approved in writing by the Local Planning Authority. These details shall include the sections to be obscure, the level of obscurity and the**



**sections of the window that can and cannot be opened. Unit 3 shall also not be occupied until the study window serving Unit 3 has been installed in accordance with the approved details; and thereafter the approved details shall be permanently retained.**

Reason: In the interests of the residential amenity of the adjoining housing and the dwellings hereby permitted in accordance with Policies CS12 and CS27 of Dacorum Core Strategy (2013).

15. **Before the occupation of any dwellings hereby permitted, details of all exterior lighting serving the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed fully in accordance with the approved details prior to first occupation of the development and shall thereafter be retained and maintained fully in accordance with the approved details. The scheme shall include the site's communal areas and include a management plan for its maintenance in perpetuity.**

Reason: In the interests of the environment, residential amenity, crime prevention and highway safety in accordance with Policies CS29 and CS32 of the Dacorum Borough Core Strategy (2013) , Policy 113 and Appendix 8 of the saved Dacorum Borough Local ( 2004) and Paragraph 130, 174 and 185 (c) of the National Planning Policy Framework (2021).

16. **No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**
- k. Phasing Plan.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). 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 Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

17. **The development hereby permitted shall be subject to a drainage scheme (which ensures that surface water does not discharge onto the highway) which shall be submitted to the local planning authority no later than following the demolition of any buildings at the site. The approved scheme shall be constructed fully in accordance with the approved details before the occupation of any of the dwellings hereby permitted.**

Reason: In the interests of highway safety in accordance with Policy CS12 of Dacorum Core Strategy (2013) and the advice of Hertfordshire County Council Highways.

18. **The development hereby permitted shall not be occupied until all the approved boundary treatment including boundary fencing for Plots / Units 1, 2 and 3 (in accordance to be submitted to and approved in writing) have been installed. Thereafter, the approved boundary treatment shall be retained at all times.**

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

19. **Subject the requirements of other conditions of this planning permission, the development hereby permitted shall be otherwise carried out fully in accordance with the following plans:**

**TL -4444-21 2K**

**TL -4444-21 31 I**

**TL -4444-21 4G**

**TL -4444-21 5F**

**TL -4444-21 2H**

**TL -4444-21 1G (Location Plan)**

Reason: For the avoidance of doubt.

#### **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. Storage of materials:

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible,

authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

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

Further information is available via the County Council website at:

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

4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Historic Environment (HCC)	<p>ORIGINAL SCHEME</p> <p>Thank you for consulting us on the above application.</p> <p>In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p>
Environmental And Community Protection (DBC)	<p>ORIGINAL SCHEME</p> <p>No recorded response.</p>

Markyate Parish Council	<p>ORIGINAL SCHEME: 21.09.2021</p> <p>Parish Council Customer objects to the Planning Application</p> <p>Overdevelopment of site. Other properties overlooked. Volume of traffic onto High Street. Insufficient parking facilities.</p> <p>PREVIOUS COMMENTS: 08.06.2021</p> <p>The Parish Council object to this application:-</p> <ol style="list-style-type: none"> <li>1. No parking</li> <li>2. Access dangerous</li> </ol> <p>The Parish Council suggest the Lead Planning Officer looks at this proposed development on site to understand the concerns raised.</p>
Affinity Water - Three Valleys Water PLC	<p>ORIGINAL SCHEME</p> <p>Thank you for forwarding this application. We have reviewed the development and do not have any comments to make.</p>
Thames Water	<p>ORIGINAL SCHEME</p> <p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer</p>

	<p>network.</p> <p>As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>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 &amp; 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. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a>.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments 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>ORIGINAL SCHEME</p> <p>Comments (1) Decision Interim</p> <p>The proposal is for the conversion and construction of 6 dwellinghouses on a brownfield site at 50 High Street, Markyate. This is an interim response owing to concerns regarding emergency vehicle access to the site. The furthest building is greater than 45 metres from the highway network to the furthest point. As such a fire appliance is required to enter the site and turn on site in case of an emergency. Therefore, HCC Highways would like to see a swept path analysis illustrating that in case of an emergency a 10.2 metre fire appliance can enter and turn on site to enter the highway network in forward gear. Once this has been provided then HCC Highways can</p>

	<p>make an informed recommendation for the site.</p> <p>Comments (2)</p> <p>Any further fire issues will need to be dealt with by the fire service, especially in terms of a fire strategy as this is not within HCC Highways remit. We would agree with any decision they make, however, it is not ideal that a fire tender cannot access the site. Once, the fire strategy has come in I would send it straight to administration.cfs@hertfordshire.gov.uk who deal with all our fire issues. If you would like me to send it to them when this has been completed then I can do.</p> <p>Kind regards</p>
Trees & Woodlands	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Hertfordshire Building Control	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Waste Services (DBC)	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Strategic Planning & Regeneration (DBC)	<p>ORIGINAL SCHEME</p> <p>Response awaited.</p>
Crime Prevention Design Advisor	<p>ORIGINAL SCHEME</p> <p>Thank you for sight of planning application 21/03244/FUL, Conversion and construction of 6 dwelling houses on brownfield site. Address: 50 High Street Markyate St Albans Hertfordshire AL3 8HZ.</p> <p>I would ask that the dwellings are built to the Secured by Design standard:</p> <ul style="list-style-type: none"> <li>. Windows/Doors : PAS 24:2016</li> <li>. Communal Doors: LPS 1175 SR2</li> </ul>
Hertfordshire Ecology	<p>ORIGINAL SCHEME</p> <p>Please see Revised Scheme response.</p>
Environmental And	<p>ORIGINAL SCHEME</p>

Community Protection (DBC)	Response awaited.
Conservation & Design (DBC)	<p>ORIGINAL SCHEME</p> <p>I've discussed this site / scheme with the Design &amp; Conservation Team Leader - we still have reservations over the design of the development at the rear and in terms of scale it is still a substantial scheme with deep flank elevations.</p> <p>The previous design advice I provided has not really solved the issues and seeing it on plan I can see the advice was flawed - BUT I am not an architect / urban designer and it is not my role to design a scheme!</p> <p>The Design &amp; Conservation Team Leader is going to see if he can find an example of a successful scheme that may work design wise in this location.</p> <p>INFORMAL PLANS (22.12.2021)</p> <p>Thanks for the email and plans. Seeing the new development in context with the ridge / eaves height of the rear wing of no. 6 (adjacent) is helpful and it is acknowledged the development is lower than the ridge / eaves. I see the development is now being dug down by 700mm.</p> <p>I still have reservations over the scale and massing of the roof, particularly above plots 3 / 2 - it is not immediately clear if there is any way on improving upon this as the applicants are not willing to reduce the overall footprint / depth of the development or reconfigure the roof form. Any thoughts?</p> <p>The addition of chimneys were mentioned on the site visit but not incorporated into revised plans.</p> <p>The use of small flint panels as shown does not look sufficiently convincing, I would suggest either a greater amount of flint is used or omitted in favour of good quality brick and brick detailing over windows.</p> <p>(Note : Response to the Agent's e mail:</p> <p>We now propose to dig down into the ground for the rear dwellings - the client has agreed to dig down significantly by 700ml to ensure this final matter of scale is satisfied! As you can see in the cross-section provided within both the site plan and the plot 1, 2 &amp; 3 elevations, the scale of the proposed dwellings is considerably less than the buildings immediately surrounding - it is clear that the site is now much more</p>

	appropriate in terms of scale and massing. I trust this will be looked upon favourably given the effort made by the developer to satisfy this aspect of the proposals).
Historic Environment (HCC)	REVISED SCHEME  Response awaited.
Markyate Parish Council	REVISED SCHEME  Comments Details Comments: The Parish Council object to this application:-  1. No parking 2. Access dangerous  The Parish Council suggest the Lead Planning Officer looks at this proposed development on site to understand the concerns raised.
Natural England	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) 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. Natural England requires further information in order to determine the 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



	<p>the integrity of the SAC from the cumulative impacts of development.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;</li> <li>o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;</li> <li>o Fire: increased incidence and risk of fire; and</li> <li>o Other: all other impacts, including harvesting and activities associated with site management.</li> </ul> <p>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 projects, would be likely to have a significant effect on the SAC.</p> <p>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>Other advice</p> <p>The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty</p> <p>Page 3 of 6</p>
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	<p>(AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>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 <a href="mailto:ryan.rees@naturalengland.org.uk">ryan.rees@naturalengland.org.uk</a>.</p> <p>For any new consultations or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p>
Conservation & Design (DBC)	<p>REVISED SCHEME</p> <p>21/03244/FUL</p> <p>50 High Street, Markyate</p> <p>Conversion and construction of 6 dwellinghouses on brownfield site</p> <p>The application site is located to the west of Markyate High Street and comprises a builder's workshop and yard including office, workshop and storage buildings. There is a wide driveway access into the site, between no. 50 and no. 52 High Street, as a consequence there are public views into the site and the levels within the site rise up towards the west, following the topography of the local area.</p> <p>The site lies within the Markyate Conservation Area. Conservation areas are defined as areas that have been designated as being of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The Planning (Listed</p>

Building and Conservation Areas) Act 1990 creates special controls for areas designated as conservation areas. Under the NPPF conservation areas are 'designated heritage assets'. The site also lies within an Area of Archaeological Interest and the setting of adjacent listed buildings, fronting both the High Street and Albert Street needs to be taken into account.

A Heritage Impact Assessment accompanies the application in accordance with NPPF para. 194.

The existing site, a builders yard, has an informal character which is common with these sites to the rear of the High Street. The 19th century flint outbuilding can be seen from the High Street, it represents a good example of flint being used within Markyate and makes a positive contribution towards the character and appearance of the Conservation Area. The other buildings on the site are low key in design and scale, with the majority of sheds being timber clad and single storey, whilst they are of no merit in themselves they are representative of the type of development and uses that once occurred in these rear yards within Markyate.

The retention of the two older outbuildings and their conversion to residential use is acceptable in conservation terms, the extension to the 19th century flint outbuilding (plots 4 and 5) is now more sensitively designed. Unit 6 is a conversion / extension of an existing single storey outbuilding.

A short 'terrace' of 3 dwellings is proposed within the rear part of the site, with plot 1 being the most visible from the High Street. Following a considerable amount of negotiation the design and detailing has been improved and the height reduced. The setting of the grade II listed rear wing of 9 Albert Street will be preserved.

However, the overall footprint and massing of units 1 to 3 at ground and first floor level has not changed since the initial application submission - the three dwellings have an uncharacteristically deep planform, particularly noticeable at first floor level, with a wide flank elevation and low (25 degree) pitched hipped roof over. Whilst the low pitch of the hipped roof does help to keep the massing down, the roof pitch is lower than the more traditional roof pitches seen surrounding the site. The new dwellings have a modern layout, in contrast to the built form of surrounding historic buildings and this, coupled with the low pitch roof does raise the question of how well the development will integrate with the Conservation Area. Setting the terrace down within a dip to reduce its height is not considered an ideal way to further reduce its apparent massing.

	<p>Historic boundary walls remain along the north elevation of the site, these are to be retained (as indicated on the site plan), whilst the structures which were built up against these walls at a later date are removed.</p> <p>It should be ensured the bin 'presentation area' at the entrance to the site does not become a permanent feature.</p> <p>The resurfacing of the tarmac drive with bound gravel is acceptable. Cobbles, rather than tarmac, at the front of the site would represent an enhancement to the Conservation Area.</p> <p>Heritage assets are assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF, para. 189).</p> <p>NPPF para. 197 states that In determining applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> <li>(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;</li> <li>(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</li> <li>(c) the desirability of new development making a positive contribution to local character and distinctiveness.</li> </ul> <p>NPPF para. 199 is relevant: 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.</p> <p>Furthermore (NPPF, para. 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.</p> <p>Despite the many changes and improvements made to the scheme, in its current form the development does not fully preserve or enhance the character or appearance of the Markyate Conservation Area - a designated heritage asset, contrary to policy CS27 and NPPF section 16.</p>
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	<p>The harm identified is considered to be 'less than substantial', as such NPPF para. 202 states:</p> <p>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>It is recommended, Dacorum Borough Council, as decision maker weighs the less than substantial harm identified against any public benefits the scheme may possess.</p> <p>If DBC is minded to approve this conservation will recommend some planning conditions.</p>
Strategic Planning & Regeneration (DBC)	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Trees & Woodlands	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Environmental And Community Protection (DBC)	<p>REVISED SCHEME</p> <p>(1).POLLUTION</p> <p>I believe we were awaiting a Construction Management Plan regarding this site but there still doesn't appear to be one on the portal?</p> <p>(2).CONTAMINATION</p> <p>Having reviewed the additional application documents and considered my previous advice on this application I am able to confirm that there is no change to my advice of September 2019.</p> <p>Namely that, because the application is for the introduction of a residential land use on a previously developed site with a historical commercial/industrial land use, the following planning conditions are required.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be</p>

	<p>commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.</p>
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	<p>Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p> <p>Please let me know if you have any questions.</p>
Hertfordshire Highways (HCC)	<p><b>REVISED SCHEME</b></p> <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Traffic management requirements</li> <li>d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</li> <li>e. Siting and details of wheel washing facilities;</li> <li>f. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</li> <li>h. Provision of sufficient on-site parking prior to commencement of</li> </ul>

	<p>construction activities;</p> <p>i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;</p> <p>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;</p> <p>k. Phasing Plan.</p> <p>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).</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway</p>
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	<p>Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p><u>Comments</u></p> <p>The proposal is for the conversion and construction of 6 dwellinghouses on brownfield site at 50 High Street, Markyate. High Street is a 20 mph classified C local access route that is highway maintainable at public expense. This application is in addition to a previous iteration which HCC Highways raised concerns regarding fire vehicle access. It is HCC Highways understanding that the applicant has been in contact with Herts Fire and rescue and HCC Highways would be willing to agree to any fire safety subjects imposed by Herts Fire and rescue.</p> <p><u>Highway Matters</u></p> <p>The site has an existing dropped kerb which served the old service yard. This dropped kerb will be maintained for use as access for the 6 new dwellings. This access is deemed acceptable for the 6 new dwellings as it is wide (allowing two vehicles to pass) and has appropriate visibility for the speed of the adjacent highway network. Parking is a matter for the Local Planning Authority and therefore any parking arrangements must be agreed by them. All cars are deemed to be able to turn on site to enter and exit the highway network in forward gear.</p> <p><u>Drainage</u></p> <p>The proposed new hardstanding would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new hardstanding's would need be collected and disposed of on site.</p> <p><u>Refuse / Waste Collection</u></p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p><u>Emergency Vehicle access</u></p> <p>This is something HCC Highways believes the applicant is in contact with Herts Fire and Rescue regarding fire safety issues.</p> <p><u>Why a construction management plan?</u></p> <p>A construction management plan is required owing to the location of</p>
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	<p>the proposed dwellings in relation to Markyate's High Street.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative and conditions</p>
Hertfordshire Ecology	<p>REVISED SCHEME</p> <p>Thank you for consulting Hertfordshire Ecology on the application for which I have the following comments</p> <p>Summary of advice</p> <ul style="list-style-type: none"> <li>• Updated bat survey is required prior to determination.</li> </ul> <p>Supporting documents:</p> <p>The application is supported by the following report:</p> <ul style="list-style-type: none"> <li>• Ecological Appraisal by Cherryfield Ecology (report date 29/04/2021)</li> <li>• Emergence and Activity Bat Survey (EBS) by Cherryfield Ecology (report date 28/07/2021)</li> </ul> <p>Comments</p> <p>The site is composed of hardstanding and buildings and no evidence of protected species was found other than the potential for the buildings to be used by nesting birds and bats. Feeding remains provided signs that the largest, <b>B1</b>, is a brick-built building has been <b>used as a feeding roost by bats</b>. Due this and the available access through the louvre windows, air bricks and gaps in the eaves it was assessed as having a high potential as a bat roost. Subsequently, activity surveys were undertaken on the 23/06/2021, 07/07/2021 &amp; 21/07/2021. No evidence of behaviour suggesting the presence of a roost was observed. I have no reason to doubt these conclusions. However, given the evidence for the past use of the building by bats, the continued potential in terms of access points and the duration of time since these surveys were undertaken and that the report is now out of date, I advise an <b>update survey is carried out</b>. This should be prior to determination and sufficient to inform of any changes to the potential or presence of an bats within building B1.</p>
Hertfordshire Building Control	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Crime Prevention Design Advisor	<p>REVISED SCHEME</p> <p>Thank you for sight of planning application 21/03244/FUL, Conversion and construction of 6 dwellinghouses on brownfield site.</p> <p>I would encourage the client to build the dwellings to the police security standard Secured by Design :</p>

	<p>Physical Security (SBD)</p> <p>Front doors Certificated to BS PAS 24:2016</p> <p>Windows: Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 SR2 including French doors .:</p> <p>Dwelling security lighting : (Dusk to dawn lighting above or to the side front doors ).</p> <p>Boundary Exposed side and rear gardens with robust fencing or wall , minimum 1.8m height , gates to be secure with lock.</p>
Markyate Parish Council	<p>REVISED SCHEME</p> <p>The Parish Council discussed this as the Parish Council Meeting and objected on the same grounds as previously.</p> <p>If you require any further information please do not hesitate to contact me.</p>
Waste Services (DBC)	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Affinity Water - Three Valleys Water PLC	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Thames Water	<p>REVISED SCHEME</p> <p>Response awaited.</p>
Natural England	<p>REVISED SCHEME</p> <p>Planning consultation: Conversion and construction of 6 dwellinghouses on brownfield site. Location: 50 High Street Markyate St Albans Hertfordshire AL3 8HZ</p> <p>Thank you for your consultation on the above dated and received by Natural England on 31 March 2022.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO</p>

	<p><b>DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</b></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 significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;</li> <li>o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;</li> <li>o Fire: increased incidence and risk of fire; and</li> <li>o Other: all other impacts, including harvesting and activities associated with site management.</li> </ul> <p>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</p>
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	<p>(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 projects, would be likely to have a significant effect on the SAC.</p> <p>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. Therebeing 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>Other advice</p> <p>The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty(AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and</p>
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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](mailto: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](mailto:consultations@naturalengland.org.uk).

Annex A - Additional Information  
Natural England

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

	<p>Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.</p> <p>Local sites and priority habitats and species</p> <p>You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.</p> <p>Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.</p> <p>Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.</p> <p>Environmental gains</p> <p>Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite</p>
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	<p>measures are not possible, you should consider off site measures. Opportunities for enhancement might include:</p> <ul style="list-style-type: none"> <li>o Providing a new footpath through the new development to link into existing rights of way.</li> <li>o Restoring a neglected hedgerow.</li> <li>o Creating a new pond as an attractive feature on the site.</li> <li>o Planting trees characteristic to the local area to make a positive contribution to the local landscape.</li> <li>o Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.</li> <li>o Incorporating swift boxes or bat boxes into the design of new buildings.</li> <li>o Designing lighting to encourage wildlife.</li> <li>o Adding a green roof to new buildings.</li> </ul> <p>Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version. You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:</p> <p>2<a href="http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx">http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</a></p> <p>Page 6 of 6</p> <ul style="list-style-type: none"> <li>o Links to existing greenspace and/or opportunities to enhance and improve access.</li> <li>o Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)</li> <li>o Planting additional street trees.</li> <li>o Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.</li> <li>o Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).</li> </ul> <p>Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.</p> <p>Access and Recreation</p> <p>Natural England encourages any proposal to incorporate measures to</p>
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	<p>help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.</p> <p>Rights of Way, Access land, Coastal access and National Trails</p> <p>Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website <a href="http://www.nationaltrail.co.uk">www.nationaltrail.co.uk</a> provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.</p> <p>Biodiversity duty</p> <p>Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
21	9	1	8	0

### Neighbour Responses

Address	Comments
Hope Cottage 87 High Street Markyate St Albans Hertfordshire AL3 8JG	<p>I'm objecting to the current plan for six properties to be built, as this will have an overall negative impact to the heart of the historic conservation area. Six properties is over-development in such a small plot, the plans are out of keeping with the historic rural nature of the village, and are also not in line with the local plan.</p> <p>Yet again the parking provisions fall short of the minimum standards, as the information used in their report is incorrect.</p> <p>The Dacorum Parking Standards SPD which was adopted 18 November 2020 includes the following for a C3 Dwelling House (Markyate is in Accessibility Zone 3)</p>

	<p>1 bed Allocated Spaces <math>1.25 \times 3 = 3.75</math>  3 bed Allocated Spaces <math>2.25 \times 3 = 6.75</math></p> <p>This is a minimum of 11 parking spaces and not the 9 spaces they have listed.</p> <p>Also given the recently granted applications for new dwellings at Numbers 93-95 and 64 High Street, which together with this application will total 9 new dwellings in an already heavily congested area, a parking stress survey should be undertaken to review whether the minimum parking spaces per the Parking Standard SPD are adequate as the council also has the discretion to impose additional standards given the development is located in an area of particular parking stress.</p> <p>Section 6.2 of the Heritage report refers to "Markyate High Street is a busy road with on street parking. This makes the High Street difficult to navigate, and not only during peak commuting hours. At present, the builder's yard has large vans coming on and off site throughout the day, causing additional traffic congestion. Replacing the current building yard with residential dwellings would cause a reduction in that traffic going to and from site, a benefit to the surrounding area greatly."</p> <p>As in previous objections, there is very little traffic that currently goes onto the site and this is usually at off-peak times. Having parking provisions for 9 (or 11 if using the correct data) vehicles entering and exiting the incredibly busy and congested High Street (more than likely to be mostly at peak times) with little visibility of oncoming traffic will be a huge issue, adding to the congestion and creating additional noise creating a negative impact to neighbours, businesses on the High Street, the bus route and the overall character of the historic High Street.</p> <p>6.2 of the Heritage Assessment also makes reference to ... "Surprisingly, this development has had limited impact on the character of the village centre, as it is not directly visible from the High Street. Similarly, the proposed development would not greatly impact the street view within Markyate Conservation Area".</p> <p>This is incorrect as pointed out in my previous objections as Unit 1 will be directly visible from my property (a listed building which has not been mentioned at all in the heritage report) as well as being able to see much of the Units 4,5 &amp; 6 from the High Street. The heritage report needs to be reviewed again and I welcome the conservation officer for a site visit. I will be sending photos to the planning officer to support this point.</p>
9 Albert Street Markyate St Albans Hertfordshire AL3 8HY	<p>I am writing to once again object to this development. My reasons are given below.</p> <ol style="list-style-type: none"> <li>1. Six houses is excessive for the size of the plot.</li> <li>2. There is no need/demand for this development. It's overbearing and out of scale.</li> <li>3. The development has inadequate parking for the number of houses which will further exasperate the already severe parking problem for the residents of nearby streets and the High Street.</li> </ol>

	<p>4. The rear height of number 9 Albert Street is significantly lower than the front. The planned ridge height of Units 1, 2 and 3 will be significantly higher than the rear roof height of 9 Albert Street. The build will overshadow rear bedrooms, block the light completely and reduce privacy.</p> <p>5. This is a conservation area. The development is out of character with the surrounding Grade II listed properties and the historical High Street. It will have a negative effect on the areas character and appearance.</p> <p>6. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment.</p> <p>7. Markyate census and Parish Council Plan states that there should be no further infilling and Markyate High Street is critically congested.</p> <p>8. There will be an increase in noise and disturbance at the weekend. I am writing to once again object to this development. My reasons are given below.</p> <p>1. Six houses is excessive for the size of the plot.</p> <p>2. There is no need/demand for this development. It's overbearing and out of scale.</p> <p>3. The development has inadequate parking for the number of houses which will further exasperate the already severe parking problem for the residents of nearby streets and the High Street.</p> <p>4. The rear height of number 9 Albert Street is significantly lower than the front. The planned ridge height of Units 1, 2 and 3 will be significantly higher than the rear roof height of 9 Albert Street. The build will overshadow rear bedrooms, block the light completely and reduce privacy.</p> <p>5. This is a conservation area. The development is out of character with the surrounding Grade II listed properties and the historical High Street. It will have a negative effect on the areas character and appearance.</p> <p>6. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment.</p> <p>7. Markyate census and Parish Council Plan states that there should be no further infilling and Markyate High Street is critically congested.</p> <p>8. There will be an increase in noise and disturbance at the weekend.</p>
58 High Street Markyate St Albans Hertfordshire AL3 8HZ	<p>We write to confirm our third objection to this proposal. This development poses the largest impact to our property as it runs the full length of our land and the proposed changes directly overlook our house and garden. The location plan does not show the correct relationship of the plot to our house. We are a grade II listed property within a conservation area. With the following issues highlighted, we again request this application be refused.</p> <p>1. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. The Parish Plan states there should be no further infilling within Markyate. The design and layout of the development is not in keeping with the historic nature of the High Street and Albert Street where many of the properties are Grade II listed. 6 buildings on</p>

	<p>this plot is excessive, currently the site is only occupied on weekdays during working hours, this development will increase noise in the area.</p> <p>2. Units 4&amp;5 are the closest units to our Grade II listed property, the walls of the existing workshops form our boundary. Turning these workshops into residential dwellings has a huge impact on our privacy, with an ongoing increase of noise. The proposed windows and skylights directly overlook our property and garden. The proposed windows would have a direct view into our kitchen and our bedrooms. This is an increased security risk.</p> <p>3. There is no right of access to our land for this development work to be carried out. The location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately.</p> <p>4. There has been no agreement reached with us regarding plans to alter our boundary fencing and walls.</p> <p>5. Units 2&amp;3 - Unit 2 is too close to our boundary. Both units overlook our property, loss of privacy, loss of light and overshadowing. Unit 3 will look straight towards bedrooms at the rear of our house. The development as a whole will cause a visual intrusion to both our house and garden.</p> <p>6. The High Street is already at full capacity and cannot take any further overflow parking that this development would bring. This proposal will have a negative impact on traffic flow and available parking.</p> <p>We write to confirm our fourth objection to this proposal. This development poses the largest impact to our property as it runs the full length of our land and the proposed changes directly overlook our house and garden. The location plan does not show the correct relationship of the plot to our house, we have detailed the errors on an email to Planning at DBC, and Jane Timmis DBC dated 9th April 2022. We are a grade II listed property within a conservation area. With the following issues highlighted, we again request this application be refused.</p> <p>1. Contravenes the Dacorum Plan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of the Historic Environment. The Parish Plan states there should be no further infilling within Markyate. The design and layout of the development is not in keeping with the historic nature of the High Street and Albert Street where many of the properties are Grade II listed. 6 buildings on this plot is excessive, currently the site is only occupied on weekdays during working hours, this development will increase noise in the area.</p> <p>2. Units 4&amp;5 are the closest units to our Grade II listed property, the walls of the existing workshops form our boundary. Turning these workshops into residential dwellings has a huge impact on our privacy, with an ongoing increase of noise. The proposed windows and skylights directly overlook our property and garden. The proposed windows would have a direct view into our kitchen and our bedrooms.</p>
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	<p>This is an increased security risk.</p> <p>3. There is no right of access to our land for this development work to be carried out. The location plan wrongly depicts the relationship of the existing workshop to our property showing our grounds inaccurately. (as per email to planning and Jane Timmis dated 9th April 2022 where we have marked the correct boundaries)</p> <p>4. There has been no agreement reached with us regarding plans to alter our boundary fencing and walls</p> <p>5. Units 2&amp;3 - Unit 2 is too close to our boundary. Both units overlook our property, loss of privacy, loss of light and overshadowing. Unit 3 will look straight towards bedrooms at the rear of our house. The development as a whole will cause a visual intrusion to both our house and garden.</p> <p>6. The High Street is already at full capacity and cannot take any further overflow parking that this development would bring. This proposal will have a negative impact on traffic flow and available parking.</p> <p>Ultimately - this is a huge overdevelopment of the area. My husband and I continue to strongly object and note that despite asking, no-one from Planning has been to visit us so that we can show the issues we raise. We do not believe this to be a legal application given that the boundaries shown continue to be incorrect despite us having raised this on numerous occasions.</p> <p>Copy of email sent to Planning 14:06:2022</p> <p>Thank you for advising that further plans had been submitted onto the Dacorum planning portal. We have taken a look and our comments are below. Whilst we appreciate that some consideration has been made to points we have raised with you, the majority of our objections have still not been addressed.</p> <p>1. Contravenes the Dacorum Pan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of Historic Environment - please refer to our previous 4 objections for our detailed comments regarding this.</p> <p>2. Units 4&amp;5 - impact on our privacy, windows and skylights overlooking - there has been no change on the plans so please refer to our previous 4 objections regarding this.</p> <p>3. Right of access to our land / boundaries shown on the plans - whilst we note that the plans have been amended to show our boundary near the lawn correctly - they have not been corrected to show our property as a whole, the plans still imply that our home is smaller than it actually is with the archway being shown as a separate property.</p> <p>4) Whilst we note that there is now suggestion of a brick wall and trellis, the height seems to have reduced (previously 2m from applicants side). We have previously been told this boundary is our responsibility. No-one has discussed removal of our fence - how the work would progress, payments for damage to our established gardens etc.</p> <p>5) Units 2&amp;3 - sadly no change to our previous 4 objections, there will still be visual intrusion to both our house (rear bedrooms and main living areas) and our gardens.</p> <p>6) Overdevelopment of the area, traffic flow and parking on the High Street is at full capacity - nothing has changed since our previous objections.</p>
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	<p>In terms of my email to you dated 12th May:</p> <ol style="list-style-type: none"> <li>1) Boundary lines still need further attention to show our property correctly</li> <li>2) Overlooking windows - no change within revised drawings so our comments / objections remain</li> <li>3) Loss of screening - we note the suggestion of a wall but are still concerned about loss of privacy and views directly into our bedrooms</li> <li>4) Security - We note that the suggestion is to move the bins slightly and create two bin stores but the issue of security is still of concern to us as per previous objections</li> <li>5) Trees - these are still not accurately shown</li> <li>6) We note the addition of the two proposed properties at number 64 and would ask that planners note that our land is being squeezed from both sides by new developments</li> <li>7) No change to our previous objections - this is overdevelopment with insufficient parking and infrastructure to support it</li> <li>8) Bins at the entrance to the development will be insufficient for the number of houses and will remain an eyesore</li> </ol> <p>We continue to object to this development.</p> <p>Thank you for advising that further plans had been submitted onto the Dacorum planning portal. We have taken a look and our comments are below. Whilst we appreciate that some consideration has been made to points we have raised with you the majority of our objections have still not been addressed.</p> <ol style="list-style-type: none"> <li>1. Contravenes the Dacorum Pan ref CS11 Quality of Neighbourhood Design, CS12 Quality of Site Design and CS27 Quality of Historic Environment - please refer to our previous 4 objections for our detailed comments regarding this.</li> <li>2. Units 4&amp;5 - impact on our privacy, windows and skylights overlooking - there has been no change on the plans so please refer to our previous 4 objections regarding this.</li> <li>3. Right of access to our land / boundaries shown on the plans - whilst we note that the plans have been amended to show our boundary near the lawn correctly - they have not been corrected to show our property as a whole, the plans still imply that our home is smaller than it actually is with the archway being shown as a separate property.</li> <li>4) Whilst we note that there is now suggestion of a brick wall and trellis, the height seems to have reduced (previously 2m from applicants side) and the boundary we have previously been told is our responsibility. No-one has discussed removal of our fence - how the work would progress, payments for damage to our established gardens etc.</li> <li>5) Units 2&amp;3 - sadly no change to our previous 4 objections, there will still be visual intrusion to both our house (rear bedrooms) and our gardens.</li> <li>6) Overdevelopment of the area, traffic flow and parking on the High Street is at full capacity - nothing has changed since our previous objections.</li> </ol> <p>In terms of my email to you dated 12th May shown below:</p>
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<p>46 High Street Markyate St Albans Hertfordshire AL3 8HZ</p>	<p>I'm objecting to the roof line going from a flat roof and at the same height as it is now as per previous applications to now towering above the existing garage and garden wall This will directly impact the natural light into my property which is already damp enough against a grade II listed building and far too close and literally on the boundary. What next higher then revised plans to put another bedroom in. The properties new roof line would also need to have its guttering overhanging my garden and no one maintains these so i already have dripping guttering adding to my damp property. Natural light especially in winter when needed most will be blocked!!!! Insufficient evidence on planning for these changes!</p> <p>No 50a existing dwelling is losing its existing 2 parking spaces, there is no overflow parking already in Markyate so where are they proposed to park.</p> <p>Infill development goes against the Parish Plan but at least make the parking provisions. adequate, This is effecting residents and sadly local business already as there is none!!!!</p> <p>out of keeping for the area and the bin store will be seen from our beautiful grade II listed area and be an eye saw too.</p> <p>Too many buildings in a small area, at present the access is only used during working hours and this is excessive to add to the traffic and congestion already present</p>
<p>5 Albert Street Markyate St Albans Hertfordshire AL3 8HY</p>	<p>1. 6 residential dwellings is an excessive overdevelopment from current usage.</p> <p>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor</p>

	<p>parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.</p> <p>3. Unit 1 (added to the existing height of No 9 Albert Street) will block light during winter across more than 50% of the garden of No 5 Albert Street. We already lose significant afternoon light with the existing height of No 9 Albert Street.</p> <p>4. Markyate census and Parish Council Plan states no further infilling and High Street is critically congested.</p> <p>5. More should be done to protect the privacy of No 3 and No 9 Albert Street which will be overlooked by the new buildings</p> <p>6. No effort has been made by the developers to discuss this plans with the neighbours and residents severely affected.</p> <p>7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.</p> <p>8. The bin store will be unsightly against the village high street I am pasting my previous comments below as they have not been addressed by the changes. I also want to point out that once again No 5 Albert Street was not notified of the new application despite having a clear interest in the development and being one of the more affected properties. No one has assessed the impact that the property will have on our property or responded directly to my complaints or requests for a visit to discuss.</p> <p>1. 6 residential dwellings is an excessive overdevelopment from current usage.</p> <p>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.</p>
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	8. The bin store will be unsightly against the village high street
Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS	Overdevelopment of site. Other properties overlooked. Volume of traffic onto High Street. Insufficient parking facilities.
5 Albert Street Markyate	<p>Thank you for visiting my property last month, hopefully it gave you a clear view of how much obstruction the development is proposing to cause my property. Please could you confirm receipt of this email.</p> <p>To confirm and adding the attached photos (at end) for reference:</p> <ul style="list-style-type: none"> <li>- 5 Albert Street has 4 elevations including a basement level kitchen, dining area where my family spends a significant amount of time (young boys, working from home parents) and which already receives very little light due to its elevation</li> <li>- The development plans have assumed a street level elevation for 5 Albert Street which is incorrect, the only area that is street level is the garage and library area so the plans do not accurately or fairly account for the impact on the property</li> <li>- the living area is above street level and currently enjoys sun across from the garden which will be directly blocked by the development</li> <li>- 5 Albert street's garden is already enclosed on the right side by 9 Albert Street which has a high wall against the garden area cutting off significant amounts of afternoon sun even in mid-summer</li> <li>- the proposed development would further enclose the garden property significantly impacting summer sun and (based on the December photos below) completely cut off all sun to the garden during winter</li> <li>- the proposed development will result in a complete loss of sunlight to 5 Albert Street's garden during winter months and substantial loss of sunlight during summer</li> <li>- the proposal is a massive overdevelopment and far too high an impact on adjoining properties.</li> <li>- the village cannot handle a development of this size that does not allow for ample parking spaces, public transport in the village is poor and it should be assumed that all adults with the income to be buying into a property or renting a new build will need a car for work and living</li> <li>- the developers have not amended their plans to allow for 5 Albert Street's correct elevations despite objections and have NEVER responded to objections from this property despite it being one of the most affected</li> <li>- This development is contrary to the work that Dacorum is doing to protect the heritage of the village.</li> <li>- 5 Albert Street is being proposed for LOCAL LISTING due to the significance of this property in displaying the history and style of the village, allowing it to be enclosed by ugly new build apartments is contrary to the intent of the council here</li> <li>- Below pasted all my comments on the planning application, none of which have been responded to directly.</li> </ul> <p>PASTED FROM THE PLANNING PORTAL:</p>

	<p>5 Albert Street Markyate St Albans Hertfordshire AL3 8HY (Objects)</p> <p>Comment submitted date: Mon 20 Jun 2022</p> <p>Resubmitting my objections which have not been addressed. And wanting to point out that the resubmissions were once again made during school holidays in the hope of avoiding objections and that ONCE AGAIN MULTIPLE AFFECTED HOUSES WERE NOT NOTIFIED. I am relying on neighbours on the high street to update me to new submissions when the houses on Albert street should be receiving direct notices. AND IT IS WELL OVERDUE FOR ANYONE INVOLVED IN THIS APPLICATION TO CONSULT WITH THE ALBERT STREET HOUSES AFFECTED. I have yet to have any feedback to my concerns and the effective 'boxing in' that this development will do to my property.</p> <p>Comment submitted date: Wed 13 Apr 2022</p> <p>I am pasting my previous comments below as they have not been addressed by the changes. I also want to point out that once again No 5 Albert Street was not notified of the new application despite having a clear interest in the development and being one of the more affected properties. No one has assessed the impact that the property will have on our property or responded directly to my complaints or requests for a visit to discuss.</p> <ol style="list-style-type: none"> <li>1. 6 residential dwellings is an excessive overdevelopment from current usage.</li> <li>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.</li> <li>3. Unit 1 (added to the existing height of No 9 Albert Street) will block light during winter across more than 50% of the garden of No 5 Albert Street. We already lose significant afternoon light with the existing height of No 9 Albert Street.</li> <li>4. Markyate census and Parish Council Plan states no further infilling and High Street is critically congested.</li> <li>5. More should be done to protect the privacy of No 3 and No 9 Albert Street which will be overlooked by the new buildings</li> </ol>
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	<p>6. No effort has been made by the developers to discuss this plans with the neighbours and residents severely affected.</p> <p>7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.</p> <p>Comment submitted date: Sun 26 Sep 2021</p> <p>1. 6 residential dwellings is an excessive overdevelopment from current usage.</p> <p>2. INADEQUATE PARKING: Markyate high street and surrounding roads have a severe parking problem with residents already struggling to park near their properties and unable to accommodate visitor parking at all. The plan shows 8 apparent spaces (9 according to document) for 6 residences which will only work if the 1 bed units are single person occupied and there are no adult children and no one expects any visitors ever. The reality is that at some point multiple units will exceed their allocated parking spaces and will push into the high street and surrounds which CANNOT accommodate any more cars and certainly not on a permanent basis. Additionally, it seems that the plans will restrict 50A's current parking at the entrance to the development which will push 2 more cars into the High Street. This is not a plan that shows any sensitivity to the village and its existing problems with parking.</p> <p>3. Unit 1 (added to the existing height of No 9 Albert Street) will block light during winter across more than 50% of the garden of No 5 Albert Street. We already lose significant afternoon light with the existing height of No 9 Albert Street.</p> <p>4. Markyate census and Parish Council Plan states no further infilling and High Street is critically congested.</p> <p>5. More should be done to protect the privacy of No 3 and No 9 Albert Street which will be overlooked by the new buildings</p> <p>6. No effort has been made by the developers to discuss this plans with the neighbours and residents severely affected.</p> <p>7. This change in use will significantly increase noise and congestion on weekends where currently the site is unused on weekends.</p> <p>8. The bin store will be unsightly against the village high street</p> <p>Comment submitted date: Wed 13 Apr 2022</p> <p>I am pasting my previous comments below as they have not been addressed by the changes. I also want to point out that once again No 5 Albert Street was not notified of the new application despite having a clear interest in the development and being one of the more affected properties. No one has assessed the impact that the property will have on our property or responded directly to my complaints or requests for a visit to discuss.</p> <p>Comment submitted date: Sun 26 Sep 2021</p> <p>1. 6 residential dwellings is an excessive overdevelopment from current usage.</p>
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	<p><u>Councillor Shelia Pilkinton</u></p> <p>E Mail 1</p> <p>For the developers, the agent has written that :</p> <p>'we have been proactively working with the local planning authority ...we are at a stage where the planning, conservation and highways officers are pleased with the proposals'</p> <p>There are no plans on the DBC planning application site which could be getting such a positive reaction.</p> <p>As far as the Parish Council know, we are still waiting for the planning officer to visit all but one of the properties which have a boundary with the site. We are concerned that the original plan has some serious errors.</p> <p>From last Friday, I understood that our clerk would receive information on an SPD on parking. I believe I have obtained this information from the DBC site as well as Stress testing methods. I believe we urgently need to do a stress test of the area, albeit it is</p>

	<p>during the school holidays. Many of our householders on the High Street have no off-street parking so the plans for 50 High Street are a great concern.</p> <p><u>E Mail 2</u></p> <p>I promised to explain why I think the parking needs of Markyate have been understated.</p> <p>I will begin by referring to the Parking Standards Review using the reference numbers and pages. This document was prepared by the same consultants as the Parking Standards Supplementary Planning Document of November 2020, and there are many common elements.</p> <p>Local Highway Network pages 4,5 Figure 2.1 Although the figure shows the A5 now declassified as A5183, it is not mentioned in the text. This is the main route through Markyate.</p> <p>Rail Services pages 6, 8 Figure 2.2 The rail line to London St Pancras through Luton, Harpenden and St Albans is not shown. All these stations are used by Markyate residents as well as those on the Euston line through Hemel. Were a contour map included it would show that while the remainder of Dacorum straddles the Gade valley used by the Grand Union Canal and the Euston main line and the A41, Markyate is in the Ver valley and on Watling Street/A5. The following pages deal with broad averages and specific towns, until</p> <p>Dacorum car ownership by ward pages 17,18 Figure 2.8, 2.9 The rural wards have higher car ownership. Watling Ward, which includes Markyate has 14% above the Dacorum car ownership average. In the Dacorum Core Strategy there are three 'large villages' to have more housing. All three are within wards with above average car ownership. More broad averages until</p> <p>Feedback on current parking standard policy pages 35,36 4.7 ..Discussions were also held with officers and councillors on the application and use of the current standards 4.10 Councillors noted that in their view there were many serious parking issues caused by new development.. Presumably the Councillors consulted were Borough Councillors, the Parish and Town Councillors are nearer to their locality and might have been able to be more precise in their comments.</p> <p>Site Visits and Surveys pages 36, 37 Residential Sites (and mixed residential) Castlemill, Lower Kings Road, Berkhamsted Dixons Wharf, Wilstone Rose and Crown, Beechcroft, Tring Apsley Lock Apsley Marina Image site, Central Hemel Stag Lane, Berkhamsted Note NONE of these sites is in one of the 'large villages' listed for more housing.</p> <p>5.0 PARKING STANDARDS GENERAL page 40 5.3 Research has indicated that attempts to curb car ownership</p>
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through restricting parking are unlikely to be effective in limiting the number of cars a household would acquire unless the area is very accessible to public transport and other modes, there are many local facilities within easy walking distance, and (usually) there are on-street controls preventing uncontrolled parking. Experience from many residential developments has been that rather than encouraging a shift away from car ownership, restrictive parking standards in some locations have simply intensified the demand for any available on-street parking.

5.4 Therefore, there is the presumption that vehicle parking must be designed into new development schemes to include accommodation for on-site parking; on-street parking can only be proposed if there is sufficient capacity.

These points express the concerns of the Parish Council in relation to developments in Markyate.

The following extracts are points we would support:

Further points, page 40

5.5 There is clear evidence from officers, councillors and site visits that parking standards are required to manage the network and reduce pressure on the on-street supply, which leads to parking that can increase congestion and reduce road safety.

5.6 Basing all standards on a maximum approach is likely to lead in some cases to under-provision of parking and pressure on scarce on-street resources. We therefore recommend that the standards move away from a maximum approach to a 'requirement' approach, ...

Principles, page 41,

- o However, these standards need to be flexible, and we have suggested the factors the council could consider in determining changes above or below these; we also suggest more use of parking stress surveys when developments are considered, and have provided guidance on these.

Accessibility zones page 42

5.9. ....The presence of on-street controls and local parking stress will also be important in making decisions on reductions in these zones. (referring to Hemel and Berkhamsted)

5.10 In all other areas, we suggest that the requirement would apply as a starting point, but be applied flexibly if robust evidence can be provided to the council

Both the review and the later Parking Standards Supplementary Planning Document (SPD) reference Stress Surveys. The SPD Appendix C contains On-street Parking Survey Stress Survey Specification.

I believe that I have shown that the preliminary study ignored the evidence that Markyate has above average car ownership and did not include a site visit or survey of any of the 'large villages' designated for additional housing in the Core Strategy - notably Markyate.

With bias against the 'large villages' I believe the standards for parking in residential areas established in the SPD are understated, at least in so far as 'large villages' are concerned.

This makes it essential that a Stress Survey is conducted before the development at 50 High Street Markyate is progressed. I would further suggest that the Stress Survey is carried out at say 8.00am and 8.00pm as I believe that both times will be revealing.

As for the area of the study, and the distance from 50 High Street, this will include Albert Street, Wesley Road and say from Nisa at 66 High



	<p>Street, on the corner of Buckwood Road, to the Swan, opposite the entrance to Roman Way.</p> <p>It would be good if the developers were to conduct the Stress Survey, or perhaps Markides Associates could be asked to look into the parking issues in Markyate, which they missed in their earlier work. It would be a big undertaking for the Parish Council.</p> <p>kind regards</p>
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# Agenda Item 5c

## ITEM NUMBER: 5c

21/04769/MFA	Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.	
Site Address:	Land at Miswell Lane, Tring	
Applicant/Agent:	Montpelier Estates Ltd/Q+A Planning Ltd	
Case Officer:	Robert Freeman	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	The recommendation is contrary to that of Tring Town Council.	

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

### 2. SUMMARY

- 2.1 The proposed residential care home (C2) is located in a residential area and would make an important contribution towards addressing the housing needs within the Borough in accordance with Policies CS4, CS17 and CS18 of the Core Strategy and the Local Housing Needs Assessment.
- 2.2 The submitted proposals have undergone a number of amendments resulting in substantial improvements to the overall scale, site coverage, layout and design of the proposals. The resulting proposal is considered to be a high quality development that does not result in any significant harm to neighbouring units in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy.
- 2.3 The access and parking arrangements are considered to be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and in accordance with the Car Parking Standards.
- 2.4 The economic and social consequences of development are considered to out-weigh any limited harm to the environment resulting from the loss of open land and hedgerows. The proposals do not result in significant harm to landscape features in accordance with Policies CS25 and CS26 of the Core Strategy nor would they be detrimental to heritage assets in accordance with Policy CS27 of the Core Strategy. Environmental harm will be effectively mitigated by landscaping and drainage proposal with a view to maintaining the biodiversity value of the site.

### 3. SITE DESCRIPTION

- 3.1 The application site is located on the eastern side of Miswell Lane, close to its junction with Icknield Way. The site comprises an area of open land surrounded by commercial developments to the north and west of the site and residential uses to the south and east of the site.

### 4. PROPOSAL

- 4.1 The application has been amended during the course of determination with a reduction in the proposed height and number of dwellings.

- 4.2 The proposals now involve the construction of a care home comprising some 72 bedrooms arranged over two and a half storeys. The care home would provide specialist dementia care, residential care and respite care.
- 4.3 The facilities within the building would comprise en-suite bedrooms with a range of communal and amenity spaces including a café/restaurant, multi-purpose space, hairdresser, lounges, dining areas and hobby rooms.
- 4.4 A total of 28 car parking spaces would be provided to serve the development including 1 ambulance bay, 1 delivery bay and disabled parking bays.

## **5. BACKGROUND**

- 5.1 The applicant's, Montpelier Estates, have been providing nursing home accommodation since 1997 and have delivered in excess of 3000 beds for the care sector. The proposal will be developed and operated by Care UK, the largest provider of residential care for older people. Care UK operates 154 care homes providing residential and nursing care.
- 5.2 The applicant's engaged with the Council at an earlier stage in the planning process and the application was subject to a pre-application request for the construction of a care home comprising between 80-85 bedrooms (21/01726/PREC). The pre-application response concluded that the principle of development could be supported subject to an appropriate design being provided. A separate pre-application request was made to the highway authority.
- 5.3 A previous application for the construction of nine residential units on the site was refused in 2019 (4/01969/19/OUT) on the basis that the proposals would be "an inefficient use of the land and thus did not provide an appropriate contribution towards the Council's housing need"

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

## **7. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (February 2019)  
Site Allocations Development Plan Document (2017)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

### Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development  
 CS2 – Selection of Development Sites  
 CS4 – The Towns and Large Villages  
 CS8 – Sustainable Transport  
 CS10 – Quality of Settlement Design  
 CS11 - Quality of Neighbourhood Design  
 CS12 - Quality of Site Design  
 CS14 – Economic Development  
 CS17 – New Housing  
 CS18 – Mix of Housing  
 CS19 – Affordable Housing  
 CS23 – Social Infrastructure  
 CS26 – Green Infrastructure  
 CS27 – Quality of Historic Environment.  
 CS29 – Sustainable Design and Construction  
 CS31 – Water Management  
 CS32 – Air, Soil and Water Quality  
 Tring Place Strategy  
 CS35 – Infrastructure and Developer Contributions.

#### Site Allocations DPD

Site Allocation H/15 – Land at Miswell Lane

#### Local Plan

Policy 10 – Optimising the Use of Urban Land  
 Policy 13 – Planning Conditions and Planning Obligations  
 Policy 18 – The Size of New Dwellings  
 Policy 21 – Density of Residential Development  
 Policy 51 – Development and Transport Impacts  
 Policy 54 – Highway Design  
 Policy 57 – Provision and Management of Parking  
 Policy 58 – Private Parking Provision  
 Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Appendix 3 – Layout and Design of Residential Areas

#### Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)  
 Energy Efficiency and Conservation  
 Strategic Site Design Code  
 Water Conservation

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1. The application site is located within a residential area of Tring as set out in the Site Allocations DPD and following revisions to the boundary of the Icknield Way General Employment Area (GEA) is identified as housing site H/15. The site is considered suitable for up to 24 residential dwellings with access taken from Miswell Lane. Although it may be afforded very little weight at this stage, the site is also taken forward in the emerging Single

Local Plan (SLP) as growth area Tr05. The site is considered to be suitable, in principle, for a residential use.

- 8.2 Policy NP1 of the Core Strategy requires the Council to take a positive approach to the consideration of development proposals and work pro-actively with applicants to find solutions for development proposals that help to improve the economic, social and environmental conditions in Dacorum. This would extend to expediting the delivery of housing sites such as H/15, particularly where there may be issues with under delivery or a poor housing land supply. It is prudent to expedite the delivery of allocated sites in the interests of maintaining a housing land supply and the supply of affordable homes and to address causes of under delivery as required under paragraphs 68, 69, 76 and 77 of the NPPF.
- 8.3 The housing target in Policy CS17 sets a level of housing which the Council expects to achieve and exceed of the Core Strategy. As members will be aware this target is for the provision of an average of 430 dwellings per annum between 2006 and 2031. This is anticipated to increase as progress is made on a new Single Local Plan (SLP) and as a result of the governments housing projections. Tables 8 and 9 of the Core Strategy make it clear that the towns and allocated sites have an important role in the delivery of the housing strategy. It is important to optimise the use of allocated housing sites in accordance with paragraph 119 of the NPPF and Saved Policy 10 of the Local Plan not only to deliver the requisite housing in the plan but also to limit the allocation and loss of further land within the Green Belt or outside key settlements for residential purposes
- 8.4 Policies CS18 and CS19 of the Core Strategy place a great emphasis on the delivery of affordable homes on identified sites over the plan period.
- 8.5 The underlying need for care provision has historically been poorly identified through local plan process. Indeed it is arguable that these needs have been neglected in the knowledge of an aged population. The need to address such matters is recognised in the Government White Paper 'Fixing our broken housing market' (2017). The Ministry of Housing, Communities and Local Government published National Planning Practice Guidance on Housing for Older and Disabled People (June 2019) and on Housing needs for different groups (July 2019). These documents recognise that the need to plan for an increasingly aged population and indicates that local planning authorities should produce specific policy or targets for different types of housing in addition to the traditional targets for affordable and gypsy and traveller site provision through their emerging development plans.
- 8.6 A new general housing target and a number of housing typology targets are integral to the SLP and there is a substantial evidence base that sits behind the production of this document. The South West Hertfordshire Local Housing Needs Assessment (LHNA) not only identified the overall local housing need for the Borough, but also the needs of different sectors of the community including for affordable housing and specialist accommodation (including care home provision). Therefore, in addition to the overall housing target, it is prudent to plan for the delivery of schemes that provide new bed-spaces to help meet the accommodation needs of older people needing residential or nursing care. Such needs are identified in the emerging Single Local Plan (SLP) and are set out in Policy DM9 thereto.
- 8.7 The LHNA highlights that the population of people aged 65 years and over is expected to rise by 45% by 2036 and with such a growth in the aged population there is likely to be an increased societal need for specialist accommodation. It identifies over the next plan period that a total of 614 housing with care (both rented and leasehold) will be required. An additional 1019 bed spaces are likely to be necessary within residential care homes and nursing homes over this period (2020-2036).

- 8.8 The proposed development would provide accommodation for the quickly changing and increasing needs for elderly care, but this needs to be carefully considered against the theoretical loss of affordable housing opportunities that might be deliverable via a conventional housing scheme. The provision of accessible social infrastructure including care homes is strongly encouraged within urban areas under Policy CS23 of the Core Strategy.
- 8.9 The Council is not at present able to demonstrate a 5 year supply of deliverable housing sites as required by the NPPF and as a consequence one must also consider the proposal against the Frameworks presumption in favour of sustainable development (paragraph 11) This requires a balancing of the economic, social and environmental impacts of development. This planning balance will be discussed in more detail later within the report.

#### *Housing Delivery Tests*

- 8.10 The provision of care home accommodation would contribute towards the delivery of housing need as set out in the LHNA and in guidelines for calculating the requirements under the Housing Delivery Test. Under the HDT the provision of C2 housing should not be calculated as a 1:1 receipt with the relevant ratio applied to Dacorum reflecting the average number of adults per household within the Borough. The delivery of this proposal would amount to the delivery of 40 homes towards the HDT targets (ratio of 1.83 bed spaces per dwelling). The provision of 40 homes would provide a greater contribution towards the housing land supply under this calculation than the development of general needs residential housing in accordance with H/15 could realistically achieve. The delivery of homes should be given significant weight.

#### *Affordable Housing*

- 8.11 The NPPF indicates that an exemption to affordable housing should be provided where the proposed development provides 'specialist accommodation'. This development is not expected to provide affordable housing either on site or through financial contributions for off-site affordable housing delivery
- 8.12 The Council would normally expect the provision of 8 units of affordable housing from a residential development of the scale envisaged in H/15 (24 units) and in accordance with Policy CS19 of the Core Strategy<sup>1</sup>. The loss of the affordable units in this case needs to be carefully balanced against the provision of specialist care accommodation. In this case, it should be noted that the property is specifically designed to accommodate residents with dementia and given the shortfall in care provision this should be afforded significant weight in the planning balance. As such there would be no objection to the theoretical loss of affordable homes in this case.

#### Layout, Scale and Design

- 8.13 The Council expects a high quality design to be pursued in this location in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy. Additional advice upon the layout and design of residential development is contained within Saved Appendix 3 of the Local Plan 1991-2011
- 8.14 The applicants have positively responded to advice from the case officer and conservation officer reducing both the overall quantum of development from 80 units to 72 units and

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<sup>1</sup> Affordable housing is subject to viability assessment and might be reduced given the need to provide First Homes in accordance with the NPPF.

reducing the overall height of the proposals. The latest revised plans also address the concerns of the Conservation and Design Officer as set out within the representations section of this report.

- 8.15 The revised scheme significantly reduces the proposals footprint and mass, demonstrating that there is sufficient land for extensive landscaping and appropriate numbers of car parking. The footprint has been pulled away from shared boundaries to minimise overlooking whilst serving to maximise usable garden area. The height of the building has also been reduced, with most of the development now being two-storeys with dropped eaves. The proposed development is considered to be appropriate in terms of its scale, site coverage, bulk and design in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.
- 8.16 The central block, where the main entrance is located, is the only area where rooms would be located at second floor level. These rooms would contain staff facilities. The increase in height to this central block provides an emphasis to the entrance and forms the focal point of the courtyard. A traditional and in-keeping material palette has been proposed, with red brick and clay tiles used throughout and tile hanging and render used to help break up the mass. Red Flemish bond brick with blue headers has been used to further articulate prominent sections of the care home. The materials are considered to be appropriate but samples should be provided via a planning condition to ensure a satisfactory appearance to the scheme.

#### Impact on Heritage Assets

- 8.17 Sections 16 and 166 of the Planning (Listed Building and Conservation Areas) Act 1990 require the local planning authority to have special regard to the desirability of preserving historic buildings and their settings. This duty extends to our consideration of historical assets on and within the immediate environs of the proposals. Such matters should be considered in the context of the NPPF and Policy CS27 of the Core Strategy.
- 8.18 Tring Windmill is a grade II listed building located some 60m to the north east of the application site and beyond the rear gardens of properties in Miswell Lane. The windmill at 4 Icknield Way dates from 1840 and retains much of its original fabric despite its conversion and use as a dwelling in the seventies. It is a local landmark in view of its height and architectural significance. The proposed care home would not diminish the significance of this structure nor its impact on the landscape. The proposal is not considered detrimental to the setting of this building in accordance with the NPPF and Policy CS27 of the Core Strategy.

#### Access and Parking

- 8.19 The application is accompanied by a Transport Statement and this has been reviewed by the County Council in their capacity as highway authority. The Transport Statement demonstrates that the proposed development would generate very low levels of traffic below those anticipated for the development of more general needs housing and proposed under allocation H/15. It also demonstrates that the traffic generated by the proposed scheme can be accommodated on the surrounding highway network without causing substantial harm to matters of highways safety in accordance with Policies CS8 and CS12 from the Core Strategy, Saved Policy 51 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020).
- 8.20 The main reason for objection to the scheme is that the highway in Miswell Lane is inadequate in width to accommodate the traffic associated with the development. The width of highway along the frontage of the application site varies from approximately 4.1m to

4.5m. This is consistent with the width of the highway either side of the application site, however there is a sense of the highway being more open beyond the application site because it is not bounded by a high overhanging hedge. The highway authority have confirmed that there is no need for the highway to be widened in this location to accommodate the development and provide satisfactory access thereto.

- 8.21 The proposed access to the development occurs at the narrow point of the road and this section will be widened as a result of the construction of a bellmouth entrance to the site and given the inclusion of visibility splays. The hedgerow along Miswell Lane will be removed and replaced with a new hedge set back from the highways edge to provide suitable visibility splays to and from the site.
- 8.22 The proposed access to the site is considered suitable for both private cars and larger vehicles and would provide an appropriate access to the site in accordance with Policies CS8 and CS12 of the Core Strategy.
- 8.23 The site is located in Accessibility Zone 3 and in accordance with the Car Parking Standards SPD (2020) the development will be expected to provide 0.25 parking spaces per residential bed space. An allowance should also be made for residential staff where applicable. As there are no residential staff within this scheme there is a requirement under this policy to provide a total of 18 parking spaces. Although these are “allocated” to residents, residents within the scheme will seldom have access to their own vehicles given their health conditions. A total of 26 car parking spaces are provided together with an ambulance bay and delivery bay.
- 8.24 The Transport Assessment anticipates that at peak times up to 26 members of staff may be on the premises during the day time period (reducing to approximately 14 staff at night time) Around 60% of staff are expected to access the site by car (exclusive of car sharing) amounting to a parking demand for 18 spaces in accordance with the Car Parking Standards SPD (2020) A further 8 spaces are provided for visitors to the site.
- 8.25 Staff will be encouraged to utilise sustainable modes of transport in preference to the car through the delivery of a Travel Plan and by the inclusion of cycle and changing facilities within the scheme.
- 8.26 The proposed on-site parking arrangements are considered to be appropriate in the context of Policies CS8 and CS12 of the Core Strategy, Saved Policies 57 and 58 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020).

#### Impact on Amenity

- 8.27 The planning application is accompanied by an Acoustic Assessment, which demonstrates that the care home can comfortably co-exist with the existing commercial operations to the west of the site without constraining existing commercial activity. Residential rooms located at the rear of the site will still have appropriate levels of internal noise in accordance with the NPPF and relevant British Standards. The strategy for reducing noise to residents is considered to be acceptable to the environmental health team however it does need to be updated in accordance with changes to the layout of the development. It is recommended that the submission of further information and an updated noise mitigation strategy shall be submitted under a planning condition.

#### Impact on Neighbouring Properties



- 8.28 The proposed development is appropriately set back from Miswell Lane and separated from adjoining residential properties to prevent any issues of overlooking, overshadowing or over bearing impact to this properties. A landscaped buffer will screen residents from the neighbouring commercial premises to the rear of the site.

#### Sustainable Construction

- 8.29 The proposals are not accompanied by any Sustainability Statement and as such it is difficult to assess whether the proposals would be in accordance with Policy CS29 of the Core Strategy. There are indications within the Design and Access Statement and the submitted plans that the proposal would provide EV charging infrastructure and photovoltaic panels or heat recovery units may be located on the roof space of the property. The requirements for EV parking space infrastructure appear insufficient when considered against the car parking standards, whilst other proposals for the conservation of energy and water are vague within the submitted documentation. It is clear that a landscaping scheme would provide additional tree planting and biodiversity improvements.
- 8.30 The inclusion of sustainable construction measures, associated infrastructure and landscaping improvements need to be expanded upon before one can be certain that the requirements of Policies CS12, CS29, CS31 and CS32 of the Core Strategy have been adequately addressed. It is recommended that additional information is provided by condition.

#### Flooding and Drainage

- 8.31 The application is supported by a Drainage Strategy and Flood Risk Assessment confirming that the site is located in Flood Zone 1 and is at low risk from river flooding and very low risk from surface water flooding.
- 8.32 A proposed surface water drainage strategy for the development has been prepared and is based on SuDs principles. This comprises the disposal to ground of surface water via conventional soakaway chambers and through permeable paved areas to the car parking areas of the site. Foul water will discharge to the adjacent foul water sewer as agreed by Thames Water. Despite the concerns of the Lead Local Flood Authority, the proposed approach is considered to acceptable in principle in accordance with Policy CS31 of the Core Strategy.
- 8.32 The LLFA are concerned with regards to the susceptibility of the site to groundwater flooding and require further information to overcome their objections to the development. The response of the LLFA does not appear to take the submitted report of Applied Geology into account, wherein there is evidence that the site has been subject to borehole and trial pit tests. These did not encounter any groundwater up to a depth of 9.7m and it is anticipated that the groundwater level at the site is at least 15m below ground level. This presents a very low risk to the development of the site
- 8.33 The applicants confirmed via an email of the 28<sup>th</sup> March 2022, that the calculated wetted infiltration area would amount to some 59m<sup>2</sup>. I am satisfied that this is appropriate given the comments of the LLFA and subject to their confirmation thereon. This matter is not considered fundamental to the determination of this proposal as there is clearly scope to increase this infiltration area if required and following the final drainage design,

#### Ecology and Biodiversity

- 8.34 The proposals should deliver improvements in the ecological and biodiversity value of the site supporting the objectives in Policies CS12, CS26 and CS29 of the Core Strategy.

- 8.35 The submitted Arboriculture Impact Assessment demonstrates that existing hedgerows along the south eastern and south western boundaries of the application site will be retained for the duration of the application and could be supplemented with additional planting. The boundary hedge to Miswell Lane (H1) will however need to be removed to facilitate the construction of the access and new frontage landscaping. This hedge comprises Ash, Hawthorn, Field Maple, Hazel and Blackthorn, but is considered by the arborist to be a poor quality hedgerow. The hedge is unmanaged and overhangs the highway and there is evidence that the Ash within the hedge are showing evidence of disease and dieback. A new hedge and landscaped corridor will be set back within the application site.
- 8.36 Five trees will be required to be removed as a result of the development including a single category A specimen and three category B trees. These will be replaced through a comprehensive landscaping scheme for the site. Whilst these trees are considered to be of good quality, they are all young and relatively small trees whose removal can be mitigated. The proposed site plan indicates that 22 new trees would be provided on the application site.
- 8.37 The submitted Ecological Appraisal indicate that the site is dominated by species poor, semi-improved grassland.
- 8.38 The ecology report also identifies two hedgerow (H1 and H2) to be important hedgerows under the Hedgerow Regulations 1997. As identified above H1 will need to be removed to facilitate development. The ecologist agrees that this is poorly maintained and that gaps between the canopy and ground level are likely to increase as the hedge matures and in the absence of corrective management. Although the hedge has a high ecological value within the context of the site it does not provide any wider ecological connections beyond the site. H3 is not important in the context of the Hedgerow Regulations 1997 but contains a multi stemmed beech standard with features that could be exploited by roosting bats and nesting birds. Trees on the site itself are unlikely to be suitable as bat roosts and have a moderate ecological value. The site is considered to have low value for protected species of bat, reptile, badger, invertebrates and amphibian with little evidence of use encountered during site surveys.
- 8.39 The loss of H1 is acceptable in this instance given the current management practices and potential deterioration of this feature, particularly if the opportunity to secure the replacement of the hedgerow in a more suitable location set back from the road is provided.
- 8.40 The report includes a number of recommendations to improve the biodiversity and ecological value of the site and these should be pursued through the submission of a detailed landscaping scheme for the site.

#### Infrastructure and Planning Obligations

- 8.41 All new developments are expected to contribute towards the provision of on-site, local and strategic infrastructure in accordance with the requirements of Policy CS35 of the Core Strategy. The Council seeks to secure such infrastructure contributions through a combination of CIL and through an appropriate use of planning obligations under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 8.42 The impact of development on local and strategic infrastructure one must have regard to the provisions in the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 and the advice within the NPPF.

8.43 Planning obligations may be used to secure financial contributions towards infrastructure or to control the type and nature of development. Paragraph 57 of the NPPF makes it clear that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms,
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

#### *Chilterns Beechwoods Mitigation Strategy*

8.44 The Chilterns Beechwoods Special Area of Conservation (SAC) is an extensive site covering nearly 1,300 hectares and is made up of several components within Dacorum, Buckinghamshire, South Oxfordshire, and Windsor and Maidenhead. It is the only SAC in Dacorum and is protected for its beech forests, semi-natural dry grasslands and scrub, and its population of stag beetles.

8.45 The Council has a legal duty under the Conservation of Habitats and Species Regulations 2017 and the Habitat Regulations 2019 to ensure that any plan or project within its administrative area does not adversely affect the integrity of the SAC. The Council has identified that there is a wide Zone of Influence for the SAC within which new residential development has the potential to exacerbate recreational pressure thereto.

8.46 The impact of a Care Home on recreational pressure to the SAC has however been accepted by Natural England to have a negligible impact given the age profile, mobility, infirmity and care needs of the future occupants. In such circumstances it is not necessary for the development to make a contribution towards either the strategic management of the SAC or provision of alternative natural green space.

8.47 It is necessary to restrict occupation of the premises in the interests of the protection of habitat and species at the SAC to those requiring care provision through a legal agreement to ensure that this remains the case and in accordance with the advice of Natural England. This would ensure the protection of the integrity of the SAC in accordance with the Habitat Regulations and Policies CS25, CS26 and CS35 of the Core Strategy.

#### *Community Infrastructure Levy (CIL)*

8.48 The Council adopted its CIL in 2015 and will secure financial contributions towards infrastructure in accordance with its adopted Charging Schedule. In accordance with the Charging Schedule, no charge would be levied against Care Homes, which as a land use can often result in marginal or sub optimal scheme viability.

8.49 It is prudent to secure those elements of care within the property which result in its overall land use falling within a C2 use class and being exempt from the CIL charges under the adopted Charging Schedule. The suggested heads of terms for such matters are those controlling the use of the building and the mobility and/or dependency of occupants including an assessment of their medical needs.

#### *Medical Contributions*

8.50 Both the Herts Valleys Clinical Commissioning Group (HVCG) and the East of England Ambulance Service (EEAST) have requested financial contributions towards the delivery of health facilities and services within the locality under Policies CS23 and CS35 of the Core Strategy. The CCG require contributions towards the provision of buildings capable of accommodating the additional GP provision required as a result of development and the

provision of affordable bed spaces within the scheme, whilst EEAST are looking for contributions for the provision of ambulance services including the provision of patient transport services.

- 8.51 I would refer to the recent legal judgement of *R (University Hospitals of Leicester NHS Trust) v Harborough DC* [2023] *EWHC* 263 (Admin)<sup>2</sup> in consideration of these sums. The NHS Trust in this case launched a judicial review challenged the grant of planning permission for 2,750 homes on the basis that a contribution was not secured to address the impact on its services from new residents.
- 8.52 The judge rejected all four grounds for appeal, confirming that the NHS is centrally funded and therefore asking local developments, such as a nursing home, to make such contributions would place an undue burden on them. It was concluded that a local funding gap would only arise if funding for the relevant NHS Trust did not adequately reflect a projected increase in population and/or the national funding system did not adequately provide for a timely redistribution of resources.
- 8.53 The justification provided by EEAST (referred to therein as EoEAS) must be seen in the context of the statutory framework for the provision of patient transport. The judge concluded that the obligation to provide the service and the financial responsibility for those services lies with the NHS as distinct from typical obligations where the developer is required to mitigate an impact arising as a direct result of development. EEAST, in this case, were not able to demonstrate localised harm as a result of the development and thus the contribution towards patient transport services did not meet the tests set out in paragraph 57 of the NPPF as repeated in paragraph 8.43 of this report. The applicants also indicate that this would be unreasonable as it would also duplicate services provided under private care packages.
- 8.54 The applicant's rebuttal of the requested contribution for GP services disputes that the proposed development will have an adverse impact on GP services. In doing so it highlights that the positive contribution that a care home makes through its provision of social care to residents in reducing the burden on GP practices. Residents within the scheme would be receiving care 24 hours a day by qualified nurses within the home setting. The rebuttal highlights that a contribution towards a building which would seldom be used by residents because of physical or mental infirmity would not be necessary to make the development acceptable nor would it be fair or reasonable.
- 8.55 The requested contribution towards GP services is likewise considered to fail the tests in paragraph 57 of the NPPF as repeated in paragraph 8.43.

#### Representations

- 8.56 The concerns of local residents and the Town Council are addressed above except for those relating to light pollution and the management of construction activities.
- 8.57 The submitted Design and Access Statement provides a clear strategy for the lighting of the application site. The site will be subject to a low level of external lighting with suitable fittings being provided to focus light to access routes and associated pathways and prevent light spill. This should not result in any light pollution in the locality of the application site.
- 8.58 To address the concerns relating to construction activity, noise and general disturbance, it is suggested that a Construction and Environmental Management Plan is provided prior to

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<sup>2</sup> <https://www.landmarkchambers.co.uk/r-university-hospitals-of-leicester-nhs-trusts-v-harborough-district-council/>

the commencement of any development on site. This would be in accordance with Policies CS8, CS12 and CS32 of the Core Strategy.

#### Planning Balance

- 8.59 The tilted balance is evoked by paragraph 11 of the NPPF and as the Council does not have a five year housing land supply. Under paragraph 11 (d) the Council should grant planning permission for proposals unless the application of policies in the NPPF that protect areas or assets provide a clear reason for refusal or, in the case of the application site, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.
- 8.60 The above report sets out that there would be very little adverse impact from the proposed development when considered under the development plan and NPPF. Whilst it is recognised that there is some loss of landscape features through the development of the site, this loss can be mitigated through the use of planning conditions.
- 8.61 The proposed care home will provide new homes to address the requirements under Policy CS17 of the Core Strategy. Significant weight should be applied to the delivery of specialist care accommodation which would meet the needs of the ageing population and reduce the burden on existing NHS and adult care services. The development will make it easier for elderly people to remain in the locality and existing support networks with associated social benefits.
- 8.62 The proposed care home is anticipated to add significantly to the local economy. It will provide approximately 70 jobs in a variety of part time and full time roles ranging from skilled maintenance and house-keeping jobs to qualified nursing, medical and managerial roles. The care home, its employees and residents will also make significant contributions to the local economy through localised expenditure with the home operator seeking to trade with local suppliers for equipment, food and household supplies. Short term economic benefits will result from construction activities within the area.
- 8.63 A high quality landscaping scheme for the site has the opportunity to improve the overall ecological and biodiversity value of the site and this should be demonstrated through the submission of a biodiversity improvement statement and matrix under the terms of the suggested landscaping conditions to the site.
- 8.64 The planning balance weighs heavily in favour of the grant of planning permission in this case.

## **9 CONCLUSION**

- 9.1 The proposed residential care home (C2) is located in a residential area and would make an important contribution towards addressing the housing needs within the Borough in accordance with Policies CS4, CS17 and CS18 of the Core Strategy and the Local Housing Needs Assessment.
- 9.2 The submitted proposals have undergone a number of amendments resulting in substantial improvements to the overall scale, site coverage, layout and design of the proposals. The resulting proposal is considered to be a high quality development that does not result in any significant harm to neighbouring units in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy.

- 9.3 The access and parking arrangements are considered to be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and in accordance with the Car Parking Standards and are not subject to any objection from the highway authority
- 9.4 The economic and social consequences of development are considered to out-weigh any limited harm to the environment resulting from the loss of open land and hedgerows. The proposals do not result in significant harm to landscape features in accordance with Policies CS25 and CS26 of the Core Strategy nor would they be detrimental to heritage assets in accordance with Policy CS27 of the Core Strategy. Environmental harm will be effectively mitigated by landscaping and drainage proposal with a view to maintaining the biodiversity value of the site

## **10 RECOMMENDATION**

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)
- 10.2 That the legal agreement secures the following Heads of Terms
- The restriction on occupation and use of the site for purposes falling within Class C2 (Residential Care Home)
  - Restricted use of the car parking area for staff and visitors.
  - The provision of fire hydrants to serve the development
  - Off-site highway works as set out in Drawing No 22224-03 Revision A
- 10.3 That planning permission is subject to the following conditions:

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

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

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

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

#### **Plans**

3135-HIA-ZZ-XX-DR-A-100 (Location Plan)  
PL02 Revision E (Proposed Site Plan)  
PL04 Revision C (Proposed First floor Plan)  
PL05 Revision B (Second Floor Plan)  
PL06 Revision D (Proposed Roof Plan)  
PL07 Revision E (Proposed Elevations)  
PL08 Revision E (Proposed Elevations)  
PL09 Revision E (Sectional Details)  
PL11 Revision C (Boundary Treatment Plan)  
21007-50-01 Revision P5 (Below Ground Drainage Strategy)  
21007-50-03 Revision P1 (Flood Routing Plan)  
22224-01 Revision B (Visibility Splays)

## **22224-05 (Refuse Tracking Movements)**

### **Documents**

**Arboricultural Impact Assessment by Advanced Arboriculture dated 7<sup>th</sup> December 2021**

**Drainage Strategy and Flood Risk Assessment Revision A (July 2022)**

**Ground Investigation Report by Applied Geology (October 2021)**

**Preliminary Ecological Appraisal Revision A by Griffin Ecology Ltd (April 2022)**

**Transport Assessment by David Tucker Associates (December 2021)**

**Transport Assessment Update by David Tucker Associates (October 2022)**

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

- 3. No construction of the superstructure of the development shall take place until samples of the materials to be used in the construction of the development 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. 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:**

- **hard surfacing materials,**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **a scheme for the ecological improvement and management of the site,**
- **any exterior lighting works and**
- **minor artefacts and structures including bin stores, cycle stores and pergola and**

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

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

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

- 5. No development shall take place until the tree protection measures have been provided fully in accordance with the Tree Protection Plan contained within the Arboriculture Impact Assessment by Advanced Arboriculture. The tree protection measures shall be kept in situ for the duration of the construction period and protected areas shall be kept free from the storage of construction materials or spoil.**

Reason: To ensure the adequate protection of trees and landscape features in accordance with Policies CS12, CS25 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan 1991-2011

6. **The development hereby approved shall be undertaken fully in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal Revision A by Griffin Ecology (April 2022) . The works shall be undertaken with the supervision of an appropriately qualified Ecological Clerk of Works (ECoW)**

Reason: To ensure the adequate protection of species and habitat in accordance with Policies CS25 and CS26 of the Core Strategy.

7. **The development hereby approved shall not be occupied until the arrangements for the access, parking and circulation have been provided in accordance with drawings PL02 Revision E (Proposed Site Plan) 22224-01 Revision B (Visibility Splays) and 22224-05 (Refuse Tracking Movements). The arrangements for the circulation and parking of vehicles shall thereafter be retained in accordance with the approved plans.**

Reason: In the interests of highway safety and to ensure that there is adequate space to enter and exit the site within a forward gear in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD.

- 8 **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**
- a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste);
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;

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

9. **Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved drawing number 22224-01 Revision B (Visibility Splays) The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10. **The development hereby approved shall not be occupied until a scheme for the installation of Electric Vehicle Charging Points and associated infrastructure has been submitted to and approved in writing by the local planning authority. The Electric Vehicle Charging points and associated infrastructure shall be provided**



**prior to occupation and thereafter be retained in accordance with the approved details.**

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

- 11. No development above slab level shall be undertaken until a Sustainability Statement indicating how the development complies with Policies CS29, CS31 and CS32 of the Core Strategy, the Energy Efficiency and Conservation SPD and the Water Conservation SPD has been submitted to and approved in writing by the local planning authority. The development shall be undertaken fully in accordance with the approved details.**

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

- 12. The development hereby approved shall not be occupied until a scheme for the mitigation of residents against the noise from commercial premises has been submitted to and approved in writing by the local planning authority. The proposed noise mitigation measures shall be provided in accordance with the approved details prior to the occupation of effected residential rooms.**

Reason To ensure an adequate level of amenity for future occupants of the development in accordance with Policy CS12 of the Core Strategy.

- 13. The development hereby approved shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.**

**Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.**

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 14. No development above slab level shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Strategy and Flood Risk Assessment Revision A (July 2022) The development shall be carried out in accordance details.**

Reason: To ensure the adequate drainage of surface water on the site in order to mitigate the risk of flooding in accordance with Policies CS12 and CS31 of the Core Strategy.

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Tring Town Council	<p><b>AMENDED PLANS</b></p> <p>The Council recommends that this application is refused on the following grounds:</p> <ul style="list-style-type: none"> <li>- Over development</li> <li>- Inadequate parking spaces for visitors and staff</li> <li>- Sustainable Construction</li> </ul> <p>Tring Town Council promotes sustainable buildings and recognises climate change so would like to see solar panels, ground source heating and more electric car charging points within the development</p> <ul style="list-style-type: none"> <li>- Traffic and Access</li> </ul> <p>The road is currently very narrow and needs to be widened by at least 2 metres There has already been development on the road with Roman Park being built which will have increased traffic and then this development will increase it further. Currently a bus and another larger vehicle for instance a lorry cannot pass each other on the road.</p> <p>The project should improve the pathway at the corner from Icknield Way onto Miswell Lane and provide a new 2 metre pavement on the development side of the road and a crossing to the other side of the road in line with current policies promoting walking &amp; cycling. This would also create walking &amp; cycling access to the industrial estate.</p> <p><b>ORIGINAL RESPONSE</b></p> <p>The Council recommend REFUSAL of this application on the grounds that there does not appear to be plans to widen Miswell Lane. The road would need to be widened right up to the junction with Icknield Way and in the other direction to Windmill Way to include pedestrian access. A condition should be added or an s106 Agreement entered</p>

	into to ensure that this takes place.
Hertfordshire County Council – Highways	<p>AMENDED PLANS (20.3.23)</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.</p> <p><u>Comments</u></p> <p>Amended plans have been submitted as part of the above planning application, including an updated site plan (PL02 rev.E), which includes details of an amended cycle store and bin location.</p> <p>HCC as Highway Authority would not have any objections to the amended plans. The recommended conditions and planning obligations as included in the Highway Authority's response dated 3/10/2022 are still valid.</p> <p>ADDITIONAL PLAN (6.12.22)</p> <p>The submitted swept path plan / tracking (drawing number 22224-05) is considered to be acceptable to illustrate that a refuse vehicle would be able to turn around on site and egress to the highway in forward in gear.</p> <p>AMENDED PLANS (3.10.22)</p> <p>Amended proposals were submitted in September 2022.</p> <p>Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.</p> <p><u>Recommendation</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <p><input type="checkbox"/> Swept path analysis / tracking plan to illustrate that a refuse vehicle (with a length of at least 10m) would be able to utilise the amended access and site layout, turn around and egress to the highway in forward gear.</p> <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>

	<p>2. A. Highway/ Access Works (Design Approval) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details would need to include:</p> <ul style="list-style-type: none"> <li>o Works to create the bellmouth entrance.</li> <li>o Works to create the pedestrian crossing point with pedestrian dropped kerbs and tactile paving on either side of Miswell Lane.</li> </ul> <p>B. Highway / Access Works (Implementation / Construction) Prior to the first occupation /use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.</p> <p>Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>3. Provision of Parking &amp; Servicing Areas Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>4. Provision of Visibility Splays Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved drawing number PL11 B. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</p> <p>Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>5. Construction Management Plan No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:</p> <ul style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Traffic management requirements</li> </ul>
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d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);  
e. Siting and details of wheel washing facilities;  
f. Cleaning of site entrances, site tracks and the adjacent public highway;  
g. Timing of construction activities (including delivery times and removal of waste);  
h. Provision of sufficient on-site parking prior to commencement of construction activities;  
Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

HCC recommends inclusion of the following highway informatives / advisory notes to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

#### AN) Extent of Highway:

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

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

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

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

or by telephoning 0300 1234047.

#### Planning Obligation

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

including any engagement that may be needed.

Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing  
[travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

#### Comments / Analysis

The amended application comprises of the construction of an 72-bed care home and associated works on land at Miswell Lane Tring. Miswell Lane is designated as an unclassified local access road, subject to a speed limit of 20mph and is highway maintainable at public expense.

#### *Vehicle Access*

There is no existing vehicle access into the site. The proposals include the provision of a new formalised bellmouth access from Miswell Lane leading to a 6m wide access road, parking and turning areas, the amended details of which are shown on submitted drawing no. PL11 B. The access road is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide and Manual for Streets (MfS). Consideration would need to be made to provisions to ensure that vehicles do not park along the private access road or within any part of any turning areas to ensure permanent availability of these turning and access areas.

HCC as Highway Authority would not have any objection to the location of the access point with available vehicular to vehicular visibility splays in accordance with guidance as outlined in Roads in Hertfordshire: Highway Design Guide and MfS and considered to be acceptable when taking into consideration the speed limit of the road and recorded speeds as laid out in the previous TA.

#### *Pedestrian Access*

There is an existing highway pedestrian footway on the north-east side of Miswell Lane although no pedestrian footway on the south-west side of Miswell Lane (the side of the application site). The proposals include a crossing point with pedestrian dropped kerbs and tactile paving on either side which then leads to a footpath running into the care home site, the details of which are indicated on drawing number PL11B. The location of the crossing point is considered to be acceptable with a sufficient level of pedestrian to vehicle visibility in either direction. Whilst it was recommended at pre-app stage that a stretch of footway was provided fronting the property, there would not be sufficient grounds to recommend refusal for the current proposals when taking into consideration the proposed pedestrian crossing point, which would provide a means to cross onto the existing

	<p>pedestrian footway and subsequently the wider footway network.</p> <p><i>Section 278 Highway Works</i></p> <p>The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on highway land including:</p> <ul style="list-style-type: none"> <li>o Works to create the bellmouth entrance, with a kerb radii of 6m on either side.</li> <li>o Works to create the pedestrian crossing point with pedestrian dropped kerbs and tactile paving on either side of Miswell Lane.</li> </ul> <p>Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway. Please see the above conditions and informatives.</p> <p><i>Refuse &amp; Service Vehicle Access</i></p> <p>The proposals include a delivery bay and turning area, which would be necessary to ensure that all vehicles using the site would need to be able to easily and safely turn around on site and egress in forward gear to the highway. Whilst a swept path analysis / tracking for a refuse vehicle (drawing no.22224-02 A) was submitted as part of the original TA/ to illustrate that a refuse vehicle would be able to access the site, turn around and egress to Miswell Lane in forward gear, it does not appear that this has been updated to reflect the amended layout. In the interest of robustness it is therefore recommended that a swept-path analysis / tracking plan for a 10m long refuse vehicles is submitted and approved to illustrate use of the amended layout.</p> <p>Normally, provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling. The current proposals do not demonstrate this although it is acknowledged that the arrangements are for a care home rather than individual dwellings and therefore the Highway Authority would not have any particular objections in this respect. Nevertheless, the provisions and collection method would need confirmed as acceptable by DBC waste management.</p> <p>Following consideration of the size of the building / number of rooms, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).</p> <p><i>Trip Generation</i></p> <p>The expected trip generation for the proposed development was included as part of the submitted TA using a TRICS assessment. Following consideration of the anticipated number of vehicle trips of 10</p>
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two-way trips in the AM peak; 7 two-way trips in the PM peak and 155 two-way trips over a 12-hour period, the trip generation and any associated impacts would not be considered severe or significant enough to recommend refusal from a highways perspective. Following consideration that the amended plans submitted in Sep 2022 reduce the overall number of beds, there would not be considered to any further concerns in this respect.

#### *Vehicle Parking*

The proposals include the provision of 26 parking spaces in addition to 1 ambulance and 1 delivery bay. HCC as Highway Authority would not have any particular objection to the proposed level of parking. However it is noted that the levels are lower than those as outlined in Dacorum Borough Council (DBC)'s Parking Standards Supplementary Planning Document (PSSPD), 2020 and therefore DBC as the parking and planning authority would ultimately need to be satisfied with the level and type of parking for residents, visitors and employees of the site.

The dimensions and layout of the parking spaces and manoeuvring areas are considered to be acceptable by HCC as Highway Authority and in accordance with MfS (Sections 8.3.48 to 8.3.54).

The proposals include the provision of five car parking spaces with electric vehicle charging (EVCP). Provision, which HCC as Highway Authority would be supportive of to promote and provide development in accordance with Hertfordshire's Local Transport Plan (LTP4), Policy 5h. The Highway Authority would however recommend that all other car parking spaces are provided with passive EVC provision to accord with DBC's Parking Standards Supplementary Planning Document (PSSPD) 2020 and ensure adequate infrastructure for any future increase in demand for EVC provision.

#### *Planning Obligations*

DBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.

For a development of this size, a Travel Plan (TP) consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for occupiers, employees and visitors to the development in accordance with the provisions of Hertfordshire County Council's Travel Plan Guidance would be required. The Travel Plan would be subject to an 'evaluation and support contribution' totalling £6,000 (index linked by RPI to 2014), received via a Section 106 planning obligation and payable before first use of the development. This contribution is to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. For further guidance and details, please refer to

[www.hertfordshire.gov.uk/services/highways-roads-and-](http://www.hertfordshire.gov.uk/services/highways-roads-and-)



	<p><a href="https://www.hertfordshire.gov.uk/pavements/business-and-developer-information/development-management/highways-development-management.aspx">pavements/business-and-developer-information/development-management/highways-development-management.aspx</a></p> <p>or contact the travel plan team at <a href="mailto:travelplans@hertfordshire.gov.uk">travelplans@hertfordshire.gov.uk</a> .</p> <p><i>Drainage / SUDs</i></p> <p>The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to the drainage strategy or SUDs at: <a href="mailto:FRMconsultations@hertfordshire.gov.uk">FRMconsultations@hertfordshire.gov.uk</a></p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the access to the site and the footway works. Therefore HCC has no specific objections on highway grounds to the outline application, subject to the inclusion of the above planning conditions, obligations and informatives.</p>
Hertfordshire County Council – Fire and Rescue Service	<p>This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use at all times.</p>
Hertfordshire County Council – Lead Local Flood Authority	<p>AMENDED COMMENTS (21.3.23)</p> <p>The LLFA has reviewed the additional information that was submitted in response to our previous letter dated 10th February 2023. The LLFA maintains our objection to this planning application for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping, and associated works. We wish to make the following comments.</p> <p>The LLFA has reviewed the information against our previous response (dated 6th January 2023). The LLFA confirms the applicant has now addressed our point regarding the finished floor levels for the ground floor of the proposed building and the finished ground levels of the land surrounding the building within the development site, providing a freeboard of 150mm. However, the applicant has not provided any information regarding point 1. While we appreciate the applicant has attempted to address points 2 and 3, they have not provided enough information to satisfy the LLFA.</p> <p>For the LLFA to consider overturning our objection, we still require the following information.</p>

	<p>1. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA request clarification on how the 59m<sup>2</sup> was calculated.</p> <p>2. The LLFA is yet to receive information or evidence from the applicant there is at least a 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures based on the high susceptibility to groundwater flooding in the area.</p> <p>We appreciate that the applicant submitted a Groundsure Location Intelligence document relating to groundwater flooding, the LLFA requires the applicant to provide site-specific evidence through ground investigation to detail that testing was carried out and if water was struck, at what depth.</p> <p>3. Having reviewed the latest drainage strategy, the LLFA notes there appears to be no connection for surface water drainage to the sewer system on Miswell Lane. Please can the applicant confirm that all surface water runoff is being discharged to ground onsite and there will be no surface water discharge into the sewer on Miswell Lane</p> <p>The LLFA acknowledges receipt of the ground levels and finished floor levels in relation to the minor flooding at Manholes S1, S16, and S17 during the 15-minute summer event. The latest drainage strategy shows a finished floor level within the building of 156.750m, and the external finished ground level for all three manholes of 156.60m. The LLFA observes the applicant has demonstrated there is a 150mm freeboard. Therefore, the applicant has complied with the LLFA's information request.</p> <p>Based on this lack of information relating to the points addressed above, the LLFA maintains our objection to the approval of the planning application 21/04769/MFA at this time.</p> <p>Informative: At this time on this application the LLFA will accept the use of FEH2013. However, in December 2022 it was announced FEH rainfall data has been updated to account for additional long-term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design have changed. In some areas, there is a reduction in comparison to FEH2013, and in some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up-to-date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at an advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt, the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022, and therefore, use in rainfall simulations is not accepted.</p> <p>Please note if the LPA decides to grant planning permission, we wish to be notified for our records.</p> <p>AMENDED COMMENTS (13.2.23)</p>
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The LLFA has reviewed the additional information for the revised Drainage Calculations that was submitted on 6 February 2023. The LLFA maintains our objection to this planning application for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping, and associated works.

We wish to make the following comments.

The LLFA has reviewed the information against our previous response (dated 6th January 2023). The LLFA confirms the applicant has now addressed our point regarding the additional storage volume of 20m<sup>3</sup>/ha and has altered the calculations to show an additional storage volume of 0m<sup>3</sup>/ha. However, the applicant has not provided any further evidence on the following points:

1. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA request clarification on how the 59m<sup>2</sup> was calculated.
2. The LLFA is yet to receive information or evidence from the applicant there is at least a 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures based on the high susceptibility to groundwater flooding in the area.
3. Furthermore, the LLFA has not received a written “agreement in principle” from Thames Water to the applicant for discharging water into the adjacent sewer on Miswell Lane

Upon reviewing the Drainage Calculations, the LLFA has also noticed that within the 1 in 100 year plus 40% climate change for the critical storm duration, there is notification of flooding at Manholes S1, S16, and S17 during the 15-minute summer event. The LLFA requires the applicant to either resolve this issue or demonstrate that there is no risk of the water inundation or water inhibiting safe access and egress to the building. Therefore, the LLFA requires the applicant to provide the following information:

- Finished floor levels for the ground floor of the proposed building
- Finished ground levels of the land surrounding the building within the development site.

Based on this lack of information relating to the points addressed above, the LLFA maintains our objection to the approval of the planning application 21/04769/MFA at this time.

Informative: At this time on this application the LLFA will accept the use of FEH2013. However, in December 2022 it was announced FEH rainfall data has been updated to account for additional long-term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design have changed. In some areas, there is a reduction in comparison to FEH2013, and in some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed,

should use the most up-to-date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to the 1st April 2023. This includes those applications that are currently at an advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt, the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022, and therefore, use in rainfall simulations is not accepted.

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

#### AMENDED COMMENTS (09.01.23)

The LLFA has reviewed the revised Drainage Calculations submitted on the 23<sup>rd</sup> December 2022. The LLFA maintains our objections to this planning application.

The LLFA has reviewed the information against our previous response. The LLFA confirms that the applicants have addressed points 1, 2 and 4 as the LLFA is satisfied that the applicant has provided evidence to demonstrate that

- Updated their calculations providing the 2, 10, 30 and 100 year return periods within the correct climate change allowances attached to the 30 and 100 year periods,
- Updated the rainfall methodology applied to the calculations using FEH2013
- Updated the factor of safety to 10 based on CIRIA SuDS Manual C753 for both storage structures

Whilst the LLFA appreciates the applicant has provided a full set of hydraulic calculations to demonstrate the impact on the whole network to ensure that the development discharge rates do not exceed the agreed rates. The LLFA notes the applicant has two further concerns to address:

1) With the updated full network calculations an additional storage volume of 20 m<sup>3</sup>/ha has been included. The LLFA is concerned that this additional volume is not represented in the proposed design and provides additional storage where none is included. These calculations should be revised to show an additional storage value of 0 is included.

2. Within the full calculations attenuation structures design there is inconsistent information relating to the infiltration area. The LLFA requests clarification on how the 59m<sup>2</sup> was calculated.

The LLFA is yet to receive information from the applicant that there is at least 1.2m between the seasonally high groundwater level and the base of the proposed infiltration system based on the areas high susceptibility to groundwater flooding.

Furthermore the LLFA has not received a written agreement in principle from Thames Water to the applicants to discharge water into

	<p>the adjacent sewer on Miswell Lane.</p> <p>ORIGINAL COMMENTS (02.12.22)</p> <p>The Full Planning application for a major development was submitted for the construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works.</p> <p>Based on the information that has been provided in support of the application (21/04769/MFA), the LLFA objects to the approval of the application due to the lack of appropriate up-to-date supportive information. The incomplete or inappropriate information applied includes:</p> <ul style="list-style-type: none"> <li>• A full set of up-to-date calculations with the updated climate change allowances.</li> <li>• A full set of hydrology calculations using FEH2013.</li> <li>• A full set of hydraulic network design calculations.</li> <li>• An updated factor of safety applied to the infiltration structures on the proposed development.</li> <li>• Evidence confirming there will be at least 1.2m between the seasonal high groundwater level and the base of the infiltration structures.</li> <li>• Evidence confirming either the approval or the “agreement in principle” from Thames Water to discharge their sewer network.</li> </ul> <p>Reason</p> <p>To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169, and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.</p> <p>We will consider removing our objection if the following issues are adequately addressed.</p> <ol style="list-style-type: none"> <li>1. The applicant must provide a full set of calculations using the latest climate change allowances. For this catchment, the climate change allowance that applies is a 35% allowance for the 1 in 30-year event and a 40% allowance for the 1 in 100-year event. Both of these rates are at the upper end of the allowance.</li> <li>2. While the applicant has provided a full set of calculations, we require all calculations to be completed using the FEH2013 hydrology method and undertaken more recently than October 2021 as there have since been significant changes regarding the surface water drainage requirements since October 2021.</li> <li>3. The LLFA requires a full set of hydraulic calculations that demonstrate the impact on the whole network to ensure that the discharge rates do not exceed the agreed rates.</li> <li>4. The applicant has used a factor of safety score of 2 for the calculations. In accordance with the SuDS Manual (Table 25.2), the</li> </ol>
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	<p>LLFA considers the current factor of safety score needs to be higher for infiltration structures in accordance with the nature and use of the proposed development. Based on the Ciria SuDS Manual C753 (Table 25.2), a factor of safety score of 10 is required rather than 2. Therefore, the LLFA expects that all hydraulic calculations for infiltration structures and the associated networks must be updated by the applicant.</p> <p>5. In section 2.3 of the Flood Risk Assessment, produced by Baker Hall Ltd, it is stated that “Groundwater was not present in any of the trial pits or deeper boreholes”. The LLFA has reviewed the maps produced by Hertfordshire Council that show the area susceptibility to groundwater flooding</p> <p><a href="https://www.hertfordshire.gov.uk/medialibrary/documents/waste/mwlp/core-document-library/primary-evidence/pe-08-strategic-flood-risk-assessment-jul-2022.pdf">https://www.hertfordshire.gov.uk/medialibrary/documents/waste/mwlp/core-document-library/primary-evidence/pe-08-strategic-flood-risk-assessment-jul-2022.pdf</a>).</p> <p>The location of the site is in an area of high susceptibility to groundwater flooding. The LLFA requires further assessment of groundwater flood risk and confirmation that there will be at least 1.2m between the seasonally high groundwater level and the base of the proposed infiltration structures. Further ground investigation is likely to be required to provide suitable evidence to demonstrate this.</p> <p>6. The LLFA requires written “agreement in principle” with Thames Water for discharging water into the adjacent sewer on Miswell Lane at the specified rate.</p> <p>For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx</a></p> <p>This link also includes Hertfordshire County Council’s policies on SuDS in Hertfordshire.</p> <p>Please note if you the Local Planning Authority review the application and decide to grant planning permission, you should notify us, the Lead Local Flood Authority, by email at <a href="mailto:FRMConsultations@hertfordshire.gov.uk">FRMConsultations@hertfordshire.gov.uk</a></p>
Hertfordshire County Council Growth & Infrastructure	<p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions.</p> <p>Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p>

		<p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a>, who may request the provision of fire hydrants through a planning condition.</p>
Conservation Design	and	<p>AMENDED PLANS</p> <p>From review of the section through to the windmill the height of the building would be seen within the context. This may not cause harm to the significance of the windmill as a landmark structure but highlights the necessity to use red clay tiles to ensure that the windmill remains a more prominent item within the roofscapes of this area of Tring. We would therefore recommend that there is no requirement to undertaking the balancing exercise as the impact on the significance of the listed building is considered to be nominal.</p> <p>Following ongoing design discussions we believe that the proposal has come to a solution where we would not object to the proposals as they would not harm the character or appearance of the area and are appropriate design wise.</p> <p>.</p> <p>Recommendation No objection. External materials, hard and soft landscaping and details subject to approval.</p> <p>AMENDED PLANS</p> <p>The existing site is a field and to the road is a large boundary hedge. Opposite the site are a number of bungalows which date from the second half of the 20th century. To the south of the site the semi-detached dwellings on the opposite side of the road appear to date from the inter war period. To the south is post war development with a substantial set back from the road. These are of 1 ½ to 2 stories. To the north is a collection of mainly modern buildings at Morning Side Farm and to the west large sheds of the industrial estate. Of particular interest nearby is the windmill which is visually prominent within the skyline of Tring due to both its height and position on the ridge above the historic town centre of Tring. This is a grade II listed building which has now been converted into a dwelling.</p> <p>From review of the section through to the windmill the height of the building would be seen within the context. This may not cause harm to the significance of the windmill as a landmark structure but highlights the necessity to use red clay tiles to ensure that the windmill remains a more prominent item within the roofscapes of this area of Tring.</p> <p>The proposals have been amended with regards to the U shaped element pulling forward the central section to allow a more useable space to the rear. As such we believe that this element of the scheme</p>

	<p>would be acceptable. In general the landscaping would be acceptable but it would be recommended that the bin store be moved perhaps to the location of the cycle store as at present the view down the corridor would be of the bin doors which would not create an appealing environment. The cycle store could perhaps move to the south end of the parking area or become intergral with the bin store by rotating through 90 degrees. Landscaping would need to be amended as a result.</p> <p>With regards to the elevations we would recommend that the following be considered. As previously noted the brick needs to be a dark red/ orange colour to reflect the character of Tring and the wider area of Dacorum. This would provide a local reference within the materials and help the building relate better to the context. In order to break up the large areas of brick within the gable it would be recommended that a window be introduced at the landing between the ground and the first floor. This would provide an additional benefit of providing natural light to the stairs. It would also be useful to consider some additional We would also recommend that additional areas to the north east gables currently shown as render facing the road have tile hanging at first floor/ the gable to ensure that they sit comfortably with the character of the area. To add visual interest within the elevations the windows should be set in rather than flush to help create shadow lines.</p> <p>Recommendation Overall we believe that the proposals have moved forward but the above should be addressed.</p>
Environmental Health	<p>Following consideration of the Noise Management Plan/Impact Assessment we are happy with the assessment but request that the mitigation methods outlined and proposed in the assessment (orientation, glazing, ventilation etc) is conditioned to ensure that the development adheres to the methodology proposed.</p> <p>We would ask that the below informative comments are also included.</p> <p><u>Working Hours Informative</u></p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p>



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

#### Waste Management Informative

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

#### Air Quality Informative

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

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

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

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO<sub>x</sub>/Kwh or consideration of alternative heat sources.

#### Invasive and Injurious Weeds – Informative

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

	<a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a>
Trees and Woodlands	The agent has identified T3-T7 which require removal to facilitate the development. These are young/semi mature trees and their loss will not impact on the area significantly. The agent has also indicated the losses will be mitigated by additional planting but there is no further information. Has the applicant submitted a planting scheme? If not then this could be conditioned.
Hertfordshire Constabulary – Secure by Design Officer	I am content that security and crime prevention have been considered for this application as detailed in the Design and Access statement.
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p><b>NO OBJECTION – SUBJECT TO APPROPRIATE MITIGATION</b></p> <p>We consider that without appropriate mitigation the application could:</p> <ul style="list-style-type: none"> <li>- Have an adverse effect on the integrity of the Chilterns Beechwoods Special Area of Conservation</li> <li>- Damage or destroy the interest features for which Ashridge Commons and Woods Site of Special Scientific Interest has been notified.</li> </ul> <p>In order to mitigate these adverse effects and make the development acceptable the following mitigation measures are required or the following mitigation options should be secured.</p> <ul style="list-style-type: none"> <li>- The use of the property is restricted to C2 (Nursing Care Home)</li> <li>- The Care Home shall not be occupied other than by persons of limited mobility who require full time nursing care and/or those who require high dependency dementia care,</li> <li>- No residential staff accommodation will be provided on site,</li> <li>- Car parking will be restricted exclusively to staff and visitors</li> <li>- A covenant will prevent the keeping of pets on the premises (with the exception of assisted living dogs)</li> </ul> <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below:</p> <p>Further advice on mitigations.</p> <p>As submitted, the application could have potential significant effects on the Ashridge Commons and Woods Site of Special Scientific</p>

	<p>Interest (SSSI) which forms part of the Chilterns Beechwoods Special Area of Conservation (SAC) Natural England advises that mitigation measures are required for the proposed development to avoid impacts upon the integrity of these designated sites and to bring this development in line with policy and relevant case law.</p> <p>In order to mitigate the adverse effects and make development acceptable the following mitigation measures are required for the care home:</p> <ul style="list-style-type: none"> <li>- The use of the property is restricted to C2 (Nursing Care Home)</li> <li>- The Care home shall not be occupied other than by persons of limited mobility who require full time nursing care and/or those who require high dependency dementia care. Persons of limited mobility shall be defined as persons whose physical condition prevents them walking beyond 400m. Such a physical condition shall be first verified by the Care Home Operator by means of a referral from a GP prior to the occupation of the care home by any potential resident</li> <li>- No staff accommodation shall be provided on site</li> <li>- Car parking shall be restricted to staff and visitors</li> <li>- A covenant shall prevent the keeping of pets on the premises (with the exception of assisted living dogs)</li> </ul> <p>We advise that conditions or legal obligations are attached to any permission granted to secure the above measures</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (As Amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must allow a further period of 21 days before the operation can commence.</p> <p>Advice on the consideration of protected species and other natural environmental issues is included at Annex A,</p>
East of England Ambulance Service	<p>Further to a review of the application details the following comments are made in regard to the provision of ambulance services and are in addition to the response from Hertsmere [sic Herts Valley] CCG</p> <p>Existing Healthcare including Emergency Ambulance Service Provision Proximate to the Planning Application Site</p> <p>Any new care home requires assessment of the suitability of existing ambulance station(s) within the locality, with potential to redevelop or extend and in certain instances relocate to a more suitable location as well as the need to increase the number of ambulances and medical equipment to manage increased number of incidents to the growing population in order to maintain mandated ambulance response times and treatment outcomes.</p>

	<p>The proposed development will put increasing pressure and demand on EEAST providing service nationally set response times for accident and emergency services around the geographical area associated with the application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area.</p> <p>Non-emergency patient transport services are commissioned by Herts Valleys CCG to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.</p> <p>The age profile is important for EEAST as well as the CCG, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resources. Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates the residents 65+ account for 1/3 (35%) of Category 1 ambulance activity and 52% of all activity.</p> <p>EEAST would request planning permission for this care home is not granted unless the following are provided as part of the S106/CIL agreement:</p> <p>a) At least one emergency lifting devices within a preference for one per floor. These inflating devices are designed to lift the frailest individual up to a bariatric patient from the floor in a safe and dignified manner minimising the risk of injury to both the fallen individual and the person lifting them. This device will enable car home staff to aid uninjured residents back into their chair/bed are thereby reduce the number of attendances from the ambulance service.</p> <p>b) At least one Automated External Defibrillator should be installed with a preference of one per floor provided.</p> <p>The measures identified above are in addition to any S106/CIL funding.</p> <p>Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision.</p> <p>The change of use from agricultural land to care home will impact on emergency ambulance services due to the high level of emergency ambulance and patient transport activity generated.</p> <p>EEAST are in a unique position that intersects health, transport and community safety and does not have the capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.</p>
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	<p>The population likely to be generated from the proposed development has been calculated and the capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £8,100</p> <p>EEAST therefore requests that this sum be secured through a planning obligation linked to the grant of planning permission.</p> <p>Review of the Planning Application</p> <p>The Flood Risk Assessment indicates the sites are in Flood Zone 1 at low risk of flooding. The impact of flooding significantly affects resident's physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.</p> <p>EEAST also supports appropriate use of living green roofs to support reducing the potential for localised flooding. In addition, the use of sustainable urban drainage through permeable paving in driveways and parking areas to accommodate surface water run-off is welcomed.</p> <p>EEAST would welcome the potential for a community garden and seating in open space areas to support resident's physical and mental health and well-being.</p> <p>EEAST would request parking space for at least one emergency ambulance and one patient transport vehicle is provided (10.6m in length and 4m in width per space) ideally with 2 EV charging points per space suitable for ambulance vehicles.</p> <p>Where lifts are to be installed EEAST would request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel alongside the stretcher (a minimum internal of 2.6m x 1.6m is required)</p> <p>Transport, Design and Access Assessment of Development Impact on Healthcare Provision</p> <p>EEAST notes the Transport Statement identifies 5 personal injury accidents (PIA's) recorded within the last 5 year period affecting the area of Miswell Lane with 4 of the 5 collisions recorded as 'slight in severity and one serious incident.</p> <p>It should be noted that EEAST as a blue light emergency service would request the developer support the Vision Zero/Safe System approach to designing out road accidents for vehicle occupants, motorcyclists, bicyclist and pedestrians by utilising clear lines of sight and use of appropriate street/road lighting whilst also minimising the impact of artificial light.</p> <p>Conclusions</p> <p>In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional emergency and non-emergency healthcare provision to mitigate</p>
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	<p>impacts arising from this development and other proposed developments in the local area.</p> <p>The capital required through developer contributions would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.</p> <p>EEAST look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.</p>
Herts Valleys Clinical Commissioning Group	<p>In line with our previous requests (ref: 20/02021/MFA; 20/02052/MFA; 20/02159/OUT) we would like to request that a 10% provision is made in all three cases for health and social care funded patients.</p> <p>If this allocation is not taken up by HVCCG within a specified time period (to be determined) then beds can be returned to private patients.</p> <p>In addition to this, there will be an impact on local GP services (despite an on-site health facility, residents will be registered with a GP and use NHS services) and we would like to request that a contribution is secured towards increasing the capacity of GP services in the vicinity of each care home.</p> <p>We have adapted our standard formula to reflect the fact that these will be single occupancy units and that patients are not always seen at the surgery, thus reducing the impact even further – for simplicity, we have presumed 50%.</p> <p>For comparison, HVCCG standard formula for calculating the impact on Primary Care/ GP services:</p> <p>80 units x 2.4 (average occupancy rate) = 192 new patients  192/ 2,000 = 0.096 GP (based on ratio of 2,000 patients per 1 GP and 199m2 space requirement as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement &amp; Development”)  0.096 x 199m2 = 19.104 m2 additional space required  19.104 x £5,410 (build costs including land, fit out and fees) = £103,352.64  £103,352.64/ 80 = £1,291.908 ~ £1,291 per dwelling</p> <p>Revised formula to reflect the single occupancy and 50% impact on GP services:</p> <p>80 units = 80 new patients  80/ 2,000 = 0.04 GP (based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement &amp; Development”)  0.04 x 199m2 = 7.96m2  Given circa 50% impact, this can be reduced to 3.98m2 additional space  3.98 x £5,410 (build costs including land, fit out and fees) = £21,531.80  £21,531.80/ 80 = £269.1475 ~ £269 per unit</p>

	<p>In light of the above, I would also like to request that a contribution of £269 per unit is made towards the GP services provision in the vicinity of this development.</p>
Hertfordshire and Middlesex Wildlife Trust	<p>Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines.</p> <p>This is a preliminary ecological appraisal or PEA. A preliminary survey is not appropriate to support a full or outline planning application. The CIEEM guidelines on PEA state:</p> <p>'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'</p> <p>This is the case in this application because net gain has not been demonstrated, mitigation has not definitively stated and so the LPA cannot assess the application properly.</p> <p>NPPF states: 174. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity.</p> <p>In order to objectively claim that the development delivers net gain, it should employ the Natural England Biodiversity Metric.</p> <p>This is the most objective way of assessing net gain on a habitat basis. It assesses ecological value pre and post development and has been endorsed through the passing of the Environment Act.</p> <p>The baseline score plus 10% must be exceeded by the proposal to claim net gain. If the site is incapable of achieving this score on site then offsite compensation must be provided. A biodiversity offset, or an agreement to provide one, must be provided for the requisite amount. All habitats both present and future must be fully described in accordance with the technical guidance that accompanies the metric to demonstrate that net gain can be achieved and how. The full metric in its excel form should be supplied to enable verification.</p> <p>BS 42020 states: '8.1 Making decisions based on adequate information The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:</p> <p>h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'</p> <p>The ecological report does not do this. It does not provide a clear, objective indication of losses and gains by reference to the metric. The application should not be approved until it does so.</p> <p>A suggestion is made in the report for free hanging bat boxes. This is not a permanent provision and is open to damage, vandalism or theft.</p>

	<p>Bat and bird boxes are recommended but integrated into the building. A condition should be applied to secure this i.e.:</p> <p>Condition: Development shall not proceed until a plan showing the model and location plan for installing 5 integrated bat boxes and 5 integrated swift boxes has been approved by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.</p> <p>Reason: To conserve and enhance biodiversity in accordance with NPPF</p>
Thames Water	<p>Waste Comments</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</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 &amp; 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. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a>.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.</p> <p>No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.</p> <p>Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p>



	<p>Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p> <p>The developer can request information to support the discharge of this condition by visiting the Thames Water website at <a href="https://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a>. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at <a href="https://thameswater.co.uk/buildingwater">thameswater.co.uk/buildingwater</a>.</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a></p>
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## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Morningside Farm	<p>I wish to comment in support of this application.</p> <p>Over a period of at least 10 years I have had a close association with Morningside Farm and have watched its progression through the generations.</p> <p>My stance on the application is that its approval is one of the best possible outcomes for the land, the neighbours and the Local Authority. As the land is classified for development in the local plan several possibilities have been discussed. Initially the classification was industrial use, which would extend the existing adjacent development into close proximity of the residential dwellings, potentially causing disturbance greatly in excess than that of the current proposal. Another potential utilisation was for residential accommodation, however the required density to reach the LPA's target of 24 units was very intense and would of course of have to have included some affordable housing. Again this may not have been the most acceptable solution for local residents.</p>

	<p>It seems to me that the proposal not only accords well with the local plan and the NPPF, fulfilling the essential strands of sustainable development, but is also robust in supporting the policies and goals of the DC.</p> <p>Whilst writing I note that local objections have been made against the application. As stated above, I feel that it is possible in raising those objections, the alternatives have not been fully considered. I also note that most of the objections cover issues such as highways and the need for care home provision. These items and others are well covered in the supporting statement for the proposal and other documents, which I feel, may not have been fully understood in advance of the objection being made. I am aware that the design and layout etc. have been the subject of pre-application advice with the LPA and the proposal has been refined accordingly.</p> <p>I feel that this is a really good scheme / outcome for the site which has the potential to enhance the area and the local community by providing much needed care home places and associated facilities which will be shared with the wider community as deemed appropriate.</p> <p>In short, to me, a prompt approval would seem to be appropriate in this instance.</p>
12 Chapel Meadow	<p>I am writing in relation to this application and to query there is a need for an additional care home in the town of Tring. I am very conscious of the acute need for housing especially affordable for local residents. Can you please confirm whether a needs assessment has been completed, demonstrating that there is a need for this large elderly care home development in Tring.</p>
65 Longfield Road	<p>In general this is a very thorough and well-thought-out proposal. The applicants no doubt know and understand their market and it would appear that it meets a need. Whether the need calls for quite so many units, with the attendant traffic implications, is open to question. The current plan zones the land for industrial use; I have concerns that if this proposal goes ahead, and if the new local plan zones the land west of the Industrial Estate for housing also, any opportunity to enlarge this established industrial estate will be lost, and with it the future employment opportunities it represents.</p> <p>If the hedgerow on the boundary with Miswell Lane is lost, it will detract from the semi-rural nature of the top of Miswell Lane. If the hedgerow alongside Morningside Farm is retained, a curious and unsatisfactory appearance will result.</p> <p>The applicants, in seeking to pitch the design in accordance with local precedent, have confused the work of known architects with the concept of 'vernacular'. Out of seven examples shown, five are by William Huckvale, one is by Walter Lyon and only one is genuinely vernacular. To throw Voysey and Lutyens into the mix is frankly absurd.</p> <p>The proposed design is by no means unattractive and it is quite proper</p>

	<p>that it should have its back to the adjacent factory units. If the applicants value the appearance of local brick, they should specify it, and reduce the environmental impact of transporting bricks from elsewhere which won't match it anyway. The applicants should also commit to the installation of PV panels rather than merely consider it.</p> <p>The land shown as Green Belt is also in the Chilterns Area of Outstanding Natural Beauty. Whilst the site is not so designated, , this ought to be one of the design considerations</p>
104 Miswell Lane	<p><b>ORIGINAL COMMENTS</b></p> <p>Further to our recent email correspondence, I am writing on behalf of my husband and I who live at 104 Miswell Lane, approximately 130m from the application site.</p> <p>We wish to raise a number of concerns with the application which I deal with in turn below. Notwithstanding our concerns with the principle of a nursing home in this location, resulting in a loss of land for market and affordable housing, we have fundamental concerns about height, bulk and highway safety, which must be addressed even if the Council is content with the principle of the use.</p> <p>Further detail is provided below:</p> <ul style="list-style-type: none"> <li>• Principle of use – the Site Allocations DPD (2017) allocates the site for housing and identifies an approximate capacity of 24 homes. This would provide 8-9 affordable homes. Whether this level would be feasible on the site would depend on detailed design, but such housing sites are rare in Tring, and it would provide a valuable contribution towards the supply of housing and affordable housing. Dacorum's 19/20 Annual Monitoring Report showed that the Council is not able to show a 5 year housing supply. The delivery of housing must therefore be prioritised. Although it is recognised that Planning Practice Guidance states that care homes can be included in housing targets, on the basis that people moving into care homes allows the release of their existing home to the market, this would not provide affordable homes for the local area, as would be the case if market housing was being provided. The lack of provision of affordable housing would therefore be contrary to Core Strategy Policy CS18.</li> <li>• Width of Miswell Lane – we are concerned about the highway safety implications of vehicles pulling out into a section of the road where cars often have to wait to allow another car to pass, due to Miswell Lane being effectively single carriageway at this point, with bollards on the opposite side of Miswell Lane to prevent vehicles mounting the footway. I spoke to the developers prior to the submission of the application, and they said that they had allowed space for road-widening to happen, but this is not included in their application. I think it is fundamental that the land to allow road widening should be given to the highways department and that this should be secured through S278 and S106 so that it is carried out as part of the development, and in place before it is occupied. Otherwise, it will simply not happen. Without this land being secured and the road widening being carried out, we would have serious concerns relating to highway safety of</li> </ul>

vehicles having to reverse out further down Miswell Lane, or out onto Icknield Way, to allow a vehicle to come out of the site access. Clearly this already happens with the limited properties at the top of Miswell Lane, but this is only a few driveways, which is very different from an 80-bedroom residential home with 36 car parking spaces. If the road widening is not secured through the development, the proposal would be contrary to Policy CS8 (criteria (f) improving road safety) and CS9 Management of Roads, which requires that traffic generated by new development be compatible with the location, design and capacity of current and future operation of the road hierarchy. It is also contrary to Policy CS12 in that it does not maintain a safe and satisfactory means of access for all users.

- Bulk and massing of development does not respect character and appearance of this part of Miswell Lane – the houses in this location are generally 1.5-2 storeys, although there are some single-storey bungalows immediately opposite the development site. Despite the drawings showing a 3 storey building, the building proposed is a height of 14.5m to the main ridge line (height clarified by the planning officer) which is the equivalent of 4-5 domestic storeys<sup>1</sup> – there are no buildings of this size along Miswell Lane. The appearance of bulk is not helped by this being a single, large building. It would be more appropriate for the building to be a storey lower and broken up further to be consistent with the street scene in this location. Although the rear of the site backs onto the industrial park – this is not the prevailing character of Miswell Lane, which is entirely domestic in nature, other than the small parade of shops at the opposite end, some distance away. The scheme as currently proposed is contrary to Policy CS11 in that it does not respect the typical density intended in an area or preserve the current streetscape. It is also contrary to Policy CS12 in that it does not integrate with the streetscape character and does not respect adjoining properties in terms of layout, height, scale or bulk.

- Biodiversity net gain and Tree Planting – in line with the Environment Bill, we consider that the proposals should be showing biodiversity net gain of at least 10%. Whilst the scheme includes some attractive landscaping, as the site is currently grassland, we consider that the applicant should be demonstrating how this is being delivered and provide a calculation of biodiversity net gain. Without this being demonstrated, the development would be contrary to Policy CS26 in that it will not contribute towards the conservation and restoration of habitats and species or strengthening biodiversity corridors. The application also fails to demonstrate how the tree planting requirements (1 new tree per dwelling/ or 100sqm of floorspace) of Policy CS29 have been met.

- Energy and Sustainability – the applicant is suggesting that this be covered by condition. This is not considered sufficient given the importance of renewable technologies in meeting net zero. We consider that this should be an intrinsic part of the design and not an afterthought. The proposal is therefore currently contrary to Policy CS29 in that it does not provide a plan to minimise carbon emissions, it doesn't demonstrate how energy efficiency performance is maximised, it doesn't incorporate measures to positively support 1 A

	<p>standard domestic floor to ceiling height is typically 2.4m. Including an allowance for utilities etc. this height is closer to 4-5 domestic storeys. wildlife and it does not demonstrate how the on-site energy demands of the development will be met.</p> <p>I would be grateful if these comments could be taken into account and ideally that the applicant be asked to amend their proposals to address them and deliver a development more in keeping with the residential character of Miswell Lane</p>
105 Miswell Lane	<p><b>ORIGINAL PLANS</b></p> <p>I strongly object to this plan for the following reasons;</p> <p>1) Overdevelopment - we have had to put up with our fair share of development (and associated disruption) on this side of Tring with the building of circa 400 houses within LA5 (still ongoing) plus independent projects. I do not think it fair that we may now have to put up the development of this site which is extremely large</p> <p>2) Necessity - there is already a care home in the vicinity (St Josephs) which is pretty much at the end of Miswell Lane on Western Road. There is no need to have another so close</p> <p>3) Access and Traffic - Miswell Lane is already a rat run for people cutting through which has increased since the development of LA5. The top of Miswell Lane is exceptionally narrow and I am seriously concerned about the increased traffic caused by;</p> <p>a) the building process - a single house being built opposite my property is constantly have supplies dropped off with the builders cars strewn all over the street. I am afraid to imagine how much traffic will be caused by this sizeable development and the amount / size of the vehicles (e.g. cement mixers) using a small residential road</p> <p>b) post development - I am also concerned by the ongoing traffic expected (once in use) caused by family / friends of the 85 residents that will be visiting, the 65 shift workers that they plan to employ, the volume of support vehicles required to deliver food, take waste, clean and maintain, provide emergency medical assistance etc.</p> <p>(By the way the answer to the Traffic issue is not speed bumps - the volume is the primary concern).</p> <p>5) The design of the building is ugly. Miswell Lane is made up mostly of houses built in the early to mid 20th century. This proposed building is not in keeping with the look and feel of the neighbourhood.</p>
128 Miswell Lane	<p><b>AMENDED PLANS</b></p> <p>The proposed access issues have still not been addressed along with parking for residents and staff. Miswell Lane is not wide enough for access and increased traffic will cause further safety issues on an already narrow part of the road. Buses already mount the pavement and the 20mph speed limit is not obeyed</p>

	<p>ORIGINAL COMMENTS</p> <p>I notice application had 36 parking spaces which is inadequate for 80 residents and 70 staff what provisions are made for this. The plans also state Miswell Lane has a 30mph speed limit which is incorrect as the limit is 20mph. Miswell lane where the proposed access is, is very narrow and already subject to vehicles driving on the pavement outside my property. Consideration should be given to access via Icknield Way as that road is more suited to access , the only way possible to use Miswell lane would be to widen the road substantially or make the road one way</p> <p>Whilst I accept the need for a care home I feel the siting of this is wrong and inadequate thought has been made to the local access arrangements</p>
132 Miswell Lane	<p>My family and I will be severely impacted by this development. We spent a long time searching for the right property for our family and eventually our elderly parents, and with the entrance proposed directly opposite our property, we will lose all privacy that we have only enjoyed for two years</p> <p>.From what I can gather, there is insufficient parking allocated for staff and visitors, which indicates that parking will increase on Miswell Lane and likely outside of our property. The roads are already incredibly narrow and will cause severe disruption.</p> <p>The high hedges which will be removed was one of the main reasons we bought our property given the privacy they offer. With the removal of these, our home will be entirely exposed.</p> <p>The increase in traffic and noise pollution during the lengthy development will severely impact our jobs given the time we both spend working from home.</p> <p>I would like to understand why consideration could not be given to keep the hedges in place and access to be given from Icknield Way rather than disrupting the residents of so many on Miswell Lane</p> <p>.</p>

134 Miswell Lane	<p>ORIGINAL PLANS</p> <p>We wish to object vigorously to planning permission being granted for the construction of a residential care home on land adjacent to Miswell Lane on the following grounds.</p> <ol style="list-style-type: none"> <li>1. The construction of a three-storey building of this dimension is completely out of keeping with the surrounding area and especially Miswell lane.</li> <li>2. Currently all the surrounding properties are of normal single-family residences and a building of this size would dominate the neighbourhood.</li> <li>3. A fully occupied building here would create substantial additional traffic from residents, visitors, service and delivery vehicles into what is at times an already busy but narrow area of Miswell Lane.</li> <li>4. We have written in the past to both Dacorum and Tring councils regarding the top end of Miswell Lane between Windmill Way and Icknield Way where this site is proposed and the already inherent dangers. This area of the Lane is quite narrow and is not helped by the overgrown bushes &amp; trees on the left going towards Icknield Way causing buses, lorries, vans &amp; cars to bounce up onto the footpath sometimes at speed creating a safety hazard for both pedestrians and residents exiting their drives. Further traffic will only exacerbate this risk.</li> <li>5. While a 20mph speed limit exist in Miswell Lane this is often ignored and is not policed. While this is something that we understand that you do not take into account when considering planning applications, we think that the impact on the surrounding area and the well being of local residents affected when constructing a building of this size should be taken into account.</li> </ol> <p>The affect to local peoples lives over the construction period would be blighted if all building access to the site was via this narrow area of Miswell Lane and not into Icknield Way which would be more logical and a safer access route.</p> <p>We therefore hope that you take our views into account during your considerations and refuse this application.</p>
1 Miswell Orchard	<p>AMENDED PLANS</p> <p>Please clarify size of proposed care home, ie how many people will be housed. Is the main access from Miswell Lane or Icknield Way?</p> <p>Will the width of Miswell Lane be widened, it is very narrow at the proposed site.</p>
2 Miswell Orchard, Miswell Lane	<p>AMENDED PLANS</p> <p>While this amended proposal is for a reduced number of units, my comments remain unchanged and I am against the development</p>

	<p><b>PREVIOUS COMMENTS</b></p> <p>This proposal would:</p> <ul style="list-style-type: none"> <li>- destroy area of habitat for owls, bats &amp; badgers. Assume some trees will have to be removed.</li> <li>- result in excess noise from heating/ventilation apparatus &amp; smells from cooking</li> <li>- cause extra light pollution 24 hours</li> <li>- use a very narrow exit onto Icknield Way,</li> <li>- have additional deliveries throughout the day</li> <li>- Miswell Lane is already a very busy route to the town centre &amp; did not benefit from any recent traffic calming measures brought in on other roads ie Christchurch Road</li> <li>- have inadequate parking for both staff &amp; visitors</li> <li>- be an over development of site</li> </ul> <p>A previous application for 9 dwellings on the site- 4/01969/19/OUT</p> <ul style="list-style-type: none"> <li>- was refused in 2019, at which time Tring Town Councils response included the following:</li> </ul> <p>"Town Council's view is that the proposed access is ill-chosen as it would create a hazardous situation, exiting at a point on a busy road where traffic is forced to queue because of single file traffic. At the Icknield Way, traffic already has to queue (from both directions) on the Icknield Way because the single file length of Miswell Lane goes right to the junction. Adding to the traffic will exacerbate a dangerous situation."</p> <p>In the intervening 2 years since that application no changes have been made to the road which might change that view, and the application proposes the same access arrangement</p> <p>Creating an 80-85 Bedroom care home, using the same access, would result in a significantly greater number of vehicle movements than 9 homes.</p> <p>While Miswell Lane has a 20 MPH speed limit, the applicants own traffic survey indicates that the average median speed is well in excess of the speed limit, and the 85th percentile speed is actually around 30 MPH, I have been making unsuccessful representations to our County Councillor to support actions to reduce speeds on Miswell Lane for over 2 years, this development will add to the already significant traffic issues on a single carriageway stretch of road which is a main route from Icknield Way to the town, with vehicles regularly mounting the narrow single pavement to pass, creating significant danger for pedestrians, including residents of the proposed facility, who would need to cross the road to access the pavement.</p>
Goldfield Mill House, Miswell Lane	<p><b>AMENDED PLANS</b></p> <p>Whilst the revised proposals are an improvement on the original submission, particularly with respect to height and massing, the key matter of the ancient field hedgerow has not been adequately addressed. This end of Miswell Lane has the last vestiges of the</p>



	<p>original lane and the field hedge defines that "Lane" character. The scheme shows its removal, to accommodate vision splays on the narrow lane, and access into the middle of the site from the Lane. Such a move would destroy the character of the Lane, apart from the obvious traffic issues. If the site was accessed from the wider southern end of Miswell Lane via a mini roundabout or similar highway feature, then the majority of the hedge could be left in place and undisturbed</p> <p>ORIGINAL PLANS</p> <p>Whilst we do not object to the proposal in principal there are certain issues that need to be addressed.</p> <p>1. This is the last section of Miswell lane that still is a lane. It is important that the old field hedge is retained. Access could be gained to the site from the south east corner. This would retain the hedge, provide a better access to vehicular traffic, reduce traffic flow on this narrow section of road and allow pedestrian access from a wider part of Miswell Lane.</p> <p>2. The transport assessment has many flaws and inconsistencies in it but the key point to remember is that Miswell Lane is a 20mph zone, not a 30mph zone. The traffic survey shows average speeds of around 30mph but that is due to bad traffic management. Proper physical highways control would dampen down those speeds, make it safer for pedestrians on this narrow stretch without the need to widen the foot path, or as the highways department input suggests, destroy the hedge by having a 2m wide footpath on that side of the road. Access to the site by adopting my comments in item 1 would solve all those problems.</p> <p>3. The two wings of the building should be reduced to two stories in height to reflect the buildings adjacent to, and opposite to, the site so that the building steps up from two to three stories and as such would have less visual impact on Miswell Lane. It should be remembered that all the buildings opposite the site are bungalows and visually, going from single storey to a three storey townscape is too dramatic.</p> <p>4. By reducing the two wings to two stories, this would deal with the density concerns and remove about 14 units from the scheme. Hence a reduction of the overall scheme to around 65 units, which would be better for traffic and overall a less dominating presence in a quiet residential area.</p> <p>5. Much is made of the design reference to architectural concept and architectural precedents, which is OK but much of the attraction of the cases stated relies on good fenestration, roof overhangs, properly recessed window reveals etc. Apart from the pitched roofs, the rest of the architecture is rather bland and featureless and not up to the Voysey or Lutyens precedents it purports to be. Materials and detailing should be closely controlled.</p>
Miswell Farm, Icknield Way	ORIGINAL PLANS

	<p>I wish to raise concerns about this application in relation to the junction of Miswell Lane and Icknield Way. The entrance to my property is immediately opposite Miswell Lane and it has become increasingly difficult to access in recent times. There have been a number of incidents at this junction particularly with vehicles stopping to turn right into Miswell Lane. The Icknield Way has become busier since it has become a designated Freight Route for Buckinghamshire and Roman Park was developed.</p> <p>Large vehicles entering the farm lane have to cross the carriageway to navigate the right angle turn into the drive. Ideally, the speed limit on the Icknield Way should be reduced to 30mph and a FARM TRAFFIC sign installed on the highway.</p> <p>This dangerous situation will only be worsened by the increased traffic generated by the proposed care home. Surely, a traffic count should be conducted on the Icknield Way in order to assess the mitigation required to reduce the impact of the development on the surrounding road network.</p> <p>I trust that you will take these concerns into account when considering this application.</p>
2 Counters, Miswell Lane	<p><b>ORIGINAL PLANS</b></p> <p>As a resident of Miswell Lane, my family and I are directly affected by this proposed development, and yet despite living immediately opposite the access point, we received no planning notification by way of a letter.</p> <p>We strongly object to this proposed major development on several grounds:</p> <p>Miswell Lane is incredibly narrow at the end where the proposed development will be located, and is used as a rat run. There has been a marked increase in traffic since the building of the LA5 development started and vehicles including trucks and buses already regularly mount the pavement outside our property, endangering anyone leaving our driveway on foot. Traffic along Miswell Lane will only increase with the proposed care home and completion of LA5.</p> <p>There appears to be inadequate parking for staff and visitors, which means that there is a danger that parking on Miswell Lane will increase, which is already busy and obstructive.</p> <p>The mature decades old hedge which screens the site from residents has been earmarked for removal, and yet in the ecological survey it is marked as a valuable, native hedge for nesting birds and other wildlife. To remove this hedge would ruin the character of this section of Miswell Lane, increase noise from the industrial estate, and any proposed replacement trees/shrubs will take decades to grow.</p> <p>The design of the property is ugly and out of character for the section of Miswell Lane it will be located on. The building is too high, and will impact the street scene negatively. Miswell Lane has a distinct 'lane'</p>

	<p>character at the Icknield way end, and this character will be destroyed with the building of this property and the removal of an established hedge.</p> <p>There will be significant impact both during the lengthy build, and with the creation of this not needed care home to the residents immediately opposite with increased traffic, noise and street scene destruction , and we implore that Tring Town Council rejects this application and protects the character and the residents of Miswell Lane.</p>
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# Agenda Item 5d

ITEM NUMBER: 5d

22/02560/FUL	Removal of temporary dry bay practice structure, replacing with a permanent teaching and practicing building	
Site Address:	Ashridge Golf Club Golf Club Road Little Gaddesden Berkhamsted Hertfordshire HP4 1LY	
Applicant/Agent:	Mr Stephen Proudfoot	Mr Paul Sullivan
Case Officer:	Sally Robbins	
Parish/Ward:	Little Gaddesden Parish Council	Ashridge
Referral to Committee:	Contrary view of Parish Council	

## 1. RECOMMENDATION

That planning permission be **GRANTED**

## 2. SUMMARY

2.1 The principle of development for the provision of countryside recreation uses within the Rural Area, such as golf club facilities, is acceptable. The proposed teaching and practicing building would be situated close to the existing golf club facilities and would be finished in traditional materials. By virtue of its sympathetic siting, scale and design, the proposed development would integrate into the immediate surroundings of the golf course and wider landscape setting. The proposed structure would not cause harm to designated heritage assets and, when viewed in context with existing development, would be appropriate for the site. The proposal therefore complies with Core Strategy Policies CS7, CS12, CS24, CS27 and the NPPF.

## 3. SITE DESCRIPTION

3.1 The site is located on the southwest side of Golf Club Road, just off Ringshall Road (B4506). The application site comprises Ashridge Golf Club with its associated clubhouse, car park, driving range and ancillary structures.

3.2 The site is within the designated Rural Area and is located in the midst of Ashridge Historic Park and Garden, designated as a historic landscape of national importance. The site is also within the Chilterns Area of Outstanding Natural Beauty and an Area of Archaeological Significance.

## 4. PROPOSAL

4.1 The application seeks full planning permission for a permanent teaching and practicing building. The building would be situated on top of the existing embankment that is currently used as part of the driving range. It would comprise of a mono-pitched roof with three open bays and two enclosed studios. It would be finished in timber cladding and brick piers to the exterior walls, natural slate roof tiles and roller shutter doors on the east elevation. It would have a curved, arced footprint and would measure 30m wide, 10m deep with a maximum height of 5m.

## 5. PLANNING HISTORY

Planning Applications:

22/01586/FUL - Demolition of temporary structure and construction of a permanent building.  
*WITHDRAWN - 6th July 2022*

4/00506/19/NMA - Non material amendment to planning permission 4/01767/00/ful (demolish and construct club house and extension to car park)

*GRANTED - 3rd April 2019*

4/02530/16/FUL - Re-paving and re-arrangement of existing car park and expansion of car park to create additional spaces

*GRANTED - 15th November 2016*

4/02529/16/FUL - Re-paving and re-arrangement of existing car park

*GRANTED - 15th November 2016*

4/00374/13/FUL - Demolition of existing timber shed and construction of storage facility and ancillary club room

*GRANTED - 7th May 2013*

4/02203/01/FUL - Extension of services enclosure to new clubhouse

*GRANTED - 31st January 2002*

4/00680/01/RET - Temporary buildings to accommodate changing rooms and shop

*TEMPORARY CONSENT - 6th June 2001*

4/01767/00/FUL - Demolish and construct club house and extension to car park

*GRANTED - 10th January 2001*

4/01334/99/FUL - Extension to car park and laying out of new practice tees

*WITHDRAWN - 1st March 2000*

4/00900/99/FUL - Demolition of existing clubhouse and rebuild new clubhouse, alterations to car park and access

*WITHDRAWN - 28th February 2000*

4/00362/99/FUL - Temporary buildings to accommodate changing rooms and shop

*TEMPORARY CONSENT - 21st April 1999*

4/00756/94/FUL - New porch and alterations to greenkeepers building

*GRANTED - 1st August 1994*

4/00843/92/RES - Submission of material details pursuant p/p4/o495/92 (greenkeeping machinery store)

*GRANTED - 27th July 1992*

4/00495/92/FUL - Greenkeeping machinery store

*GRANTED - 9th June 1992*

## **6. CONSTRAINTS**

Area of Archaeological Significance: 28

Area of Outstanding Natural Beauty: CAONB outside Dacorum

CIL Zone: CIL1

Historic Park/Garden: ASHRIDGE, Grade: II\*

National Trust Site: Ashridge Estate

Parish: Little Gaddesden CP

Rural Area: Policy: CS7

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Wildlife Sites: Ashridge Park Golf Course & Cromer Wood

## **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 Borough Core Strategy Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS7 - The Rural Area

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 – Chilterns Area of Outstanding Natural Beauty

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan:

Policy 78 – Golf Courses

Policy 97 – Chilterns Area of Outstanding Natural Beauty

Policy 99 – Preservation of Trees, Hedgerows and Woodlands

Policy 100 – Tree and Woodland Planting

Policy 118 – Important Archaeological Remains

Supplementary Planning Guidance/Documents:

Car Parking Standards (2020)

Chilterns Building Design Guide (2010)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

Principle of Development

Quality of Design / Impact on Chilterns Area of Outstanding Natural Beauty (AONB)  
Impact on Heritage Assets  
Impact on Residential Amenity  
Impact on Highway Safety and Parking  
Other Material Planning Considerations.

#### Principle of Development

9.2 Core Strategy Policy CS7 provides a list of acceptable development within the Rural Area, which includes countryside recreation uses. Policy 78 of the Local Plan deals principally with new golf courses, however it does state that clubhouses, other buildings and associated car parking must be ancillary to the golfing use of the site, and well screened and landscaped, with any intrusion from lighting kept to a minimum.

9.3 The proposed building would be an additional facility that would be ancillary to the golfing use of the wider site. It is considered that the proposed nature and scale of development is appropriate for the size of the golf club and course. The proposed development is therefore acceptable in principle, subject to the below assessment.

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

9.4 The NPPF states that planning policies and decisions should ensure that new development is sympathetic to local character and history, including the surrounding landscape setting. Policy CS7 of the Core Strategy seeks to ensure that new development has no significant impact on the character and appearance of the countryside. Furthermore, in terms of the Chilterns Area of Outstanding Natural Beauty (AONB), Saved Policy 97 of the Local Plan, Core Strategy Policy CS24, paragraph 176 of the NPPF and the Chilterns Building Design Guide seek to ensure that development conserves the beauty of the area, is not intrusive in terms of noise and light pollution, is sympathetically designed and uses materials that fit in with the traditional character of the area.

9.5 The proposed building would be single storey with a mono-pitched roof measuring 5m high. The structure would be finished externally with a natural slate roof, facing brickwork piers and timber cladding, to match the existing structures on site. The use of natural and traditional materials would help the development to assimilate into the landscape.

9.6 The existing clubhouse, car park and ancillary structures are nestled within the wider golf course, which is well screened by mature trees and other vegetation. It is considered that the proposed siting of the building is well-related to the existing structures on site and is also well-screened from wider views. There are public footpaths running along the northwest (Little Gaddesden No. 005) and northeast (Little Gaddesden No. 003) of the site. From footpath no. 003 to the northwest there would be limited views of the structure due to intervening built form and substantial mature trees. From footpath no. 005 to the northeast, the proposed dry bay structure would be visible across the open setting of the driving range. It would however be seen against the backdrop of the existing golf club house, car park and other ancillary structures as well as the surrounding mature trees. Furthermore, footpath no. 005 cuts across the distal end of the driving range, which is a managed and maintained landscape feature. As such, it is considered that the proposed structure would not be an incongruous addition but would be appropriate for the site.

9.7 The Council's Conservation and Design Officer has been consulted and raised no objection to the proposal, recommending that the roller shutter doors be finished in a dark matt painted finish. This would be secured by condition, should planning permission be granted. It is also considered reasonable and necessary to impose a condition that prevents any external lighting.

9.8 Taking all of the above into account, the proposed development complies with the above-mentioned policies in terms of the quality of design and impact on Chilterns AONB.

### Impact on Heritage Assets

9.9 The site lies within the Historic Park and Garden of Ashridge, which is grade II\* listed. It also resides within an Area of Archaeological Significance. The NPPF, Core Strategy Policy CS27 and Saved Policy 118 of the Local Plan seeks to ensure that heritage assets and features of archaeological interest are protected. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Paragraph 199 of the NPPF requires great weight to be given to an asset's conservation, irrespective of the level of harm. In accordance with paragraph 202, any harm must then be weighed against the public benefits of a proposal.

9.10 Historic England initially raised concerns because the proposed development would be within a registered park and garden and would result in an increase of permanent built form within it. However, a representative from Historic England subsequently visited the site and made the following representation:

*"The proposed area for the development would be on raised ground but broadly associated with other built form in the vicinity. Ashridge is a grade II\* registered park and garden and as such, new built form within it needs to be considered carefully. The golf club is in a discreet area of the parkland with limited views from it. While the building would be raised, its form and materials would be such that, in time it would blend into the environment. We therefore do not object to this proposal on heritage grounds.*

*Any future proposals for development would need to be carefully considered by Historic England, as we would not wish to see a proliferation of buildings on this site. While we recognise that the golf club is in itself important to the understanding of the later development of the park and garden, a proliferation of built form where there was not designed to be any, would be unlikely to be supported."*

9.11 The Council's Conservation and Design Officer has been consulted and raised no objection, subject to a materials condition to ensure that the structure sits comfortably within its surroundings.

9.12 In accordance with paragraph 194 of the NPPF, the applicant has described the significance of the heritage asset through the submitted Heritage Statement (HS). The HS identifies that the key matters of identified significance in the context of the application site relate to the vision to develop the park with houses and a golf course in the 1920s-30s while retaining the parkland character. In addition, the HS states that links with well-known golf course designers and landscape designers add to its significance. The HS states that the golf course is of historic significance in its own right, being constructed 1929-32 by renowned designers.

9.13 The statutory consultees with regards to heritage impacts, i.e. Historic England and the Council's Conservation & Design Officer, have identified that there would not be any harm to the registered park and garden or its setting. The proposed dry bay practice structure would be well-sited in relation to the existing built form on site and would be finished in traditional materials. Furthermore, given that part of the significance of the registered park and garden relates to the design of the parkland, golf course and surrounding modern housing layout, it is not considered that a well-designed ancillary golf club structure would have a significant impact. Historic England has confirmed that the site is within a discrete area of the parkland and the proposed form and materials would help the building to assimilate into its surroundings.

9.14 As no harm has been identified, the balancing exercise outlined in paragraph 202 of the NPPF need not be undertaken, and it is considered that the impact on heritage assets is acceptable.

### Impact on Residential Amenity



9.15 The nearest residential properties are situated in excess of 100m away, therefore there are no concerns in terms of the visual impact of the proposed structure or privacy / overlooking. In terms of noise and disturbance, the dry bay structure would be situated on an area of land that is currently used as a driving range, therefore there would not be any increase in noise and disturbance over the current situation. The proposal complies with Policy CS12 in terms of residential amenity.

#### Impact on Highway Safety and Parking

9.16 The proposed development would not give rise to an increase in member or staff numbers. As such, there would not be any increase in parking requirement for the golf club as a whole. Furthermore, there would not be any changes that would affect the nearest public highway. The proposal therefore complies with Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD in terms of highway safety and parking.

#### Other Material Planning Considerations

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

9.17 The proposed siting of the dry bay structure would be situated within 16.4m of existing mature trees. No trees are proposed to be removed as part of this proposal, however it is reasonable and necessary to secure an arboricultural impact assessment and tree protection plan by condition, given that the nearest trees are situated within relatively close proximity of the proposed structure. The applicant has stated that no trees would be impacted by the proposed development, however in order to ensure that the trees are fully protected during the construction period, an assessment of the trees and proposed root protection measures is necessary. Furthermore, the proposed development does provide an opportunity to soften the built form by way of additional planting and landscaping. Subject to the above conditions, the proposed development would meet the requirements of Saved Policies 99 and 100 of the Local Plan and Policy CS12 of the Core Strategy.

##### *Amenity Societies*

9.18 The Chiltern Society, The Gardens Trust and the Rural Heritage Society (Little Gaddesden, Hudnall, Ringshall and Ashridge) object to the proposal. The objections centre around the principle of introducing built form to the site, with concerns relating to the impact on the sensitive historic, open landscape, that it would be publicly visible and that it would harm the character and appearance of the Chilterns AONB.

9.19 The views of the amenity societies have been taken into consideration and, whilst it is acknowledged that the introduction of built form to this part of the wider historic park and Chilterns AONB would have some visual impact, when viewed in the context of its immediate surroundings it is not considered that the impact would be significant. The proposed siting of the dry bay structure is close to existing buildings / structures, adjacent to the car park and with substantial mature trees surrounding it to the south. The proposed building would be finished in traditional materials, would be well-sited in relation to existing development and is considered to be an appropriate facility given the current use of the site.

9.20 On balance, it is considered that the proposed development would not have a significant impact on the parkland setting or wider Chilterns AONB by virtue of its sympathetic scale, siting and design. The principle of providing countryside recreation uses is acceptable, in accordance with Core Strategy Policy CS7, and it is considered that in this instance the benefits of the scheme outweigh the minor visual impact.

#### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.21 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.

9.22 It is the Council's legal duty as competent authority to protect the Chilterns Beechwoods SAC from the alone and in-combination cumulative effects of new development. The application site resides within the Chilterns Beechwoods 'exclusion zone' (within 500m of Ashridge Commons and Woods SSSI) wherein there is a heightened risk to the designated site from development that is in close proximity to it, particularly additional housing that could increase recreational pressure. Therefore, an Appropriate Assessment must be undertaken for each planning application involving 'qualifying development'.

9.23 Given the nature and scale of development, whereby the proposed development would involve improvements to existing facilities at the golf club but would not result in an increase in member numbers, it is not considered that the proposal amounts to 'qualifying development'. The proposed development would not result in increased recreational pressure on Ashridge Commons and Woods SSSI, and has therefore been screened out of the stage 1 assessment under the Habitats Regulations 2017. An Appropriate Assessment under stage 2 is therefore not required. To confirm this view, Natural England has been consulted and raised no objection to the proposal.

#### Response to Neighbour Comments

9.24 No comments received.

#### Community Infrastructure Levy (CIL)

9.25 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The application site resides within CIL Zone 3, however the application is not CIL Liable.

## **10. CONCLUSION**

10.1 By virtue of its sympathetic siting, scale and design, the proposed teaching and practicing building would integrate into the immediate surroundings of the golf course and wider landscape setting. The proposed structure would not cause harm to designated heritage assets and, when viewed in context with existing development, would be appropriate for the site. The proposed materials would be traditional and further landscaping would be secured to soften its impact, the proposal therefore complies with Core Strategy Policies CS7, CS12, CS24, CS27 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 (other than groundworks) 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**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

**The hard and soft landscape works, including 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 Policies CS12 (e) and CS24 of the Dacorum Borough Council Core Strategy (2013).

3. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- o **A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs)**
- o **The sequential order of events required for tree protection**
- o **The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable)**
- o **The position and specification of ground protection in accordance with BS5837:2012 (as applicable)**
- o **Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable)**
- o **Details of proposed levels**
- o **The position of service routes and drainage, and means of installation if these encroach through the RPA of retained trees.**

**There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed. The works must be carried out according to the approved details.**

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

4. **No development (excluding groundworks) 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 countryside, the Chilterns Area of Outstanding Natural Beauty and the Historic Park and Garden, in accordance with Policies CS7, CS12, CS24 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **No new floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated at the site.**

Reason: To preserve the rural amenity of the locality, to minimise impacts on biodiversity and to avoid unnecessary light pollution in accordance with Policies CS7, CS24 and CS26 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130 and 174 of the National Planning Policy Framework (2021).

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

**001 P4 (Site Location, Block and Aerial Plans and site photos)**

**002 P4 (Plan on new facility)**

**003 P3 (Perimeter Elevations and Cross Section)**

**Heritage Statement**

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

#### **Informatives:**

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

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

<b>Consultee</b>	<b>Comments</b>
The Chiltern Society	<p>Thank you for consulting the Chilterns Society (CS). The Society strongly objects to the application.</p> <p>Ashridge Golf Club is situated within the Ashridge Estate which is a grade II* Registered Park and Garden and lies within the area of parkland to the north of the grade I listed Ashridge House. The whole Estate and the golf course lies within the Chilterns Area of Outstanding Natural Beauty (CAONB).</p>

Within the CAONB the prime planning consideration will be the conservation of the beauty of the area. Any development proposal which would seriously detract from this will be refused. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Paragraph 172 of the NPPF (2019) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. In the Dacorum Core Strategy (2013) Policy CS24 and Saved Local Plan (2004) Policy 97, the AONB designation affords special status in the control of development and establishes the primary aim as the conservation of the scenic beauty of its countryside and settlements.

Whilst it is acknowledged that the current practice bay is not particularly attractive, it is a very modest, lightweight, temporary structure which can be removed at any time. However, the construction of this permanent and substantially larger building will have a seriously detrimental effect on this sensitive landscape. It will enlarge the area of built environment and further encroach onto open land. Whilst it will not be visible from Ashridge House itself, it will be more prominent than the existing structure and will be clearly visible from nearer views. By its very nature it is a utilitarian building and will severely compromise the character and appearance of this very sensitive registered parkland. It fails to assimilate into the landscape by some considerable degree and the cumulative effect of further buildings within this parkland will be severely detrimental to the character, appearance and openness of the CAONB.

The NPPF identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 189). In addition, local planning authorities should look for opportunities for new development in the setting of heritage assets to enhance or better reveal their significance and any harm or loss to designated heritage assets requires clear and convincing justification (paragraph 200). Harm must then be weighed against any public benefits (paragraph 202). It cannot be said that this large utilitarian structure will enhance the parkland and given that this is a members only golf club there are no public benefits to the proposal to justify it.

Therefore, the development is considered to neither conserve nor enhance the natural beauty of CAONB. It is contrary to planning policies and there are no overriding circumstances that would outweigh the clear harm to the character and appearance of the CAONB and this registered landscape. It is a large permanent building and the cumulative harm from this additional development will cause severe

	<p>harm to this historic landscape in the CAONB.</p> <p>Therefore the Society objects to the application.</p>
Parish/Town Council	<p>Little Gaddesden Parish Council are in receipt of the planning application 22/02560/FUL, together with the Heritage Statement prepared by Emma Adams and Partners.</p> <p>We would comment as follows:-</p> <p>Existing Golf Club Buildings and Surrounds</p> <p>These comprise the following:-</p> <ol style="list-style-type: none"> <li>1) Club House. Replacement Club House is sensitively positioned and is of a style of construction that reflects but does not detract from its rural setting.</li> <li>2) Staff accommodation. Replacement for an unattractive building with the same sensitivity both in terms of positioning and construction as the Club House.</li> <li>3) New Trolley Building. Although located some distance from the main built area it is low in profile and does not detract from the ambience of the immediate area; it does not dominate</li> <li>4) It is stressed that all the aforementioned buildings are replacements for buildings that had outlived their usefulness</li> <li>5) Teaching Area. A lightweight structure of metal frame construction, limited in size (no doubt the applicant can provide dimensions) and easily demountable and does not, as has been suggested, require demolition but removal (proposed to be replaced by the new bulky building)</li> <li>6) An earth bund conceals the new trolley building and a tree screen does likewise with the staff accommodation.</li> </ol> <p>History of Ashridge Estate.</p> <p>The Heritage Statement provides an in-depth history of the Ashridge Estate, the content of which is well known to Little Gaddesden Parish Council and Dacorum Borough Council. However, we do not see the relevance of the proposed housing development of the parkland in the 1920s and 1930s (which was never constructed) to the effect of the proposed new building on the significance of the heritage asset as it exists at the moment.</p>

### The Site

1) The site is bounded by the earth bund to north-west (concealing the car park and the new trolley-shed from the surrounding landscape when viewed from the south-east), substantial and mature rear gardens to north-east, the open driving range to the south-east (bounded by trees approximately 500 m distant) and trees to the south. Much of the driving range itself is in fact on National Trust land, the boundary between the National Trust and the Golf Club running from a point very close to the southern end of the proposed new building to a point about 35m to the south-east of the northern end of the proposed building, and beyond along the same line up to the rear gardens.

### Footpath

There is a public footpath (Little Gaddesden FP3) that crosses the driving range (It should be stressed, that in no part of the Heritage Statement has this been highlighted) from the south-west corner running across to the rear gardens to the north-eastern boundary. There is also a National Trust permissive footpath along the tree line to the south-east of the proposed building which then turns to the north-east to join FP3 close to the rear gardens. The proposed building will therefore be prominent when viewed from publicly accessible National Trust land.

The proposed building is sited in an area of Outstanding Natural Beauty, in the Grade II\* Ashridge Registered Park and Garden and in an area visible from publicly accessible National Trust land.

### Proposed Building

1) It is a new structure, unlike those buildings highlighted in the foregoing which were replacements for existing buildings.

2)

a) It is proposed that it should be sited on the existing bund although it should be noted that it will be at a reduced level. It will nevertheless be significantly above ground level.

b) It is a bulky structure of some mass being 32m in length 10m in depth and 2.4m in height (excluding the distance from the base of the structure to ground floor level)

c) In terms of comparison, it will be of a similar size to Little Gaddesden Village Hall

	<p>d) The front elevation is bland and intrusive to the eye with part elevation to the driving range being roller shutter doors.</p> <p>e) Its effect on the eye is far more substantial and prominent than the framework structure currently in place and it is a new permanent structure.</p> <p>f) It affects near views from the close-by public and permissive footpaths.</p> <p>3) Unlike the existing buildings it is visible from the National Trust woodlands to the south and south-east which are themselves part of the old north park and the surrounding historic environment.</p> <p>Impact on Significant Heritage Assets</p> <p>For the reasons stated above, the heritage asset will suffer a detrimental impact by the introduction of a new, permanent, bulky building within the registered landscape and having regard to the cumulative effect of the modern Golf Club buildings in close proximity. This harm has to be considered in the context of the NPPF.</p> <p>Conclusion</p> <p>1. Great weight should be given to the heritage asset's conservation irrespective of the level of harm to the asset.</p> <p>2. There is no clear and convincing justification for the harm which would be caused, as described above.</p> <p>3. There are no public benefits suggested in support of the proposed development which could not be achieved by re-siting the training facilities proposed to be included in the new building elsewhere within the area of the golf course, closer to the existing modern buildings and where there would be no detrimental effect on the heritage asset. The leisure/recreational offer and other (non-training) facilities proposed to be provided by the new building are already provided by the existing driving range structure.</p> <p>4. The proposed building does not enhance or better reveal the significance of the heritage asset.</p> <p>For the reasons scheduled in the foregoing Little Gaddesden Parish Council objects to this Planning Application and ask that the application in its current form be refused.</p>
Conservation & Design	This is a site adjacent to the current club house. The area in question is



(DBC)	<p>used for golf practice. It is within the Ashridge registered park and garden. A heritage statement has been submitted and confirms that there would not be harm to the designated heritage asset.</p> <p>In relation to the design and location we would not object subject to the external materials to be conditioned and that the roller shutters have a dark matt painted finish. This is to ensure that they do not draw the eye and sit comfortably within the background. It may be useful to consider using a dark green for the shutters rather than black which could appear somewhat out of keeping within the golf parkland landscape.</p> <p>Recommendation: Conditions as noted above.</p>
Historic England	<p>The proposed area for the development would be on raised ground but broadly associated with other built form in the vicinity.</p> <p>Ashridge is a grade II* registered park and garden and as such, new built form within it needs to be considered carefully. The golf club is in a discreet area of the parkland with limited views from it. While the building would be raised, its form and materials would be such that, in time it would blend into the environment. We therefore do not object to this proposal on heritage grounds.</p> <p>Any future proposals for development would need to be carefully considered by Historic England as we would not wish to see a proliferation of buildings on this site. While we recognise that the golf club is in itself important to the understanding of the later development of the park and garden, a proliferation of built form where there was not designed to be any, would be unlikely to be supported. Please let us know at pre-application stage if you are considering any further development so early discussions can be progressed.</p>
Natural England	<p><b>SUMMARY OF NATURAL ENGLAND'S ADVICE</b></p> <p><b>NO OBJECTION</b></p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.</p> <p>Natural England's generic advice on other natural environment issues is set out at Annex A.</p> <p>European sites</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on</p>

statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

#### Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

#### Protected Landscapes - Chilterns AONB

The proposed development is for a site within or close to a nationally designated landscape namely Chilterns AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to

	<p>proposals outside the designated area but impacting on its natural beauty.</p> <p>Sites of Special Scientific Interest Impact Risk Zones</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the <a href="http://data.gov.uk">data.gov.uk</a> website</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	2	0	2	0

### Neighbour Responses

Address	Comments
78 Broadstone Road Harpenden AL5 1RE	<p>Thank you for consulting The Gardens Trust, of which HGT is a member.</p> <p>The area where the new building proposed to be is part of the Registered (II*) historic landscape of Ashridge, with important rides and views across the landscape, enhanced by 'Capability' Brown in the 18th century.</p> <p>The current building, although unattractive, is temporary and could be removed to enhance the landscape. The proposal for a new more</p>

	<p>substantial building would cause harm to the landscape by being an inappropriate intrusion into the overall pattern of rides and views to the detriment of the significance of the landscape.</p> <p>We note that the heritage statement submitted does not take into account the wider historic landscape, as required by the NPPF.</p> <p>The NPPF further states that any proposals should conserve, and if possible, enhance the heritage asset. This proposal would cause serious harm to the registered landscape and we thus object to it.</p>
<p>The Old Rectory Nettleden Road North Little Gaddesden Berkhamsted Hertfordshire HP4 1PA</p>	<p>This objection is made on behalf of the Rural Heritage Society of Little Gaddesden, Hudnall, Ringshall and Ashridge ("RHS").</p> <p>The Application</p> <p>The application relates to the proposed replacement of a lightweight and removable metal frame structure sited on top of a grassed embankment with a bulky permanent structure, also sited on top of the same embankment. The proposed building's dimensions will be 5m high (on the side facing the driving range), 10.1m in depth and 32m in overall length.</p> <p>The Site</p> <p>There are mature rear gardens to north east of the site, the open driving range to the south east (bounded by trees approximately 500m distant) and trees to the south. The driving range itself is mainly on National Trust land.</p> <p>There is a public footpath (LGFP 3) which crosses the driving range and a permissive National trust footpath which follows the tree line to the south east of the site.</p> <p>The site is within the Chilterns AONB, in the Grade II* Ashridge Registered Park and Garden and in an area visible from publicly accessible National Trust land.</p> <p>Effect and Impact of the Development</p> <p>The proposed new building will be bulky and visually intrusive, not least because it will be sited above natural ground level and therefore stand out even more than if it were sited at ground level. It will be visible from publicly accessible land which is itself part of the historical landscape.</p> <p>In the RHS's view, there will be a significant detrimental impact on the heritage asset by the introduction of such a bulky and visually intrusive building. Irrespective of the degree of the detriment, great weight should be given to the heritage asset's conservation. There is no clear and convincing justification for that detrimental impact.</p> <p>There are no public benefits in support of the proposed development. Such as may exist could be achieved elsewhere within the existing Golf Club building complex. There are no benefits to be enjoyed by the heritage asset derived from the development, which will not enhance or</p>

	<p>better reveal the significance of that asset.</p> <p>From the above, it follows that that the harm to the heritage asset outweighs any public benefits.</p> <p>As far as the site's status within the Chilterns AONB is concerned, the conservation of the AONB's beauty is the prime planning consideration. Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. As will be apparent from the description of the proposed building above, there will be a severe detrimental impact on to the beauty and open landscape of the AONB. The building will be permanent, will encroach onto the open landscape when compared with the existing temporary structure, particularly in light of its height above ground level, and will be clearly visible from publicly accessible land.</p> <p>For this reason, the RHS objects to this application.</p>
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# Agenda Item 5e

## Item: 5e

22/03454/FUL	Construction of a Single Dwelling	
Site Address:	Land at The Willows, Potten End Hill, Water End, Hemel Hempstead	
Applicant/Agent	Mr and Mrs Robins/Mr Seed	
Case Officer:	Robert Freeman	
Parish/Ward:	Great Gaddesden Parish	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 a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) in order to tie the occupation of the proposed dwelling to the applicants and their dependants in perpetuity.

### 2. SUMMARY

- 2.1 The construction of a new dwelling within the Green Belt would comprise inappropriate development and is inherently harmful to the open character and appearance of the Green Belt contrary to the NPPF, Policies CS1, CS2 and CS5 of the Core Strategy.
- 2.2 There are however Very Special Circumstances in this cases which would out-weigh the harm to the Green Belt in this instance including the medical needs of the applicants and a lack of suitable alternative housing solutions within the Borough.

### 3. SITE DESCRIPTION

- 3.1 The application site is located in the Green Belt and to the south west of Willows Lane, a private road extending off Potten End Hill and serving a small number of residential units. The application site extends to some 0.18 acres and is part of a larger agricultural field.
- 3.2 The application sites is bounded by residential development to the north east and north west of the site. The boundary of the Chilterns Area of Outstanding Natural Beauty (AONB) is located on the north western side of Potten End Hill. The Water End Conservation Area extends to include existing properties in Willows Lane. The application site lies beyond both these areas.
- 3.3 The site slopes upwards from the north east to south west.

### 4. BACKGROUND

- 4.1 The applicants approached Sir Mike Penning MP and the Council in 2021 prior to the submission of a request for pre-application advice and following the birth of their daughter, They had been advised that their daughter was suffering from a rare medical condition, Fibrodysplasia Ossificans Progressiva (FOP) and that their home, at the time, would provide an unsuitable environment for her to grow up given her long term diagnosis.
- 4.2 A pre-application request was subsequently submitted in January 2022 requesting that the Council considered the construction of a fully wheelchair accessible dwelling and works to provide a level garden at the application site (22/00185/PREE). This application was

accompanied by a letter from Sir Mike Penning MP endorsing the development and as an exception to Green Belt policy. A search of suitable building plots and premises was undertaken both prior to the submission of the pre-application request and in the immediate aftermath of its submission.

- 4.3 The applicants were invited to register on the Council's Self Build and Custom House-builder Register as a result of this pre-application submission and given an explanation of the family circumstances. They were, following the Council's pre-application response, encouraged to examine the Council's Brownfield Land Register with a view to identify any suitable development opportunities.
- 4.4 In April 2022, the family commenced with a media campaign pleading for people to contact them with potential development sites for wheelchair friendly property, or a plot of land where they can build a bungalow suitable for their daughter's needs. The applicants sold their own property and moved into temporary accommodation (with family) whilst looking for a plot of land upon which to construct a bungalow
- 4.5 A number of enquiries with landowners have been made by the applicants and at the request of the case officer including the pursuit of "live" planning applications for self-build and residential development plots (2 schemes). These were ultimately unsuitable or not expedient to pursue.
- 4.6 The Council was not able to identify any suitable self-build building plots or suitable areas of land for purchase either through its Estates or Housing teams nor any intent, in the immediate future, to provide such plots themselves. This reflects the extent of the Council's land ownership and the prioritisation of affordable housing opportunities through the Council's New Build Housing Programme.
- 4.7 The applicants submitted floor plans for a proposed dwelling in June 2022 and further advice was given with regards to consolidating the footprint of the building whilst delivering the objective of a suitable sized dwelling to meet Lexi's needs. A number of submissions to officers have been critiqued prior to the submission of the application in December 2022.

## **5. PROPOSALS**

- 5.1 The proposals are for a new purpose built three bed, one and a half storey lifetime dwelling and a change in use a small area of land for use as a residential garden. The property would provide purpose built residential accommodation for their daughter and has been designed in consultation with medical professionals including an Occupational Therapist (OT) to ensure that it is suitable for current and future needs.
- 5.2 The dwelling would provide accommodation on a single level for the Robins family. This property would have a footprint of some 282m<sup>2</sup> (internal area of 236m<sup>2</sup>) It includes therapy and treatment space including a hydrology pool and oversized spaces for wheelchair access and circulation.
- 5.3 A first floor carer's annex (31m<sup>2</sup>) has been included within a pitched roof space at the request of the case officer and with a view to reducing the footprint of the property. This carer's accommodation is capable of being independently accessed and includes a kitchen/dining area and covered balcony.
- 5.4 The dwelling would be accessed via a new vehicle crossover at the eastern end of the site onto Willows Lane. Three off-street parking spaces would be provided.

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 These comments are reproduced in full at Appendix B

## **7. 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)

### Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS5 – Green Belt  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS17- New Homes  
CS18 – Mix of Housing  
CS19 – Affordable Homes  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
Countryside Place Strategy  
CS35 – Infrastructure and Developer Contributions.

### Saved Policies

Policy 13 – Planning Conditions and Planning Obligations  
Policy 18 – Size of New Dwellings  
Policy 51 – Development and Transport Impacts  
Policy 79 – Footpath Network  
Policy 99 – Preservation of Trees, Hedgerows and Woodland  
Appendix 3 – Layout of Residential Development

### 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)

Other Material Considerations

National Disability Strategy (2021)  
Local Housing Need Assessment

## **8 CONSIDERATIONS**

### Policy and Principle

- 8.1 The application site is located within the Green Belt where in accordance with the NPPF and Policy CS5 of the Core Strategy, the construction of new buildings should be considered to comprise inappropriate development.
- 8.2 In accordance with paragraph 147 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances (VSC) to do so. Paragraph 148 of the NPPF goes on to state the “substantial weight” should be given to the protection of the Green Belt and that it should only be considered acceptable if other factors clearly outweigh the harm.
- 8.3 Policies CS11 and CS12 of the Core Strategy expects all new developments to be constructed of a high quality.
- 8.4 Policy CS17 supports the provision of new dwellings as required to meet the housing needs of the Borough and establishes a target for the number of new homes to be constructed within the area.

### Impact on the Green Belt

- 8.5 The fundamental objectives of the Green Belt are to prevent sprawl of development thereby protecting its essential characteristics of openness and permanence as set out within the NPPF. The Green Belt protects neighbouring towns from merging into one another, preserves the setting of such settlements and assists in safeguarding the countryside from encroachment.
- 8.6 There is no dispute, that the introduction of a new building and the associated access within an area of countryside is inappropriate and that this is by definition harmful. In accordance with para.148 of the NPPF ‘substantial’ weight should be given to Green Belt harm. It is necessary also to consider whether the proposals result in any other harm to the Green Belt or any other harm before considering any case for VSC.
- 8.7 The proposed building would be a substantial dwelling constructed with one and a half storeys. Given the scale, height and site coverage of the property and the lack of built form currently on the application site, this would result in a substantial loss of openness thereto. This loss of openness would be both spatial and visual. The property would clearly be visible to those utilising Willows Lane and to a small number of properties fronting Potten End Hill. It would also be visible from the public footpath (Great Gaddesden 057) connecting Potten End Hill to Noake Mill Lane via Willows Lane.
- 8.8 The proposed dwelling would encroach upon the open countryside in this location despite being located adjacent to the highway (Willow Lane) and proposals for the landscaping of the site.

- 8.9 The area of countryside to the south west of the site is not of wider environmental or ecological importance. It comprises poor quality grade 4 agricultural land. There would be no objection to the loss of agricultural land as a result of this scheme.
- 8.10 The proposed dwelling would be viewed in the context of neighbouring built form when viewed from the south west of the application site and this should be viewed favourably. The proposals would not result in the coalescence of any settlements and would not undermine this objective of Green Belt policy.

#### Impact on Heritage Assets

- 8.11 The proposed development would be located to the south of the Water End Conservation Area. The Council is under a legal duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving or enhancing the character and appearance of that area. It is important to consider the proposals in the context of this duty, the NPPF and Policy CS27 of the Core Strategy. The site is not considered to be of archaeological significance.
- 8.12 The application has been reviewed by the Conservation and Design team who have identified that the proposals would cause harm to the setting of the Conservation Area through the removal of open views from the Conservation Area towards the existing open field. They categorise this harm as 'less than substantial' under the framework set out in the NPPF.
- 8.13 I would suggest that the impact is towards the lower end of the "less than substantial" range given the juxtaposition of properties within and adjacent to the Water End Conservation Area. The property would be similar in scale and appearance to those at the southern margin of the Conservation Area and would not be inherently harmful to the character and appearance of the area in which it is located.
- 8.14 The provision of a suitable home designed to the care needs of Lexi will result in modest public benefits by reducing the potential burden of care on the NHS and the use of their services (therapy pools etc). There would also be a small public benefit to the economy resulting from the construction activities associated with the project. Such benefits would outweigh any harm to the Conservation Area in this case.

#### Impact on Other Landscape Designations

##### *Chilterns Beechwoods Special Area of Conservation*

- 8.15 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) but is outside the Zone of Exclusion. 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.
- 8.16 The Council cannot rule out at this stage that the proposed development given its nature would not increase recreational pressure at the CBSAC and as such should apply a cautionary approach to development within this area. The applicants will be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

### *Chilterns Area of Outstanding Natural Beauty (AONB)*

- 8.17 The designated area of the Chilterns AONB extends to the north eastern side of Potten End Hill and to the north of the Leighton Buzzard Road beyond the application site. The proposed dwelling is sensitively sited in the valley and in close proximity to the residential gardens of existing properties on Potten End Hill and the existing access from Potten End Hill (Willows Lane) There would be no significant detrimental impact on the setting of the AONB as a result of this development in accordance with the NPPF and Policy CS24 of the Core Strategy. The Council has been made aware that Natural England are proposing to extend the AONB in this location. At this stage however an extension of the AONB can be afforded limited weight in the consideration of this case. Modest harm might arise if the AONB were to be extended south to include the properties in Potten End Hill and to the south west of the site through the introduction of built form in or adjacent to this location.

### *High Gade Valley Landscape Character Area*

- 8.18 The impact on the High Gade Valley Landscape Character Area is not subject to any national protection and has been considered in the context of Policies CS25 and CS26 of the Core Strategy. The proposed development would result in the introduction of a new building within this landscape; however, this is not considered to be unduly harmful to the appearance thereto. The modest harm caused to the High Gade Valley Landscape is mitigated by the sympathetic appearance of the property and is assimilation into the cluster of dwellings along the river corridor at Water End/Willows Lane. It will be important to ensure that the surroundings of the building are in keeping with its agricultural setting and that native species are used for hedging and tree planting to the perimeter of the site to screen more domestic paraphernalia. The details of a landscaping scheme for the site will be secured by a planning condition.

### Very Special Circumstances (VSC)

- 8.19 The applicants have recognised that the proposals are inappropriate development and have therefore prepared a case of VSC in support of their application. The grounds set out below, whilst not individually comprising VSC, would when combined amount to circumstances which would meet the VSC tests. These VSC include;
- The applicants medical circumstances
  - The supply of new homes and the lack of suitable alternative accommodation
  - The welfare needs of the family
  - Planning policy support for housing to meet the needs of disabled persons
  - Planning policy support for self-build or custom housebuilding.

### *Medical Circumstances - Fibrodysplasia Ossificans Progressiva (FOP)*

- 8.20 Only rarely is it the case that the personal circumstances of the applicants will amount to VSC that might out-weigh the harm to the Green Belt and other harm arising from development therein. The proposed dwelling would, after all, remain long after the personal circumstances of the applicants have ceased to be a material consideration and this needs to be carefully balanced against the immediate need for the dwelling and any lack of suitable alternative property in this case.
- 8.21 The applicant's daughter, has an ultra-rare genetic disease called FOP. This disease effects 1 in 1 million people and has no known cure. FOP is a cruel disease that gradually replaces connective tissue, tendons, ligaments and muscles within the body with extraskeletal bone ultimately rendering the unfortunate carrier paralysed. FOP is exacerbated by

trauma to the body including falls, vaccinations and dental treatment. It is imperative that a safe residential environment is provided for her as she continues to grow. The intention in this application is to provide a lifetime home for their daughter.

- 8.22 The long term diagnosis is that this child will, in time, have severe restrictions in movement and will inevitably become confined to a wheelchair. Her life expectancy will be shortened<sup>1</sup>. Any proposed dwelling for her will therefore need to be fully wheelchair accessible. The requirements for additional circulation space (given the locking of limbs in an extended position) storage needs and the additional facilities for care are exceptional in this case, making it difficult to find appropriate accommodation on the housing market.
- 8.23 The patient is likely to require a full time carer to assist her throughout her life. For this reason, a carer annex has been incorporated within the roof space of the proposed building.

#### *The Supply of New Homes/Alternative Homes*

- 8.24 The Council is not currently able to demonstrate a 5 year housing land supply, but this does not evoke the tilted balance at paragraph 11 of the NPPF given the designation of the site within the Green Belt. Although this does not generate a requirement to apply a tilted balance to the consideration of housing proposals, it has reduced the availability of ready development opportunities in the area from which the applicants may benefit. The delivery of a new dwelling and its contribution towards the housing land supply may, in such circumstances weigh in favour of the proposals; particularly where it is providing for a specific identified housing need such as that of disabled people.
- 8.25 The application is accompanied by an assessment of an OT from the NHS that sets out some of the applicant's medical requirements and recommendations in respect of accommodation. It is evident from the OT report that the applicants require a large single storey property with oversized circulation spaces as well as one designed with specific adaptations (for example hoists and soft furnishings) This results in a larger footprint to the proposed building than is typical for a three bed property.
- 8.26 The property also includes spaces beneficial to the long term health of Lexi including a hydrotherapy pool and wellness area which would significantly reduce the burden of travel to such facilities elsewhere.
- 8.27 The previous family home was visited by both the OT and the case officer during the early consideration of the proposals and this property was clearly incapable of adaption to meet the needs of Lexi. Amongst matters the floor of the property was very uneven and the staircase was both steep and narrow. This triggered a search for alternative housing solutions as set out within the background to this report.
- 8.28 The applicants search for alternative accommodation is restricted in geographical spread to the immediate environs of Hemel Hempstead and within catchment of the Gade Valley primary school given the need to access support services and their network of supporting family and friends. Although a number of objections have been received in relation to the extent of the search for alternative accommodation, this approach is considered to be reasonable in the circumstances and given the extent of care necessary both now and in the immediate future.
- 8.29 The applicants have been searching for alternative accommodation for over 18 months. There are a limited number of bungalows available within the local housing market as

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<sup>1</sup> The average life expectancy for an FOP patient is currently 50 years

reflected in submitted supporting statement. Those within the urban context are often expensive and would require works that would either be prohibitive given the physical dimensions of these site, impractical or unviable. It is also considered that the extension of these properties might be difficult to secure planning permission given the implications for neighbouring properties and the appearance of the area in which they would be located.

- 8.30 A number of local representations have been critical of the discounting of properties on cost grounds and without a direct comparison to the costs of the construction of a new building unit. An estimate cost for the new dwelling has subsequently been provided by a quantity surveyor that demonstrates that it is deliverable at a price that is approximately 30% lower than alternative schemes within the Borough and without any associated shortfalls in terms of the accommodation provided.
- 8.31 Providing a suitable long term dwelling for the applicant's daughter provides some unique and difficult challenges for the family that can only be addressed, in the case officer's opinion, by the construction of a new home within the Green Belt. This is considered to weigh in favour of the development.

*Personal circumstances and the best interests of children*

- 8.32 The need to safeguard and promote the welfare of children is a material planning consideration which must be afforded significant weight in the determination of this case. This duty extends not only to the health and well-being of the applicants daughter, whose medical needs are established above but also to the needs of the applicant's son, There are a number of appeal cases for which this is a determinant factor and although these tend to relate to the provision of gypsy and traveller accommodation, there is no reason whilst this may not be applicable to other family circumstances.
- 8.33 It is set out in the supporting information that most medical professionals can see the benefits that the construction of a bespoke dwelling can have in relation to the welfare of the applicant's daughter and her overall quality of life. As set out in the representations of support, their son, attends the local primary school at Gade Valley where he is receiving support from the educational support team. The applicant's son will clearly benefit from a settled home and on-going schooling in his current educational setting. An Education, Health and Care Plan (EHP) is already being processed by the school for the applicants daughter due to her specific and rare needs, with additional support from outside agencies.
- 8.34 It is considered that the needs of the family children are best met by forming close relationships between the school, the family and medical professionals and as such it is reasonable for the family to be accommodated in relative close proximity to the educational setting. It is important that the family stay within the catchment of the school for continuity of care. I afford such matters significant weight in this decision.

*Housing for Disabled Persons*

- 8.35 The applicant's daughter is recognised as a disabled person under the Equality Act 2010, the Disability Discrimination Act 1995 and the Children Act 1989.
- 8.36 The NPPF encourages local planning authorities to support the provision of a sufficient amount and variety of land to meet the needs of groups with specific housing requirements. The size, type and tenure of such housing should be assessed and reflected in planning policies in accordance with paragraph 62 thereto.
- 8.37 The current Core Strategy does not provide a separate housing target for disabled accommodation under Policy CS17 but recognises that housing for those with special

needs should be provided in accordance with Policy CS18 thereto. This builds on the acknowledgement in the former Dacorum Borough Local Plan 1991-2011 that “many households in Hertfordshire have difficulty finding suitable affordable accommodation such as (a) households with physical disabilities and special needs” The emerging Single Local Plan is likely to identify housing needs for specific groups of the population with evidence in the Local Housing Needs Assessment (LHNA) of a need for wheelchair accessible homes.

- 8.38 This housing need is not currently being addressed. It is acknowledged that there is a lack of wheelchair accessible homes being delivered within the Borough and therefore I consider that the need to construct an accessible home for the applicants and the contribution that such a home would make to address the need for disabled homes can be afforded moderate weight in support of the proposed development.

#### *Need for Self Build or Custom Build Housing*

- 8.39 The Council maintains a register of individuals and community groups that are seeking to acquire land to build a home in accordance with The Self-Build and Custom Housebuilding Act 2015 (The Self Build Register) This register helps the Council to understand the demand for self-build or custom build housing with a view to incorporating such plans in our strategic planning functions
- 8.40 There are two duties within the Act which are concerned with increasing the availability of land for self –build and custom housebuilding. These duties are a ‘duty to grant planning permission’ and a ‘duty of register’. The government attaches great importance to the provision of self-build and custom housebuilding as part of the overall supply of homes.
- 8.41 The ‘duty to grant planning permission’ extends solely to the grant of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the area. Although this does not over-ride the general presumption against new buildings within the Green Belt, there is evidence that a failure to meet the demand on the register has the potential to increase the weight attributable to self-build and custom housebuilding schemes in the planning balance or as a contribution towards VSC. Whilst the Council is currently meeting this duty, though only fractionally, it is likely to struggle to meet this duty in the short to medium term. Given a lack of Self Build housing schemes, the delivery of a home for someone on The Self Build Register is a contributing factor which weighs heavily in favour of the grant of planning permission on the basis of VSC.

#### Layout and Design

- 8.42 The application site is located to the east and south east of a number of single and one and a half storey dwellings and the proposal has been developed to reflect the type of dwelling and characteristics of these units. The proposed dwelling is considered to be appropriate in terms of its design, bulk, scale, height, site coverage and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. The scheme has undergone a number of amendments since it was initially considered at the pre-application stage and with a view to rationalising the footprint to the proposed dwelling to those required to meet the care needs of Lexi both now and for the duration of her life.
- 8.43 One major change to the scheme was the introduction of a pitched roof to the proposed building within which an annex could be accommodated with independent access. The case officer recognises the need to provide accommodation for a carer for Lexi within the scheme and considers that given the aesthetic improvements of providing a pitched roof to the property that an annex could be accommodated within the resulting roof space without detriment on the character and appearance of the area and without undermining the care objectives set out by the OT.

### Residential Amenity

- 8.44 The application site is located to the south west of the White House, Willows Lane and to the south east of Hedgerows, Willows Lane and this section considers the impact of the proposals on each of these dwellings.

#### *The White House*

- 8.45 The White House comprises a chalet bungalow whose principle elevation faces onto Willows Lane. This property currently enjoys unencumbered views across the application site and although there is no right to a view, the proposals need to be considered in respect of visual intrusion and outlook.
- 8.46 The proposed dwelling would be located over 23m from The White House and at an angle to this property. Given its limited height and juxtaposition, it is not considered to result in any significant loss of amenity to this property in terms of losses in either daylight or sunlight or through visual intrusion. The property is not considered to be detrimental to the privacy of this property with the impact of the proposed development mitigated by the provision of new boundary hedgerows.

#### *Hedgerows*

- 8.47 The dwelling 'Hedgerows' is located to the north west of the application property with its ground floor largely obscured by a large boundary hedgerow and trees along its south eastern boundary. These landscape features would be retained throughout the development of the site. The new property would have a flank elevation some 15m from the main elevation of this property.
- 8.48 The proposed dwelling is not considered to result in any loss of daylight or sunlight to this property. There would be no windows within the flank elevation to the development and accordingly there would be no loss of privacy for the occupants of this property.

#### *Other Dwellings*

- 8.49 The proposed development is not considered to be harmful to the residential amenities of any other properties in Potten End Hill or Willows Lane.

### Access and Parking

- 8.50 The application site would be accessible from Willows Lane via a new vehicular crossover. This access has been considered by the County Council in their capacity as highway authority and is considered to be acceptable to serve the proposed development. The proposals would not result in any negative impact on the safe and efficient use of the highway network in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 8.51 The application site is located within Accessibility Zone 3 in the Parking Standards SPD (2020) In accordance with the Parking Standards SPD (2020) 3 off street parking spaces would be provided for the dwelling(s). The infrastructure for the charging of EV is incorporated within the scheme including the provision of an EV charging point affixed to the property.

### Landscaping and Ecological Improvements

- 8.52 The application site is not ecologically sensitive and does not appear to be used by any protected species. Opportunities for biodiversity gains are limited given the scale and nature of the proposals however the introduction of high quality native planting through a landscaping planning condition should ensure that some moderate ecological benefits are secured as a result of this development. Such measures would be appropriate in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

#### Flood Risk and Drainage

- 8.53 The application site is located within Flood Zone 1 (Low Risk) on the Environment Agencies Flood Risk Maps for Planning and as such has not been subject to any Flood Risk Assessment. A drainage strategy for the site has not been prepared although based on the responses received from Thames Water and the information submitted a sustainable drainage solution should be feasible on the site in accordance with Policy CS31 of the Core Strategy.

#### Other Material Planning Considerations

##### *Contamination*

- 8.54 The Environmental Health team have suggested a number of informatives are attached to the application advising the applicants of an appropriate course of action in the event that they discover contaminative materials at the site. Such an approach would be consistent with the requirements at Policies CS31 and CS32 of the Core Strategy.

##### *Sustainability*

- 8.55 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.
- 8.56 A Sustainability Checklist has been submitted with the application identifying how the proposed development would meet the individual requirements under Policy CS29 of the Core Strategy. This statement advises that the building is designed to meet requirements for energy and water conservation in the Building Regulations. It will also provide a sensitive approach to the provision of landscaping including the provision of permeable hard standing areas and significant tree planting/soft landscaping of the site and its boundaries. This forms an acceptable basis on which to grant planning permission.

#### Representations

- 8.57 The neighbouring parties contend that if VSC do exist to justify the construction of a dwelling at this site, then any proposed building should be constructed to provide the minimum floor area necessary to undertake care. They surmise that the extent of accommodation being provided is excessive and unjustified by the accompanying medical statements with a particular focus on the hydrotherapy and wellness area and the provision of accommodation for a carer's accommodation at first floor level. In doing so they refer to the conclusions in planning appeal decision APP/Y3616/C/21/3272739<sup>2</sup>

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<sup>2</sup> <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272739>



- 8.58 It is considered that the extent of accommodation should indeed be limited in the interests of the Green Belt and the proposal has been carefully designed and refined to ensure that this remains the case. Whilst noting the conclusions in the above appeal, the circumstances in this case are different and the medical needs are extraordinary. The accommodation provided is justified on the basis of the care benefits that are provided to the applicant and having regard to the commentary of medical professionals in this case. Whilst it is accepted that the hydrotherapy pool might not be “essential”, there are considerable medical benefits to regular use of this facility which would be difficult to achieve without significant travel, disruption and burden to the NHS.
- 8.59 The property has been specifically design with a pitched roof in the interests of the appearance of the development and visual amenities of the area and as such the removal of the carer’s accommodation would result in no substantial improvement in the open character and appearance of the site. Its inclusion within the roof space of the scheme is considered to strike an appropriate balance between the medical needs of Lexi and the visual amenity of the area. It will also provide good quality accommodation for any live in carer.
- 8.60 The neighbours are also concerned with regards to the intentions of the land owner of this site to undertake additional development upon land surrounding the application site. They are concerned that the development would set a precedent for additional development. It is not appropriate for the local authority to speculate on such matters nor should this prejudice the consideration of the application before members. The site is located within the Green Belt where there is a strong presumption against inappropriate development and any application would need to be judged on its own merits.
- 8.61 The applicant’s medical circumstances are extremely rare and are unlikely to be replicated.

#### Infrastructure

- 8.62 All new developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council adopted a Community Infrastructure Levy (CIL) in 2015 with the objective of collecting proportionate sums of money towards the cost of infrastructure. The construction of a new dwelling is liable for charge in accordance with the adopted Charging Schedule. The applicants are expected to submit a claim for an exemption from CIL as self-builders.

#### Conditions

- 8.63 The application is considered to be acceptable subject to the imposition of a number of planning conditions.
- 8.64 Given the sensitive location of the development, it is considered that further details as to the materials to be used in the construction of the dwelling should be provided together with details of any landscaping of the site. These details should be provided prior to the construction of any works above slab level of the building.
- 8.65 Further details of any sustainability measures incorporated within the scheme, including details of EV charging infrastructure should be provided prior to the occupation of the dwelling.
- 8.66 To ensure the protection of the Green Belt from additional residential development, it would be prudent to removed permitted development rights for the further extension of the property without the requirement to secure planning permission.

### Legal Agreement

- 8.67 A legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) is considered necessary to restrict the occupation of the proposed dwelling to the applicants daughter, her parents and siblings, her partner and any direct dependants thereto together with anyone employed to provide medical care or support (the carer) to her. This agreement acknowledges that there are very special circumstances that justify this otherwise inappropriate form of development in the Green Belt and that such an agreement is necessary, relevant and reasonable to this case.
- 8.68 The applicants should also enter into a legal agreement to comply with the requirements of the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy and to address the concerns of Natural England in relation to their obligations under the Habitat Regulations.

## **9. CONCLUSION**

- 9.1 The relevant policy test in this case is whether these VSC outlined above clearly outweigh the harm to the Green Belt and any other harm identified within this report.
- 9.2 Officers have identified harm to the Green Belt as a result of the developments inappropriateness and as a result of a loss of openness in this location. It is clear that such harm should be given substantial weight in accordance with the NPPF. There is also a small level of harm to the setting of the Water End Conservation Area which has been classified as “less than substantial” under the NPPF.
- 9.3 The VSC in this case are set out in paragraph 8.19 of this report and include the applicant's personal circumstances, the rarity of their daughter's medical condition, the lack of suitable accommodation and the welfare of the family. The weight to be applied to these VSC is a matter of planning judgement.
- 9.4 Significant weight has been attached to the need for the accommodation and a lack of suitable alternatives. Proportionate weight has also been applied to the requirements for the Council to provide an appropriate supply of homes, homes for people with special needs and homes for those seeking to self-build under national and local planning policies and in accordance with associated legislation.
- 9.5 The difficult challenges for the family can only be addressed, in the case officer's opinion, by the construction of a new home within the Green Belt. The weight applied to the VSC in this instance clearly outweigh the harm to the Green Belt and other harm identified in this case.

## **10. RECOMMENDATION.**

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and the conditions below:
- 10.2 That the following Heads of Terms are included within the legal agreement
- The restriction of occupancy to the Robins family and a carer
  - A contribution of £913.88 is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
  - A contribution of £4,251.71 is secured towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

**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:**

**EB/WL-01 (Location and Block Plan)  
EB/WL-02 (Proposed Ground Floor Plan)  
EB/WL-03 (Proposed First Floor Plan and Carers Annex)  
EB/WL-04 (Proposed Elevations)  
EB/WL-05 (Internal Room Floor Areas)  
Design and Access Statement  
Sustainability Checklist**

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

- 3. No development shall commence until details of the finished slab level, eaves and ridge heights to the proposed building have been provided in relation to existing site levels and those of neighbouring development.**

Reason: To ensure that the dwelling has an appropriate relationship with neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

- 4. No development above slab level shall commence until samples of the materials to be used on the external surfaces of the development 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).

- 5. No development above slab level shall commence until full 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
- all exterior lighting of 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 including bin storage and any garden storage.

**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. No development above slab level shall commence until full details of the sustainability measures to be incorporated in the development have been submitted and approved in writing by the local planning authority. The development shall not be occupied until the sustainability measures have been provided in accordance with the approved details.**

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

- 7. The development hereby approved shall not be occupied until full details of facilities for the Charging of Electric Vehicles have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the charging facilities have been provided in accordance with the approved details.**

Reason: In the interests of sustainable transport and in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Classes A, B, C, D, E and F  
Schedule 2 Part 2 Class A**

Reason To ensure the adequate protection of the Green Belt in accordance with Policy CS5 of the Core Strategy.

## **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.

### Highway Informative

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

Further information is available via the County Council website at:

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

**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.

**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.

The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

### Contamination

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

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

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

### Working Hours Informative

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

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

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto: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.

#### 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.

#### Air Quality Informative.

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

#### Invasive and Injurious Weeds – Informative

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

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

<b>Consultee</b>	<b>Comments</b>
Great Gaddesden Parish Council	<p>The Parish Council has the deepest sympathy for the applicants and recognises that considerable weight must be afforded Lexi Robins medical condition. The Council convened a special meeting to consider the proposal with the applicants, their advisor, and members of the community on 13<sup>th</sup> December 2022.</p> <p>Everyone, including the applicants, agree that the proposal constitutes inappropriate development which will irrevocably harm</p>

the Green Belt, and the issue is therefore whether the applicants have made a sufficiently strong case for there to be Very Special Circumstances to justify the development and override this harm.

The Parish Council has seen no evidence of whether the applicants existing property is capable of conversion, nor of the location considerations which determined the radius of the search either for a property that might be converted or as the location of a new build; understanding these considerations would help significantly in assessing whether there is a need to build on the Green Belt.

The Design and Access Statement asserts that there are a number of planning appeal decisions where the needs of children are given significant weight but only one has been quoted and one of the critical considerations in that judgement are the factors determining the very limited options available to that applicant given their location considerations; the Parish Council is unable to make the same determination in this application.

The Parish Council also understands that the applicants will be submitting a financial statement to Dacorum BC to support their assertion that the economics of a new build are a significant factor in needing to build on this site, as opposed to converting an existing property; this information is not available to the Parish Council and is only relevant as a factor in determining the appropriateness of building on the Green Belt if the location considerations determine that there is no reasonable alternative.

All the local residents who spoke at the meeting on the 13th December objected to the proposal. There is significant local concern at the erosion of the Green Belt, particularly given the long-term plans for the development of Hemel Garden Communities on the Green Belt to the east and southeast of the site of the proposed build. Although the applicants have proposed a Unilateral Undertaking to limit the occupancy of the dwelling to the applicants and those associated with Lexis care it is not clear how this would work in practice; does it mean for example that in due course the family would bear the cost of re-establishing the Green Belt and if so how could this be ensured?

At the Parish Council meeting, parishioners submitted evidence of the availability of properties that might be suitable for development. It is reported that the owners of a nearby house which was recently for sale were not approached by the applicants, and that there are a significant number of properties on the market that prima facie appear suitable for conversion it was claimed that there are currently 11 four-bedroom bungalows for sale on rightmove within 5 miles of Water End Rd, and 51 within ten miles. The Parish Council doesn't wish to suggest that the applicants have not already undertaken an extensive search, or to underestimate Lexis highly specialised needs both now and as she gets older and the cost of conversion to meet those needs, but on the evidence provided to the Council it is not convinced that there are not reasonable alternatives to building on the Green Belt.

	<p>The Parish Council cannot stress too strongly its support for the Robins family in their search for a suitable home in which they can provide Lexi with the support she needs. But on the evidence available to it and bearing in mind the considerable local opposition the Parish Council does not believe that the case for Very Special Circumstances has been made and therefore cannot support this proposal.</p>
Natural England	<p><b>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</b></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>.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation</p> <p>.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Damage: encompassing trampling and vegetation wear, soil compaction and erosion;</li> </ul>



- Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- Fire: increased incidence and risk of fire; and
- 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 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.

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.

#### Protected Landscapes – Chilterns AONB

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

	<p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p>
Hertfordshire County Council – Highways Section.	<p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p>Further information is available by telephoning 0300 1234047.</p> <p>AN 4) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be</p>

	<p>maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially over spills of cement &amp; concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx</a> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.</p> <p>Comments</p> <p>The proposal is for the change of use of land to residential and construction of dwellinghouse, associated amenity space and parking at The Willows, Potten End Hill, Water End. Potten End Hill is 60 mph classified C local distributor route that is highway maintainable at public expense. The dwelling will be located along Willows lane which is not part of the adopted highway network and is a private route.</p> <p>Highway Matters</p> <p>The proposal is to create a new access onto Willows lane. As this is not part of the adopted highway network, no highway agreement is needed. However, we would recommend that any access be built to standards stipulated in HCC Highways design guide to ensure consistency. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them.</p> <p>Drainage</p> <p>The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency vehicle access</p> <p>The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the</p>
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	<p>buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2022.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p>
Conservation and Design	<p>The application site comprises part of an open field, it lies within the Green Belt and is adjacent to the boundary of the Water End Conservation Area. The conservation area boundary runs south from Potten End Hill along Willows Lane.</p> <p>Solar panels that were built upon the site (without consent and just in front of the application site; the boundary then turns to the east (between White House and Stinford Cottage) to meet up with the Leighton Buzzard Road before returning to the north back to Water End. The existing open field, divided from Willows Lane by a post and rail fence, affords open views out of the Conservation Area and makes a positive contribution towards the setting of this southern part of the Water End Conservation Area.</p> <p>The application proposes change of use of land to residential and the construction of a dwelling on a proposed new plot to the south of Hedgerows and opposite White House.</p> <p>Conservation previously raised concerns over the impact the solar panels that were built upon the site (without consent and subsequently refused) would have upon the setting of the Water End Conservation Area due to their location, scale and appearance within this pasture field.</p> <p>NPPF paragraph. 200 states: 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.</p> <p>The Conservation team take the view that the proposed new dwelling will result in harm to the significance of the Conservation Area (a designated heritage asset) through development within its setting. The level of harm is deemed to be 'less than substantial' and NPPF paragraph 202 states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>It is recommended the decision maker weighs the less than substantial harm identified against any public benefits identified.</p>
Environmental Health	<p><u>Contamination</u></p> <p>The proposed development is a proposal on a site that does not</p>

	<p>appear to have a potentially contaminative land use history. It will, however, involve significant ground works and is for a change in land use and so the following informatives are recommended.</p> <p>Contaminated Land Informative 1:</p> <p>In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.</p> <p>Contaminated Land Informative 2:</p> <p>Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p> <p>Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p> <p><u>Noise, Odour and Pollution</u></p> <p>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, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds 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> <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 <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> 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</p>
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	<p>the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of</p>
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	<p>build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant</a></p>
Thames Water	<p>WASTE COMMENTS:</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 &amp; 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. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p>

	<p>We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a></p> <p>Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a>. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water would 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><b>WATER COMMENTS:</b></p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
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## APPENDIX B – NEIGHBOUR RESPONSES

### OBJECTIONS

Address	Comments
Ashburton, Potten End Hill	We OBJECT to the application. Our main concern with the proposed development relates to the principle of development in the Green



	<p>Belt. Development in the Green Belt is inappropriate by definition. This would harm the openness and the purpose of the Green Belt. In our opinion, the very special circumstances in this application do not set aside that harm.</p> <p>The proposed development is on stunning Green Belt open pastureland, away from other residential properties. The development is located in an open field in the picturesque Parish of Great Gaddesden (much of that in an AONB), surrounded by open views of the valley and countryside; the Water End Conservation Area; and within the High Gade Valley Landscape Area 123.</p> <p>The Council's planning records show one previous planning application at the site - which was retrospective. In our opinion, the owners of the field acted in an inconsiderate and underhand way by not seeking planning permission first before the development on the Green Belt. A neighbour informed us that the owners simply dismissed their concerns and went ahead with the development anyway. This was for solar panels and is detailed below.</p> <p>Planning Reference 20/00189/RET: Retention of change of use from pasture to two rows of solar panels. Dacorum Borough Council refused due to:</p> <ol style="list-style-type: none"> <li>1. The panels by reason of their location and scale would significantly harm the current and lawful openness of a substantial area of land within the Green Belt through the resultant encroachment of the countryside, failing to meet the expectations and contrary to the National Planning Policy Framework's (2019) Paragraphs 133, 134(c) and 146, representing inappropriate development and Policy CS5 (Green Belt) of the Dacorum Core Strategy (2013). The submitted very special circumstances put forward to justify this renewable energy project do not outweigh the harm by reason of this inappropriate development with reference to the expectations of Paragraph 147 of the National Planning Policy Framework.</li> <li>2. The application site as shown by the submitted Site Location Plan is identified as pasture land. The use of this land for either agricultural or equestrian pasture purposes is currently wholly compatible with keeping the land open in the Green Belt in accordance with the National Planning Policy Framework's to 'Protecting Green Belt land' by safeguarding the countryside from encroachment.</li> </ol> <p>The change of use of the part of the application site shown for the solar panels, when considered in conjunction with the change of use of the remainder of the application site, would result in the loss of openness of the Green Belt through the encroachment of the countryside. This would be contrary to Paragraph 134 (c) of the National Planning Policy Framework and Policy CS5 of Dacorum Core Strategy with the associated loss of the pasture land which maintains the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the openness of the Green Belt, as referred to by Reason 1.</p>
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3. The panels by reason of their location and scale would be harmful to the setting of the Water End Conservation Area contrary to Policy CS27 of Dacorum Core Strategy (2013) and, saved Policy 120 of Dacorum Local Plan (2004).

We understand that RVN Willows Properties Ltd (company 14164202) has been registered by the owners of the field recently. With the knowledge of the previous illegal development and of the Newco, we are concerned about the intention of the owners of the field, and curious to know if their company is for purchasing back this proposed house in the future, or for future planned development on their Green Belt land, if this planning application is accepted.

Mike Penning MP wrote to Malcolm Livesey regarding this development on 20th October 2022 and stated 'As a Member of Parliament, I do not have any role in the formal planning process, whereas I will make a submission on a major project (such as the Luton Airport expansion)' Therefore, we believe his letter to the DBC planning officer in Appendix 12 of the Design and Access Statement should be ignored in this planning process.

#### PLANNING OBJECTION

The application site lies outside of any existing settlement, within the designated Green Belt as defined on the Proposals Maps of the adopted Local Plan. The National Planning Policy Framework (NPPF) at Paragraph 149 advises that construction of new buildings is inappropriate development in the Green Belt

Consistent with the NPPF, Policy CS5 of the Dacorum Core Strategy (CS) outlines 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.

Policy CS1 of the CS directs new housing development to the main towns, with Hemel Hempstead being the focus for new homes and the market towns and large villages accommodating new development for housing. It outlines that the rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.

There is no dispute that the proposed new dwelling involves inappropriate development, which is by definition, harmful to the Green Belt. This is also accepted by the Applicant. Subsequently the proposed development conflicts with Policies CS5 and CS1 of the Dacorum CS and the NPPF.

#### Openness of the Green Belt

Paragraph 133 of the NPPF makes it clear that the Government attaches great importance to Green Belt and the protection of its

essential characteristics. The NPPF defines one of the essential characteristics of the Green Belt to be its openness. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. There is not a formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.

Harm by way of a loss of openness, both in terms of the visual component of openness and the spatial loss of an open site to development attracts substantial weight. The existing site is free of any form of development and it is therefore open. The introduction of a new house on this site will result in a substantial loss of that openness. Spatially, the proposed development would result in a significant reduction in existing openness simply by the introduction of a new dwelling.

Visually, the effect of the development would be visible from a number of surrounding vantage points. To the north of the site, the proposed development would be less visible as a result of the adjacent built forms of the houses along Willows Lane. However, to the south and to the west, the land is open and the open and undeveloped countryside extends beyond the site. In addition, a public footpath traverses along Willows Lane which goes past the application site and into the open field where the development is proposed. Therefore, the loss of visual openness as a result of the development will be high.

In conclusion, the overall harm to the openness of the Green Belt will be substantial. Encroachment and other Green Belt purposes. Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves. Criteria c) is: to assist in safeguarding the countryside from encroachment.

The proposed development would introduce a built form of development on the site which will replace the open countryside and encroachment would thereby be incurred, which would lead to substantial harm and conflict with Paragraph 134(c) of the NPPF.

#### Summary of Green Belt harm

The proposed development would incur definitional harm as inappropriate development and would impact further on the openness and the purposes of the Green Belt through encroachment.

Of note, planning application reference 20/00189/RET at the site for the Retention of the Solar Panels was refused due to the proposal being inappropriate in the Green Belt and its impact on the openness of the Green Belt through the encroachment of the countryside. The Case Officer report outlines that:

'There would be a very significant negative effect upon the openness of this tract of green belt through the resultant encroachment of this

	<p>part of the countryside, conflicting with the expectations of Para 134 (c).</p> <p>This would be due to the panels location and scale in an otherwise unbroken tract of land with a substantial spatial impact'.</p> <p>The proposed development for a new dwelling would have more impact to the openness and the purposes of the Green Belt than the solar panels as the proposed house would be substantial and larger than the refused solar panels in terms of height, width, and overall scale.</p> <p><b>Landscape Character Area</b> The site is located in the High Gade Valley Landscape Character Area which is defined by:</p> <ul style="list-style-type: none"> <li>- steep valley slopes;</li> <li>- long views along the open alley;</li> <li>- traces of downland scrub and woodland;</li> <li>- clustered settlement along watercourse;</li> <li>- wet woodlands and grazing meadow;</li> <li>- sweeping arable fields;</li> <li>- floodplain and wetland vegetation;</li> <li>- ancient settlement; and</li> <li>- ornamental nurseries and associated planting.</li> </ul> <p>The strategy and guidelines for managing change in this area includes to:</p> <p>'Ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are to be screened from view where possible and native species are used for hedging and tree planting to the perimeter'; and</p> <p>Proposals to change agricultural land to other uses such as golf course should be very carefully examined and should only be permitted where they do not undermine the distinctive character of the landscape'.</p> <p>The intrusion of the proposed substantial dwelling into what is an open and undeveloped field would fail to consider and strengthen the character and appearance of this area and would have a negative impact on the High Gade Valley Landscape Character Area and would introduce built form into the open and undeveloped countryside.</p> <p><b>Heritage</b></p> <p>The Site is located adjacent to the Water End Conservation Area, which is a designated heritage asset. The Council's website outlines that; 'Conservation Areas are those of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Generally, it is the appearance of the area, rather than individual buildings, that justifies the designation'.</p> <p>Policy CS27 of the CS states that all development will favour the conservation of heritage assets. The integrity, setting and</p>
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distinctiveness of designated and undesignated heritage assets will be protected, conserved and is appropriately enhanced. It continues to outline that development will positively conserve and enhance the appearance and character of conservation areas. In our opinion, the significance of this part of the Water End Conservation Area is derived from the small cluster of properties set amongst the agricultural fields. The agricultural fields to the south of the southern edge of the Conservation Area makes a positive contribution to the setting of the Water End Conservation Area.

Although there is no statutory requirement to consider the setting of conservation area, Paragraph 200 of the NPPF states that harm to a designated heritage asset, including arising from development within its setting, requires clear and convincing justification. This is reflected in Policy CS27 of the CS.

The Site is immediately to the south of the Water End Conservation Area and will have an impact on the setting of the Conservation Area. The development of a new dwelling in this open countryside setting will introduce built development into the green gap and diminish Water End Conservation Area's setting. As such there would be harm to the setting of the Water End Conservation Area.

Therefore, the proposed development will have a negative effect on the setting of the Water End Conservation Area and would cause 'less than substantial harm' to this part of the conversation area. In line with Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Subsequently, the Applicant should be demonstrating the public benefits of the proposal and outline that the harm would be more than outweighed by these, which has not been addressed within the submission.

#### Sustainability

The application site is located within a semi-rural area, some distance from Hemel Hempstead or Potten End which are the closest town and village retrospectively to the site, where there are amenities and facilities. The roads that lead to these locations are undesignated roads and Potten End Road has no pavement along it. In terms of public transport, there are bus stops along Leighton Buzzard Road, however this is some distance from the site. For travel further afield, the nearest railway station will be at Hemel Hempstead.

Therefore, it is concluded that the site is only accessible by private vehicle. It is in an unsuitable and isolated location, as it would fail to provide satisfactory access to services and facilities by means other than the private motor car.

	<p><b>Amount of Accommodation Provided</b></p> <p>The proposed dwelling would include a three-bedroom property, with a living area; car port; treatment and wellness room which would include a hydro pool; and first floor accommodation to provide an annexe for a live in carer who would include a separate kitchen and living room, bathroom and bedroom. The first-floor accommodation would be accessed via a separate access from the proposed porch and would be fully self-contained. Additionally at first floor there would be an office / storage area. The supporting information provides numerous supporting medical letters from health professionals. This includes a letter from the Royal National Orthopaedic Hospital which outlines that:</p> <p>Lexi's parents are looking to rebuild and modify their home to provide a safe environment for her. This will hopefully reduce the potential for injury, and thereby lessen the impact of disease progression on her. It could mean that by the time drug treatments do become available that her condition has not progressed too far and she can still benefit from them.</p> <p>Dr Murtuza A Khan outlines the following provisions required for their bespoke housing request:</p> <ul style="list-style-type: none"> <li>- No stairs;</li> <li>- Wheelchair access at all points to and inside the house</li> <li>- Larger doors and entrances</li> <li>- safe wet room to eliminate bathroom slippage</li> <li>- soft/padded floors</li> <li>- Size enough utility room to safely store medicine and required apparatus E.g. wheelchair in future years.</li> </ul> <p>An email from Rachel Calter: Speciality Community Public Health Nurse - Health Visitor outlines that 'It is my professional opinion that it is in Lexi's best interest to have a home all one level due to her individual needs'.</p> <p>The Hertfordshire Community NHS Trust have provided a letter which also lists Lexi's requirements. These include:</p> <ul style="list-style-type: none"> <li>- Dropped kerb/parking hardstanding</li> <li>- Parking area and access should be well lit and surface should be firm, even and smooth;</li> <li>- a covered parking space with covered access to main door may be of benefit during transferred for example during icy weather;</li> <li>- accessible step free approach to main access doors;</li> <li>- 1500 x 1500mm platform to turns and doors</li> <li>- where plot is not level a ramp with a gradient of 1:15 is recommended;</li> <li>- main access doors to have 900mm, clear opening and a level threshold;</li> <li>- large hallway with clear turning circle of 1900mm</li> <li>- step free access/levels floors around property;</li> <li>- internal doorways should be wheelchair accessible with min 900mm clear opening;</li> <li>- turning space of 1900, clear of any obstruction in Lexi's bedroom,</li> </ul>
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bathroom and communal/family areas;

- Lexi's bedroom, bathroom and family rooms to be accessed from large hallway instead of via corridors or passage ways; and
- where a corridor is a necessity best practice is 120mm min wide to accommodate 90-degree wheelchair turns into a doorway.
- Lexi will benefit from her own bedrooms; and
- Lexi may benefit from having her own large wet room or bathrooms.

The proposed dwelling would include a treatment and wellness room which would include a hydro pool together with a first floor to include a separate annexe for a live in carer and office. These are not specified as required by the medical health professionals referenced above and would therefore exceed the amount of accommodation required. Whilst it is appreciated that at Paragraph 19.34 of the Design and Access Statement (DAS), the Applicant's daughter would benefit greatly from hydrotherapy and at Paragraph 19.36 of the DAS the requirement for a hydrotherapy pool has resulted in an almost insurmountable challenge in terms of finding a suitable site. However, from the information provided by there is a lack of overall specific medical evidence that has been provided outlining that a hydrology pool and wellness area is an essential requirement for the family.

Additionally, the proposals include a separate unit of accommodation for a live in carer, which again is in excess of what is essentially required and outlined by the medical health professionals.

A recent appeal decision reference, APP/Y3615/C/21/3272739 for extensions in the Green Belt where the case relied on the very special circumstances of the appellant, was dismissed at appeal. Paragraph 53 however outlines that:

'I also heard that it is unusual for live in carers to have their own accommodation. Under care regulations they need only have their own bedroom and would expect to share the family bathroom'.

The proposed development provides for a fully contained unit of accommodation, including a kitchen, sitting area, bathroom and bedroom all at first floor and accessed via its own separate door. Similarly to the appeal, there is no evidence to demonstrate that a live in carer is a requirement and indeed that a separate form of accommodation is required.

From the information provided by the medical health professions, it is understood that the Applicant requires a single storey property with wheelchair access. It is considered that the amount of accommodation proposed in the dwelling far exceeds what is essentially required for the Applicant and there is no convincing evidence that the entire amount of development proposed is an essential requirement for looking after their daughter and coping with her ongoing medical conditions, however desirable that may be.

It is our opinion, any development that is inappropriate in the Green Belt which causes additional harm to the openness and the purposes

of the Green Belt, should be demonstrated to be the absolute minimum that is required to avoid any further unnecessary harm. In this instance, the proposed development would appear to far exceed the minimum development required and therefore as a result, this consideration should be given limited weight.

#### Alternative Site Search

The Applicant outlines that they have searched for alternative sites to the application site, which has not been successful. The DAS lists a number of things the Applicant has undertaken which includes a Market Housing Search, being placed on the Self Build Register, Enquires with Dacorum Council, media campaigns and market housing searches. The DAS concludes that: 'the Applicant has gone to extraordinary lengths to try and identify a site other than that which is the subject of this application. However, a combination of low supply, high demand the exceptional modifications that any existing property would need to undergo have all led to their attempts being fruitless'.

Paragraph 19.48 of the DAS lists a number of estate agents that the Applicant has registered with.

At Paragraph 19.49 of the DAS, the Applicant outlines that: 'the nature of the proposed project and the related construction costs and the current properties available on the market has resulted in those being viewed being unsuitable'.

The Applicant outlines at paragraph 19.50 of the DAS that the applicant has provided a 'snapshot' of a number of the 'on market' properties that have viewed and the reasons why they were considered unsuitable for the proposed project. For example, the Applicant outlines that No. 44 Crouchfield was extremely expensive, with offers over £700k and the remodelling required would be between £300k and £500k. Whilst the cost of some of the properties may be too high for the Applicant, no supporting financial information has been provided by the Applicant to evidence their financial situation with details of their income, mortgage and other limitations and to demonstrate that this property is not achievable.

Additionally, the Applicant's information does not provide information about the cost of the site, other than at Paragraph 19.59 of the DAS that: 'the application site provides a readily available opportunity at a nominal cost'. However, using PSA which is an online Self Build Cost Calculator, estimates the cost of a new dwelling of a similar size to that proposed to be approximately between £785,941.68-£1,008,237.50 depending on if the property is a 3 or 4 bedroom dwelling. This however does not include the cost of a treatment and wellness room with a hydro pool, which could be considerably more.

This argument is also relevant to the Self Build Plots, which the Applicant outlines that the plots will be listed at over £600k.

Furthermore, at paragraph 19.51 of the DAS the Application outlines that 'none of these properties have been subject to a planning



assessment. Achieving planning permission is never guaranteed, and any applications required to enable the necessary works to be undertaken would have resulted in uncertainty, further costs and delay'.

The Applicant would appear to have sold their property and are depending on this proposed development to gain planning permission. Purchasing an existing house and waiting for planning permission to extend or to rebuild, would be no different to this planning application. Indeed, if the property was within a built-up area, it is likely to have more certainty and less delay given the site would be previously developed and contains an existing house, unlike this undeveloped open countryside site.

There are numerous properties within a 10-mile radius of the application site that are available on Right Move [www site](http://www.rightmove.co.uk). They include existing houses which are at a price that is lower than £700,000 and potentially could provide an opportunity for the Applicant to either adapt the existing house; or demolish the house and rebuild, in line with the requirements of their daughter.

As stated at Paragraph 19.60 of the DAS, the undeveloped nature of the application site dictates that the dwelling can be purpose built from the ground up, without the need for adaptations to be made to an existing property or for any to be made to the proposed property in the future. However, a potential plot of land in an existing urban area would provide the same opportunity as the application site, albeit it would not be an undeveloped piece of land in the Green Belt. The information provided to support this application, does not provide sufficient justification and detail why existing properties have been dismissed.

For example, a bungalow in Kings Langley, approximately 6 miles from the application site, is for sale for £550,000 with planning permission granted for a 4 x bedroom house. Whilst that planning permission may not offer the accommodation that the Applicant requires, the principle of the demolition of the property and erection of a new dwelling has been established.

Additionally, a further bungalow is listed on Rightmove in Hemel Hempstead which Rightmove mentions as a Redevelopment potential with a wide plot. Whilst it is appreciated that this property went onto the market in November 2022 after the application was submitted to the Council, it demonstrates that it is another previously developed site that could offer what the Applicant requires within a built-up area and not using undeveloped Green Belt land. Furthermore, in Northchurch there is a further bungalow that is on the market for £575,000 and outlines that the property offers an 'excellent chance for a buyer to purchase a blank canvas with an abundance of potential to extend, removed or perhaps even replace totally STNO'.

These few examples of properties mentioned above provide a snapshot of what is available on the market at the moment within approximately a 6-mile radius of the site. It is unclear why these

properties are unsuitable for the Applicant which do provide an opportunity to extend or replace with another property on previously developed land and which would not harm the Green Belt.

Furthermore, a property has been on the market in Willows Walk recently and whilst this has now been sold subject to contract, at no time has the Applicant approached the owner or made an offer to purchase the dwelling. Whilst it is appreciated that it had a price of £1,500,000, no financial information has been provided by the Applicant to demonstrate that this is outside their limitations.

In conclusion, it is considered that whilst it is appreciated that the Applicant has looked into other sites and options, it has not been fully evidenced that their search has been unfruitful.

There are existing properties on the market within a 6-mile radius of the application site that have the potential to be able to meet the requirements of the Applicant. Additionally, no financial information has been provided by the Applicant to support their claim that the cost of some of the properties and the cost to remodel those houses would be too expensive compared to the cost of purchasing the application site and building a new home of the size proposed with the facilities within it.

The Appeal Decision - An appeal decision has been provided by Applicant at Glebe Fields, Field 2 Glebe Lane for a 'unique, innovative, sustainable designed single-family dwelling of 330sqm, which exceed the latest energy performance standards and fits in eloquently within its rural setting.

The 4-bedroom house with surrounding restored and enhanced landscaping will be wheelchair housing standard complaint to offer the power and his facility quality of life, whilst dealing with a chronic debilitating illness when the equestrian use is changed to residential use'.

That appeal was allowed, and planning permission granted. The Applicant considers that this is comparable to this proposal, which relied heavily on the very special circumstances of the Appellant.

The appeal site however comprised of a stable with associated hardstanding and grassed area, as mentioned at Paragraph 6 of that appeal decision. It would therefore appear that the appeal site was indeed a previously developed site, unlike the application site which is an undeveloped agricultural field. Although it is appreciated that the Inspector did find that the proposal was inappropriate development.

Determining whether very special circumstances exist depends on evaluating the balance between planning factors. It falls to the decision maker to decide what the very special circumstances are in that case and if they outweigh the harm to the Green Belt. The weight to be given to a particular factor will be very much a matter of degree and planning judgement and something for the decision taker to consider.

Whilst the Applicant has provided an appeal decision which outlines where the Inspector has taken the personal circumstances of the Appellant into consideration, there are also many appeal decisions that consider the personal circumstances of the Appellant do not set aside the harm to the Green Belt.

For example, appeal reference APP/Y3615/C/21/3272739, outlines at Paragraph 61 that;

'However, I am not satisfied that the extensions are essential requirement for looking after their son and coping with his ongoing medical conditions, however desirable that may be. There are a number of letters from various NHS consultants but these refer to matters not directly related with the need for the extensions.....There is a lack of overall specific medical evidence to demonstrate the son needs his own suite of rooms, or a gym/physio or even the type of equipment he needs. There is no overriding medical assessment or timescale for when his care may change and timescale for when a live in carer would be needed, other than references to 'sometime in the future. Hence at the moment there is no substantive evidenced justification for the extensions, and in particular the carer's wing, which the appellants consider to be the most important.'

Paragraph 68 outlines that:

'On the other side of the balance are the appellant's personal circumstances. I am sympathetic to the applicant's desire to care for their disabled son at home and future proof it with the provision of live in carer's accommodation. However, in my view there is inadequate medical or other justification to demonstrate that the dwelling could not have been internally modified or reconfigured; or that the extensions were expressly needed for their son's care; to that they had to be designed and of the size they are' or that smaller extensions were not possible. For these reasons I give limited weight to the appellants' person circumstance.'

Paragraph 69 continues to outline:

'I therefore find the other considerations advanced in this case do not clearly outweigh the totality of the harm o have identified to the Green Belt, the AONB and the character and appearance of the dwelling. Consequently, the very special circumstances necessary to justify the development do not exist'.

Therefore, it is clear from this appeal that it is a matter of judgement the considerations that are put forward, but for the considerations to be considered to warrant the very special circumstances required to set aside the harm, it must be demonstrated that there is no other option and all other avenues have been exhausted; and that the size of the proposed development and the provision of ancillary accommodation such as a treatment area and wellness room with a hydro pool and carers accommodation are a necessity and the proposed development provides the minimum amount of development that is necessary.

In this instance, as mentioned above, we are not satisfied that the Applicant has justified and evidenced the need for this amount of

development and that there are no alternative locations within a 6-mile radius of the application site that could satisfy the Applicant's needs but result in no harm to the Green Belt or other material harm. Furthermore, no financial information has been provided to support the claims that some of the properties are too expensive.

#### Housing Need

The Applicant outlines that Dacorum Borough Council do not have a 5-year housing land supply and the proposed dwelling would contribute to their housing need. Paragraph 11 of the NPPF outlines that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date granting permission unless, the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

This includes those sites that are on land designated as Green Belt. Therefore, the tilted balance is not engaged as the site is in the Green Belt.

This is supported by the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh the harm to Green Belt and any other harm so as to establish very special circumstances. Additionally, given that the development is for only one dwelling, this would not significantly boost the housing supply for Dacorum Borough Council. Therefore, this material consideration provides only very limited weight.

#### Planning agreement

The Applicant considers that given the unique circumstances of the case, should planning permission be granted, this should be subject to the provision of a Unilateral Undertaking which would limit the occupancy of the dwelling to the Applicant's family and those parties with a direct care responsibility to their daughter's condition.

However, the development would be physically present for the indefinite future continuing to cause harm to the Green Belt, the Water End Conservation Area and the High Gade Valley Landscape Character Area. The imposition of a unilateral undertaking would not reduce the harm to the Green Belt or these other harms that have been identified and would not reduce the impact if the family decide not to live in this location anymore.

#### Planning Balance and Conclusion

The development represents inappropriate development in the Green Belt, which is harmful by definition. There is also further substantial harm to the openness of the Green Belt and the purposes of the Green Belt through encroachment into the countryside. In appropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Any harm caused to the Green Belt must be given substantial weight. Great weight must also be given to the harm that is caused to the Water End Conservation Area and to the High Gade Landscape Character Area. Therefore, it has been identified that there are planning objections to the proposals.

The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and provide live in carer's accommodation and the provision of a treatment and wellness room. However, in our view, there is inadequate medical justification to demonstrate that the extent of the proposed accommodation is essential for the Applicant's daughter.

It is our opinion that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements. Additionally, there are a number of other properties and land that is available within a short distance of the application site that could potentially be adapted or indeed demolished and rebuilt, to provide for the Applicant. We are not satisfied that the Applicant has evidenced sufficiently and robustly that there are no alternative locations that could satisfy the Applicant's requirements and result in no harm to the Green Belt.

Furthermore, there is also a lack of financial information that has been provided to justify the reference to the Applicant's limited financial situation. Therefore, it is considered that only limited weight can be given to the Applicant's personal circumstances.

We therefore find that the considerations that have been put forward by the Applicant do not clearly outweigh the totality of the harm that has been identified to the Green Belt, including to its openness and the purposes, the Water End Conservation Area and the High Gade Landscape Character Area.

It is therefore considered that very special circumstances do not exist to justify this inappropriate development and the application should therefore be refused.

#### ADDITIONAL COMMENT

Hope Newport's (IFOPA) unfair comments about the objectors having significant disrespect of medical professionals and the critical need for all aspects of the proposed development are unfounded. Is a family services manager a health professional? We understand that the organisation is for support and research; are they medical specialists?

Health professionals have not commented about the necessity for such a significant development in the DAS.

We understand the want for the ideal property in the perfect location with the terrible consequences of FOP, and are wholeheartedly sad about the predicament of the Robins family and wish them the very best for the future.

	<p>The proposed development would be detrimental to the health and well-being of others. We would like to point out that our sensitive and kind hearted brother, who lives in Hemel Hempstead and attends our house a few days each week, whilst we are not at work to care for him, has benefited from the immediate openness of the countryside to help his mental and physical health problems of schizophrenia, epilepsy and tachycardia for the last 16 years. We have absolute respect for his medical professionals and their recommendations. If that openness is gone due to the proposed development then that will be detrimental to his well-being. He loves the wildlife and fields whilst we walk in our garden and along the path next to the proposed development.</p> <p>As to the proposed development, our godson has stage 4 Neuroblastoma. This was diagnosed 5 years ago at 12 years old, and now he is wheelchair bound due to the tumours and treatments. His family have not moved, but have a ground floor bedroom as an extension, and adapted the house including a wet / shower room on the ground floor to meet his medical needs. They live in a semi-detached house.</p>
The Bungalow, Potten End Hill	<p>Whilst we offer our sympathy for the family and the needs of their daughter Lexi. Having carefully reflected upon the plans submitted and the supporting documentation, we have decided to oppose the build for the reasons highlighted below –</p> <p>Building on Green Belt Land - Sites of Special Scientific Interest - Chilterns Beechwoods Special Area of Conservation area.</p> <p>The proposed property would be built in green belt land, which falls under the zone of influence as part of the ongoing strategy to protect Ashridge Estate. We understand that this forms part of the Sites of Special Scientific Interest project as part of the Chilterns Beechwoods Special Area of Conservation and as such, it is protected by International Law.</p> <p>There are a number of large-scale housing developments being proposed within Dacorum and the surrounding areas. Building a single property on already exhausted valuable green belt land on is not sustainable, ecologically or economically sound.</p> <p>Once we build on green belt land, it is irrevocable with significant repercussions to the wider Water End Conservation Area and to the High Gade Landscape Character Area.</p> <p>Our concern is that with the change of use of the land, further planning permission will be sought for other properties to be built on the land. Whilst this is speculative, it remains a significant concern of ours. With the above in mind, we feel this point needs to be given considerable weight when reviewing this application.</p> <p>Scale of build</p> <p>Having reviewed the information provided by the medical health professions, we can see that the family requires a single storey</p>

	<p>property with wheelchair access. This differs significantly from what the proposed application. We feel that that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements.</p> <p>Adapting an existing dwelling</p> <p>There are a number of other properties and land for sale within a short distance of Willows Lane that could potentially be adapted to suit the needs of the family that doesn't involve building within a Green Belt area.</p> <p>However, there has been weight applied to the affordability of this proposal and why other existing properties have been discounted. Supplementary information has not been provided to sufficiently evidence that a robust and extensive property or land search has been conducted prior to the application to build on green belt land. Further clarity on this point should be considered when reviewing the application.</p>
Czechers, Potten End Hill	<p>I object to the proposed development.</p> <p>With the Planning, Design and Access Statement, Para' 2,3 and Para' 7.1 states the site is located within the Green Belt in its entirety. The site is also situated adjacent to the Waters End Conservation Area.</p> <p>Para' 3,2 states, A request for pre-application advice was submitted to the LPA on 20/01/2022 in respect of the proposed construction of a bungalow, this has now grown into a 4 bedroom house.</p> <p>The LPA replied to the Pre Application request reinforcing what the applicants themselves have said that. The development would constitute inappropriate development within the Green Belt and as such, very special circumstances (VSC) would need to be demonstrated.</p> <p>Para' 5.8 states, The design of the property has been led by a team of medical professionals including Lexi's Occupational Therapist (OT) to ensure that the dwelling would be completely suitable to meet Lexi's current and future needs. However, the medical report say a single story building, not one of 2 floors, neither does it say a live-in carer is required.</p> <p>Para' 7,4 states, At the national level, paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt, except for in a limited number of exceptions. It is again fully acknowledged that the proposed development does not meet with any of the exceptions listed and would therefore constitute inappropriate development within the Green Belt.</p> <p>Para' 7,5 states, Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved. I agree.</p>

	<p>The Robin's family are also on record as saying that they would not seek Green Belt Land.</p> <p>I could list many more points from the PD&amp;A statement but feel that is enough.</p> <p>I object on the following grounds:</p> <p>1) Change of use of land. I understand this is Green Belt land and subsequently should remain so.</p> <p>2) The application suggests that the applicants have sought other alternative sites and their searches have been unfruitful. I don't agree with this. A simple search on <a href="http://www.rightmove">www.rightmove</a> and other search sites within a 10 mile radius reveal several locations, some of which already have outlying planning consent for such a development to be made. I made a quick search and found building land within 1 kilometre of the proposed site, there are many others.</p> <p>3) I suspect that this application to 'change the use of land to residential' is the thin edge of the wedge. I suspect that the owners of this land may have other agendas and once a change of use is granted, then it could open the floodgates for other developments on that land. That would be a disaster for this local area! The owners of the site seem to have some form with circumventing planning rules, as with the erection of Solar panels, which required enforcement action. I also note that The Robin's will make a Unilateral Undertaking that only the family will use this house. I would suspect that that, is unenforceable.</p> <p>4) The proposed property would be built in green belt land, which falls under the zone of influence as part of the ongoing strategy to protect Ashridge Estate, which borders this site. I understand that this site forms part of the Sites of Special Scientific Interest project as part of the Chilterns Beechwoods Special Area of Conservation and as such, it is protected by Law.</p> <p>5) I reiterate my statement above, that the house is larger than recommended by the professionals.</p> <p>6) Some mention was made at the local Parish Council meeting, that this application may be more of an affordability issue, should that be the case, it would be wrong in my view to grant the application. And that may be why other land and properties have not been pursued, even so the estimated cost of building a 4 bedroom house, could be around £1.1m plus land plus the extras required.</p> <p>7) I have yet to see an Environmental Impact Statement produced, neither has Natural England seen one.</p> <p>8) Furthermore, I do not believe that the case for Very Special Circumstances has been made and therefore like the Parish Council. This is another reason I cannot support this proposal.</p> <p>9) This would constitute inappropriate development within the Green Belt. Once we build on green belt land, it is irrevocable with</p>
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	<p>significant repercussions to the wider Water End Conservation Area and to the High Gade Landscape Character Area. There is no going back.</p>
Gatherley, Potten End Hill	<p>We wish to object to this application. We have children ourselves and completely understand the applicants' wish to create the safest possible environment for their daughter to enhance her life quality and longevity.</p> <p>However, it is the case that building a large, detached house, on Green Belt pastureland, is not the only way forward. We are concerned that this application came about not because of the applicants' needs, who discovered the plot and thought this would perfectly meet their needs, but on the landowners' direct invitation instead:</p> <p>The landowners have already tried to bring about a change to the use of this Green Belt land in the relatively brief period they have resided here, unsuccessfully. We feel that should this application be granted because of the "special circumstances" clause, it will inadvertently or not, open the floodgates for additional building in the field, demolishing for good what once was cherished Green Belt used and enjoyed by many happy walkers and families, pets, and a great variety of rural wildlife.</p> <p>The proposed house will be costly to construct, and the land expensive, but for the generosity of the Patel family. It is appropriate that the sum paid, or the agreement entered into with the Patels, as to the possible future payment for the land should be disclosed - whether the land is paid for now, or in the future, it still forms part of the project cost, and the relative affordability of alternative options. The prohibitive cost of alternatives has been sighted in the application.</p> <p>We note that the applicants have not approached us in relation to the sale of our house, which has been for sale since March 2022 until December 2022, rendering their suggestion they "tried everything" questionable. Our house is some one hundred yards away from the proposed development site.</p> <p>The house adaptations needed in the proposal can be made to most houses. Certainly, to our own, which already has planning permission in place for alterations.</p> <p>We walk frequently about the Water End area and have not seen a public notice of the planning application posted.</p>
Littlehill, Noake Mill Lane	<p>This proposal is inappropriate development (1) and the applicant has not demonstrated very special circumstances at least in terms of length of search (2).</p> <p>1. This is beautiful, unspoilt pasture land which is even more impressive because of its sheer size. The development would not just affect local residents but also walkers (there is a public footpath along the whole length of the field continuing from Willows Lane</p>

	<p>towards Hemel Hempstead) who all enjoy the view of the field.</p> <p>The proposal might only relate to a corner of the field but it would be as good as cutting a whole chunk out of it as the section behind the house would become invisible from the road.</p> <p>Furthermore, this proposal is a luxurious facility (carer accommodation, swimming pool, wellness area) and provides far more than what was advised by medical professionals. To provide a safe environment for their daughter, the applicant could adapt and/or extend their current home or even build on brown field, none of which would cause harm to the Green Belt like this proposed house or even a less ambitious proposal would. It might even be easier to find a more suitable site if the proposal was less ambitious/more in tune with medical advice. Also, considering that daily use of the pool is also recommended, the family might consider finding a house near Stanmore to be closer to the local hydrotherapy center for when Lexi is finally accepted.</p> <p>2. The applicant talks of "tireless search" of "extraordinary length" but this actually only spans over a few months (self-build register dated February 2022 and earliest property viewing dated May 2022). In our particular case, it took us two whole years of active search to find the property we are now living in!!</p>
Meadowview, Noake Mill Lane	<p>This proposal is an inappropriate development due to this area being beautiful green belt land which is well used by local residents, walkers and wildlife moving through to the adjoining fields.</p> <p>If planning and a change of use is granted (even for one dwelling) this would give free rein for the whole of the area being opened to development. Once this green belt land has been spoilt there is no going back or undoing it.</p> <p>I do not feel that the search for a suitable dwelling has been explored fully and thoroughly. There are many other options out there that would be suitable to meet the suggested medical needs of the family without taking up green belt land and opening the field to unwanted builds.</p> <p>Local residents have strived to pay a higher premium to live near such an area of natural beauty. The status of 'green belt' should mean exactly that, with the assurance that areas such as this are protected from any development big or small, now or in the future</p> <p>ADDITIONAL COMMENTS</p> <p>PLANNING DEPT - DBC - PLEASE NOTE!!</p> <p>On Wednesday the 25th of January in the Houses of Parliament during Prime Ministers Question Time, Sir Mike Penning the MP for our local area asked Prime Minister Rishi Sunak this question:</p> <p>"Can the prime minister assure me that we will not be pushed into the green belt any more than we already have been and that we can protect the Chilterns in my constituency?"</p>

	<p>Prime Minister Rishi Sunak gave his positive assurances in reply. In part of his reply he said: "this government will always protect our precious green spaces. The recent changes in our planning reforms will ensure that we can protect the green belt everywhere. His (Mike Pennings) local community and others will benefit from those protections as we keep our local areas beautiful."</p> <p>After the event, MP Sir Mike Penning said: "I am pleased that the prime minister backed protection of the green belt. He is right, it is precious. People move to Hemel Hempstead because of access to green spaces and the proximity of the beautiful Chilterns. It is a fine balance, we desperately need new homes, but we cannot just keep building on green belt land."</p> <p>This is further strong testimony that this application must be declined &amp; this development must be rejected in its entirety and should definitely NOT be allowed to continue in any shape or form on this green belt land.</p>
Hedgerows,	<p>The main concern with the proposed development relates to the principle of the development in the Green Belt and that it is inappropriate development in the Green Belt by definition and there is additional harm to the openness and the purposes of the Green Belt. We consider that the very special circumstances put forward do not set aside the harm identified.</p> <p>The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and the provision of a treatment and wellness room. However, accommodation suitable for Lexi could be either built or modified at a location that is not Green Belt. I note that the Applicant has taken steps to do this and has determined it is not cost effective. This implies that the issue here is money. Green Belt land once built upon is lost as such is irreplaceable. The Applicant on the other hand has choices as to location, size of the property and or to raise more money.</p>
Little Oaks, Potten End Hill.	<p>I object to this proposal for change of use and the construction of a dwelling on the above site. This is a green belt field and if this was to be given would open up future developments on the same field. Before we would know it a green belt field would be covered in properties. I find it very hard to believe that they cannot find land elsewhere that is not on green belt land to develop on or an existing property that can be developed to cater for their needs.</p> <p>They said that they had tried all options of obtaining land or an existing property to convert and the Patels were the only ones to offer this piece of land. It is now very suspicious that the Patels have now opened up a company dealing in real estate.</p> <p>As said before we would, if not careful have a complete housing development on a green belt field</p>

<p>The White House, Potten End Hill</p>	<p>The main concern with the proposed development relates to the principle of the development in the Green Belt and that it is inappropriate development in the Green Belt by definition and there is additional harm to the openness and the purposes of the Green Belt. We consider that the very special circumstances put forward do not set aside the harm identified.</p> <p><b>SITE AND SURROUNDINGS</b></p> <p>The application site comprises of an undeveloped parcel of agricultural field extending to 0.18 acres located to the west of Willows Lane. The site is defined by a hedgerow along the northern boundary and a wooden fence along the eastern boundary, which forms the boundary with Willows Lane. The site is accessed via Willows Lane, which is a private road and provides access to a small number of properties. Willows Lane has a public right of way along it which enters the field where the application site is located. The site is in a semi-rural location and set away from residential properties.</p> <p>The site is also located in the Water End Conservation Area and within the High Gade Valley Landscape Area 123. It is however not adjacent to a Listed Building. The site is also not within the Chilterns Area of Outstanding Natural Beauty (AONB), although Potten End Hill forms the edge of the Chilterns AONB.</p> <p>The Council's planning records for the site show only one planning application at the site, which was for solar panels and is detailed below.</p> <p>Planning Reference 20/00189/RET: Retention of change of use from pasture to two rows of solar panels.</p> <p>Refused due to:</p> <ol style="list-style-type: none"> <li>1. The panels by reason of their location and scale would significantly harm the current and lawful openness of a substantial area of land within the Green Belt through the resultant encroachment of the countryside, failing to meet the expectations and contrary to the National Planning Policy Framework's (2019) Paragraphs 133, 134(c) and 146, representing inappropriate development and Policy CS5 (Green Belt) of the Dacorum Core Strategy (2013).</li> </ol> <p>The submitted very special circumstances put forward to justify this renewable energy project do not outweigh the harm by reason of this inappropriate development with reference to the expectations of Paragraph 147 of the National Planning Policy Framework.</p> <ol style="list-style-type: none"> <li>2. The application site as shown by the submitted Site Location Plan is identified as pasture land. The use of this land for either agricultural or equestrian pasture purposes is currently wholly compatible with keeping the land open in the Green Belt in accordance with the National Planning Policy Framework's to 'Protecting Green Belt land' by safeguarding the countryside from</li> </ol>
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encroachment. The change of use of the part of the application site shown for the solar panels, when considered in conjunction with the change of use of the remainder of the application site, would result in the loss of openness of the Green Belt through the encroachment of the countryside. This would be contrary to Paragraph 134 (c) of the National Planning Policy Framework and Policy CS5 of Dacorum Core Strategy with the associated loss of the pasture land which maintains the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the openness of the Green Belt, as referred to by Reason 1.

3. The panels by reason of their location and scale would be harmful to the setting of the Water End Conservation Area contrary to Policy CS27 of Dacorum Core Strategy (2013) and, saved Policy 120 of Dacorum Local Plan (2004).

#### PROPOSAL

Planning permission is sought for the change of use of the land to residential and the construction of a dwellinghouse, associated amenity space and parking. The proposed dwelling would be over two floors and at first floor will provide a self-contained carers accommodation, which would be above where the applicant would reside. Access to the site would be gained via Willows Lane and there would be the provision of on-site car parking on the site.

#### PLANNING OBJECTION

The application site lies outside of any existing settlement, within the designated Green Belt as defined on the Proposals Maps of the adopted Local Plan. The National Planning Policy Framework (NPPF) at Paragraph 149 advises that construction of new buildings is inappropriate development in the Green Belt. There are exceptions which are listed, although the proposed development does not meet any of those. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

Consistent with the NPPF, Policy CS5 of the Dacorum Core Strategy (CS) outlines 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.

Policy CS1 of the CS directs new housing development to the main towns, with Hemel Hempstead being the focus for new homes and the market towns and large villages accommodating new development for housing. It outlines that the rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.

There is no dispute that the proposed new dwelling involves inappropriate development, which is by definition, harmful to the

	<p>Green Belt. This is also accepted by the Applicant. Subsequently the proposed development conflicts with Policies CS5 and CS1 of the Dacorum CS and the NPPF. Openness of the Green Belt</p> <p>Paragraph 133 of the NPPF makes it clear that the Government attaches great importance to Green Belt and the protection of its essential characteristics. The NPPF defines one of the essential characteristics of the Green Belt to be its openness. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.</p> <p>There is not a formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect. Harm by way of a loss of openness, both in terms of the visual component of openness and the spatial loss of an open site to development attracts substantial weight. The existing site is free of any form of development and it is therefore open. The introduction of a new house on this site will result in a substantial loss of that openness.</p> <p>Spatially, the proposed development would result in a significant reduction in existing openness simply by the introduction of a new dwelling. Visually, the effect of the development would be visible from a number of surrounding vantage points.</p> <p>To the north of the site, the proposed development would be less visible as a result of the adjacent built forms of the houses along Willows Lane. However, to the south and to the west, the land is open and the open and undeveloped countryside extends beyond the site. In addition, a public footpath traverses along Willows Lane which goes past the application site and into the open field where the development is proposed. Therefore, the loss of visual openness as a result of the development will be high.</p> <p>In conclusion, the overall harm to the openness of the Green Belt will be substantial. Encroachment and other Green Belt purposes.</p> <p>Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves. Criteria c) is: to assist in safeguarding the countryside from encroachment.</p> <p>The proposed development would introduce a built form of development on the site which will replace the open countryside and encroachment would thereby be incurred, which would lead to substantial harm and conflict with Paragraph 134(c) of the NPPF.</p> <p>Summary of Green Belt harm The proposed development would incur definitional harm as inappropriate development and would impact further on the openness and the purposes of the Green Belt through encroachment. Of note, planning application reference 20/00189/RET at the site for the Retention of the Solar Panels was refused due to the proposal being inappropriate in the Green Belt</p>
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	<p>and its impact on the openness of the Green Belt through the encroachment of the countryside.</p> <p>The Case Officer report outlines that:  'There would be a very significant negative effect upon the openness of this tract of green belt through the resultant encroachment of this part of the countryside, conflicting with the expectations of Para 134 (c). This would be due to the panels location and scale in an otherwise unbroken tract of land with a substantial spatial impact'.</p> <p>The proposed development for a new dwelling would have more impact to the openness and the purposes of the Green Belt than the solar panels as the proposed house would be substantial and larger than the refused solar panels in terms of height, width, and overall scale.</p> <p>Landscape Character Area</p> <p>The site is located in the High Gade Valley Landscape Character Area which is defined by:</p> <ul style="list-style-type: none"> <li>• steep valley slopes;</li> <li>• long views along the open alley;</li> <li>• traces of downland scrub and woodland;</li> <li>• clustered settlement along watercourse;</li> <li>• wet woodlands and grazing meadow;</li> <li>• sweeping arable fields;</li> <li>• floodplain and wetland vegetation;</li> <li>• ancient settlement; and</li> <li>• ornamental nurseries and associated planting.</li> </ul> <p>The strategy and guidelines for managing change in this area includes to:  'Ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are to be screened from view where possible and native species are used for hedging and tree planting to the perimeter'; and Proposals to change agricultural land to other uses such as golf course should be very carefully examined and should only be permitted where they do not undermine the distinctive character of the landscape'.</p> <p>The intrusion of the proposed substantial dwelling into what is an open and undeveloped field would fail to consider and strengthen the character and appearance of this area and would have a negative impact on the High Gade Valley Landscape Character Area and would introduce built form into the open and undeveloped countryside.</p> <p>Heritage</p> <p>The Site is located adjacent to the Water End Conservation Area, which is a designated heritage asset. The Council's website outlines that; 'Conservation Areas are those of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Generally, it is the appearance of the area, rather than individual buildings, that justifies the designation'.</p>
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Policy CS27 of the CS states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and is appropriately enhanced. It continues to outline that development will positively conserve and enhance the appearance and character of conservation areas.

In my opinion, the significance of this part of the Water End Conservation Area is derived from the small cluster of properties set amongst the agricultural fields. The agricultural fields to the south of the southern edge of the Conservation Area makes a positive contribution to the setting of the Water End Conservation Area.

Although there is no statutory requirement to consider the setting of conservation area, Paragraph 200 of the NPPF states that harm to a designated heritage asset, including arising from development within its setting, requires clear and convincing justification. This is reflected in Policy CS27 of the CS. The Site is immediately to the south of the Water End Conservation Area and will have an impact on the setting of the Conservation Area. The development of a new dwelling in this open countryside setting will introduce built development into the green gap and diminish Water End Conservation Area's setting. As such there would be harm to the setting of the Water End Conservation Area.

Therefore, the proposed development will have a negative effect on the setting of the Water End Conservation Area and would cause 'less than substantial harm' to this part of the conservation area.

In line with Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Subsequently, the Applicant should be demonstrating the public benefits of the proposal and outline that the harm would be more than outweighed by these, which has not been addressed within the submission.

#### Sustainability

The application site is located within a semi-rural area, some distance from Hemel Hempstead or Potten End which are the closest town and village retrospectively to the site, where there are amenities and facilities. The roads that lead to these locations are undesignated roads and Potten End Hill has no pavement along it. In terms of public transport, there are bus stops along Leighton Buzzard Road, however these are some distance from the site. For travel further afield, the nearest railway station will be at Hemel Hempstead.

Therefore, it is concluded that the site is only accessible by private vehicle. It is in an unsuitable and isolated location, as it would fail to



	<p>provide satisfactory access to services and facilities by means other than the private motor car.</p> <p>Very Special Circumstances</p> <p>Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Paragraph 148 of the NPPF outlines that: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.</p> <p>In addressing this subject, the Courts have made clear that a particular mathematical exercise is not required. Rather a single exercise of judgment is necessary. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or uncommon.</p> <p>A case of very special circumstances has been put forward by the applicant. In this instance, the case rests on the applicant's personal / medical circumstances which are crucial to their case and the need for the development. Details of their daughter's needs have been provided in the Applicant's submission and supporting information.</p> <p>Amount of Accommodation Provided</p> <p>The proposed dwelling would include a three-bedroom property, with a living area; car port; treatment and wellness room which would include a hydro pool; and first floor accommodation to provide an annexe for a live in carer who would include a separate kitchen and living room, bathroom and bedroom. The first-floor accommodation would be accessed via a separate access from the proposed porch and would be fully self-contained. Additionally at first floor there would be an office / storage area.</p> <p>The supporting information provides numerous supporting medical letters from health professionals.</p> <p>This includes a letter from the Royal National Orthopaedic Hospital which outlines that:  XXX parents are looking to rebuild and modify their home to provide a safe environment for her. This will hopefully reduce the potential for injury, and thereby lessen the impact of disease progression on her. It could mean that by the time drug treatments do become available that her condition has not progressed too far and she can still benefit from them.</p> <p>Dr Murtuza A Khan outlines the following provisions required for their bespoke housing request:</p> <ul style="list-style-type: none"> <li>• No stairs;</li> <li>• Wheelchair access at all points to and inside the house</li> <li>• Larger doors and entrances</li> <li>• safe wet room to eliminate bathroom slippage</li> <li>• soft/padded floors</li> </ul>
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	<ul style="list-style-type: none"> <li>• Size enough utility room to safely store medicine and required apparatus E.g. wheelchair in future years.</li> </ul> <p>An email from Rachel Calter: Speciality Community Public Health Nurse – Health Visitor outlines that</p> <p>'It is my professional opinion that it is in XXXX best interest to have a home all one level due to her individual needs'.</p> <p>The Hertfordshire Community NHS Trust have provided a letter which also lists Lexi's requirements.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Dropped kerb/parking hardstanding</li> <li>• Parking area and access should be well lit and surface should be firm, even and smooth;</li> <li>• a covered parking space with covered access to main door may be of benefit during transferred for example during icy weather;</li> <li>• accessible step free approach to main access doors;</li> <li>• 1500 x 1500mm platform to turns and doors</li> <li>• where plot is not level a ramp with a gradient of 1:15 is recommended;</li> <li>• main access doors to have 900mm, clear opening and a level threshold;</li> <li>• large hallway with clear turning circle of 1900mm</li> <li>• step free access/levels floors around property;</li> <li>• internal doorways should be wheelchair accessible with min 900mm clear opening;</li> <li>• turning space of 1900, clear of any obstruction in Lexi's bedroom, bathroom and communal/family areas;</li> <li>• Lexi's bedroom, bathroom and family rooms to be accessed from large hallway instead of via corridors or passage ways; and</li> <li>• where a corridor is a necessity best practice is 120mm min wide to accommodate 90-degree wheelchair turns into a doorway.</li> <li>• Lexi will benefit from her own bedrooms; and</li> <li>• Lexi may benefit from having her own large wet room or bathrooms.</li> </ul> <p>The proposed dwelling would include a treatment and wellness room which would include a hydro pool together with a first floor to include a separate annexe for a live in carer and office. These are not specified as required by the medical health professionals referenced above and would therefore exceed the amount of accommodation required. Whilst it is appreciated that at Paragraph 19.34 of the Design and Access Statement (DAS), the Applicant's daughter would benefit greatly from hydrotherapy and at Paragraph 19.36 of the DAS the requirement for a hydrotherapy pool has resulted in an almost insurmountable challenge in terms of finding a suitable site.</p> <p>However, from the information provided there is a lack of overall specific medical evidence that has been provided outlining that a hydrology pool and wellness area is an essential requirement for the family. Additionally, the proposals include a separate unit of accommodation for a live-in carer, which again is in excess of what is</p>
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	<p>essentially required and outlined by the medical health professionals.</p> <p>A recent appeal decision reference, APP/Y3615/C/21/3272739 for extensions in the Green Belt where the case relied on the very special circumstances of the appellant, was dismissed at appeal. That appeal decision is included at Appendix 1 of my comments.</p> <p>Paragraph 53 however outlines that:  'I also heard that it is unusual for live in carers to have their own accommodation. Under care regulations they need only have their own bedroom and would expect to share the family bathroom'.</p> <p>The proposed development provides for a fully contained unit of accommodation, including a kitchen, sitting area, bathroom and bedroom all at first floor and accessed via its own separate door. Similarly, to the appeal, there is no evidence to demonstrate that a live-in carer is a requirement and indeed that a separate form of accommodation is required.</p> <p>From the information provided by the medical health professions, it is understood that the Applicant requires a single storey property with wheelchair access. It is considered that the amount of accommodation proposed in the dwelling far exceeds what is essentially required for the Applicant and there is no convincing evidence that the entire amount of development proposed is an essential requirement for looking after their daughter and coping with her ongoing medical conditions, however desirable that may be.</p> <p>It is our opinion, any development that is inappropriate in the Green Belt which causes additional harm to the openness and the purposes of the Green Belt, should be demonstrated to be the absolute minimum that is required to avoid any further unnecessary harm. In this instance, the proposed development would appear to far exceed the minimum development required and therefore as a result, this consideration should be given limited weight.</p> <p>Alternative Site Search  The Applicant outlines that they have searched for alternative sites to the application site, which has not been successful. The DAS lists a number of things the Applicant has undertaken which includes a Market Housing Search, being placed on the Self Build Register, Enquires with Dacorum Council, media campaigns and market housing searches. The DAS concludes that: 'the Applicant has gone to extraordinary lengths to try and identify a site other than that which is the subject of this application.</p> <p>However, a combination of low supply, high demand the exceptional modifications that any existing property would need to undergo have all led to their attempts being fruitless'.</p> <p>Paragraph 19.48 of the DAS lists a number of estate agents that the Applicant has registered with. At Paragraph 19.49 of the DAS, the Applicant outlines that: 'the nature of the proposed project and the related construction costs and the current properties available on the market has resulted in those being viewed being unsuitable'.</p>
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The Applicant outlines at paragraph 19.50 of the DAS that the applicant has provided a 'snapshot' of a number of the 'on market' properties that have viewed and the reasons why they were considered unsuitable for the proposed project.

For example, the Applicant outlines that No. 44 Crouchfield was extremely expensive, with offers over £700k and the remodelling required would be between £300k and £500k.

Whilst the cost of some of the properties may be too high for the Applicant, no supporting financial information has been provided by the Applicant to evidence their financial situation with details of their income, mortgage and other limitations and to demonstrate that this property is not achievable.

Additionally, the Applicant's information does not provide information about the cost of the site, other than at Paragraph 19.59 of the DAS that: 'the application site provides a readily available opportunity at a nominal cost'. However, using PSA which is an online Self Build Cost Calculator, estimates the cost of a new dwelling of a similar size to that proposed to be approximately between £785,941.68-£1,008,237.50 depending on if the property is a 3 or 4 bedroom dwelling. This however does not include the cost of a treatment and wellness room with a hydro pool, which could be considerably more.

The results of the PSA are attached as Appendix 2 (to this statement)

This argument is also relevant to the Self Build Plots, which the Applicant outlines that the plots will be listed at over £600k.

Furthermore, at paragraph 19.51 of the DAS the Application outlines that 'none of these properties have been subject to a planning assessment. Achieving planning permission is never guaranteed, and any applications required to enable the necessary works to be undertaken would have resulted in uncertainty, further costs and delay'.

The Applicant would appear to have sold their property and are depending on this proposed development to gain planning permission. Purchasing an existing house and waiting for planning permission to extend or to rebuild, would be no different to this planning application. Indeed, if the property was within a built-up area, it is likely to have more certainty and less delay given the site would be previously developed and contains an existing house, unlike this undeveloped open countryside site.

From our own search for properties and land, there are numerous properties within a 10-mile radius of the application site that are available on Right Move www site. Some of which have been included at Appendix 3 (to this comment). They include existing houses which are at a price that is lower than £700,000 and potentially could provide an opportunity for the Applicant to either adapt the existing house; or demolish the house and rebuild, in line

	<p>with the requirements of their daughter. Included within those listed in Appendix 3, are some plots of land, which have the potential to also meet the Applicant's requirements.</p> <p>As stated at Paragraph 19.60 of the DAS, the undeveloped nature of the application site dictates that the dwelling can be purpose built from the ground up, without the need for adaptations to made to an existing property of for any to be made to the proposed property in the future. However, a potential plot of land in an existing urban area would provide the same opportunity as the application site, albeit it would not be an undeveloped piece of land in the Green Belt. The information provided to support this application, does not provide sufficient justification and detail why existing properties have been dismissed.</p> <p>For example, a bungalow in Kings Langley, approximately 6 miles from the application site, is for sale for £550,000 with planning permission granted for a 4 x bedroom house. Whilst that planning permission may not offer the accommodation that the Applicant requires, the principle of the demolition of the property and erection of a new dwelling has been established. That property is referenced below.</p> <p>Property in Kings Langley on Rightmove</p> <p>Additionally, a further bungalow is listed on Rightmove in Hemel Hempstead which Rightmove mentions as a Redevelopment potential with a wide plot. Whilst it is appreciated that this property went onto the market in November 2022 after the application was submitted to the Council, it demonstrates that it is another previously developed site that could offer what the Applicant requires within a built-up area and not using undeveloped Green Belt land.</p> <p>Property in Hemel Hempstead on Rightmove</p> <p>Furthermore, in Northchurch there is a further bungalow that is on the market for £575,000 and outlines that the property offers an 'excellent chance for a buyer to purchase a blank canvas with an abundance of potential to extend, removed or perhaps even replace totally STNO'.</p> <p>Property in Northchurch on Rightmove</p> <p>These few examples of properties mentioned above provide a snapshot of what is available on the market at the moment within approximately a 6-mile radius of the site. It is unclear why these properties are unsuitable for the Applicant which do provide an opportunity to extend or replace with another property on previously developed land and which would not harm the Green Belt.</p> <p>Furthermore, a property has been on the market in Willows Lane recently and whilst this has now been sold subject to contract, at no time has the Applicant approached the owner or made an offer to purchase the dwelling. This property was available for purchase, will full planning permission in place to undertake significant alterations, from March 2022 and hence was openly available during the</p>
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applicant's search. Whilst it is appreciated that it had a price of £1,500,000, no financial information has been provided by the Applicant to demonstrate that this is outside their limitations.

Furthermore, the Applicant has not considered all parts of the agricultural field in which the application site is located and which is owned by Dr Patel and his family. To the south of the site there is a farm building which was previously used as a heliport. This is a previously developed site with a building located on it. It is considered that a dwelling in this location, could potentially have less harm to the openness and purposes of the Green Belt, than the dwelling proposed. This option has not been fully explored within the details provided.

In conclusion, it is considered that whilst it is appreciated that the Applicant has looked into other sites and options, it has not been fully evidenced that their search has been unfruitful. There are existing properties on the market within a 6-mile radius of the application site that have the potential to be able to meet the requirements of the Applicant. Additionally, no financial information has been provided by the Applicant to support their claim that the cost of some of the properties and the cost to remodel those houses would be too expensive compared to the cost of purchasing the application site and building a new home of the size proposed with the facilities within it.

#### The Appeal Decision

An appeal decision has been provided by Applicant at Glebe Fields, Field 2 Glebe Lane for a 'unique, innovative, sustainable designed single-family dwelling of 330sqm, which exceed the latest energy performance standards and fits in eloquently within its rural setting. The 4-bedroom house with surrounding restored and enhanced landscaping will be wheelchair housing standard complaint to offer the power and his facility quality of life, whilst dealing with a chronic debilitating illness when the equestrian use is changed to residential use'.

That appeal was allowed, and planning permission granted. The Applicant considers that this is comparable to this proposal, which relied heavily on the very special circumstances of the Appellant.

The appeal site however comprised of a stable with associated hardstanding and grassed area, as mentioned at Paragraph 6 of that appeal decision. It would therefore appear that the appeal site was indeed a previously developed site, unlike the application site which is an undeveloped agricultural field. Although it is appreciated that the Inspector did find that the proposal was inappropriate development. Determining whether very special circumstances exist depends on evaluating the balance between planning factors. It falls to the decision maker to decide what the very special circumstances are in that case and if they outweigh the harm to the Green Belt. The weight to be given to a particular factor will be very much a matter of degree and planning judgement and something for the decision taker to consider.

Whilst the Applicant has provided an appeal decision which outlines where the Inspector has taken the personal circumstances of the Appellant into consideration, there are also many appeal decisions that consider the personal circumstances of the Appellant do not set aside the harm to the Green Belt.

For example, appeal reference APP/Y3615/C/21/3272739, included at Appendix 1 outlines at Paragraph 61 that;

'However, I am not satisfied that the extensions are essential requirement for looking after their son and coping with his ongoing medical conditions, however desirable that may be. There are a number of letters from various NHS consultants but these refer to matters not directly related with the need for the extensions.....There is a lack of overall specific medical evidence to demonstrate the son needs his own suite of rooms, or a gym/physio or even the type of equipment he needs. There is no overriding medical assessment or timescale for when his care may change and timescale for when alive in career would be needed, other than references to 'sometime in the future. Hence at the moment there is no substantive evidenced justification for the extensions, and in particular the carer's wing, which the appellants consider to be the most important.'

Paragraph 68 outlines that:

'On the other side of the balance are the appellant's personal circumstances. I am sympathetic to the applicant's desire to care for their disabled son at home and future proof it with the provision of live in career's accommodation. However, in my view there is inadequate medical or other justification to demonstrate that the dwelling could not have been internally modified or reconfigured; or that the extensions were expressly needed for their son's care; to that they had to be designed and of the size they are' or that smaller extensions were not possible. For these reasons I give limited weight to the appellants' person circumstance.'

Paragraph 69 continues to outline:

'I therefore find the other considerations advanced in this case do not clearly outweigh the totality of the harm identified to the Green Belt, the AONB and the character and appearance of the dwelling. Consequently, the very special circumstances necessary to justify the development do not exist'.

Therefore, it is clear from this appeal that it is a matter of judgement the considerations that are put forward, but for the considerations to be considered to warrant the very special circumstances required to set aside the harm, it must be demonstrated that there is no other option and all other avenues have been exhausted; and that the size of the proposed development and the provision of ancillary accommodation such as a treatment area and wellness room with a hydro pool and carers accommodation are a necessity and the proposed development provides the minimum amount of development that is necessary.

In this instance, as mentioned above, we are not satisfied that the Applicant has justified and evidenced the need for this amount of

	<p>development and that there are no alternative locations within a 6-mile radius of the application site that could satisfy the Applicant's needs but result in no harm to the Green Belt or other material harm.</p> <p>Furthermore, no financial information has been provided to support the claims that some of the properties are too expensive.</p> <p><b>Housing Need</b>  The Applicant outlines that Dacorum Borough Council do not have a 5-year housing land supply and the proposed dwelling would contribute to their housing need. Paragraph 11 of the NPPF outlines that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless, the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This includes those sites that are on land designated as Green Belt.</p> <p>Therefore, the tilted balance is not engaged as the site is in the Green Belt. This is supported by the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh the harm to Green Belt and any other harm so as to establish very special circumstances. Additionally, given that the development is for only one dwelling, this would not significantly boost the housing supply for Dacorum Borough Council. Therefore, this material consideration provides only very limited weight.</p> <p><b>Planning agreement</b>  The Applicant considers that given the unique circumstances of the case, should planning permission be granted, this should be subject to the provision of a Unilateral Undertaking which would limit the occupancy of the dwelling to the Applicant's family and those parties with a direct care responsibility to their daughter's condition.</p> <p>However, the development would be physically present for the indefinite future continuing to cause harm to the Green Belt, the Water End Conservation Area and the High Gade Valley Landscape Character Area. The imposition of a unilateral undertaking would not reduce the harm to the Green Belt or these other harms that have been identified and would not reduce the impact if the family decide not to live in this location anymore.</p> <p><b>Planning Balance and Conclusion</b>  The development represents inappropriate development in the Green Belt, which is harmful by definition. There is also further substantial harm to the openness of the Green Belt and the purposes of the Green Belt through encroachment into the countryside. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.</p> <p>Any harm caused to the Green Belt must be given substantial</p>
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	<p>weight. Great weight must also be given to the harm that is caused to the Water End Conservation Area and to the High Gade Landscape Character Area. Therefore, it has been identified that there are planning objections to the proposals. The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and provide live in carer's accommodation and the provision of a treatment and wellness room.</p> <p>However, in our view, there is inadequate medical justification to demonstrate that the extent of the proposed accommodation is essential for the Applicant's daughter. It is our opinion that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements.</p> <p>Additionally, there are a number of other properties and land that is available within a short distance of the application site that could potentially be adapted or indeed demolished and rebuilt, to provide for the Applicant. We are not satisfied that the Applicant has evidenced sufficiently and robustly that there are no alternative locations that could satisfy the Applicant's requirements and result in no harm to the Green Belt. Furthermore, there is also a lack of financial information that has been provided to justify the reference to the Applicant's limited financial situation. Therefore, it is considered that only limited weight can be given to the Applicant's personal circumstances.</p> <p>We therefore find that the considerations that have been put forward by the Applicant do not clearly outweigh the totality of the harm that has been identified to the Green Belt, including to its openness and the purposes, the Water End Conservation Area and the High Gade Landscape Character Area.</p> <p>It is therefore considered that very special circumstances do not exist to justify this inappropriate development and the application should therefore be refused.</p>
180 Marleigh Avenue, Cambridge	<p>I wish to Object.</p> <p>The immediate area adjacent to the proposed development site is the family home that for 25 years I grew up in. During that time I had the opportunity to live in an area of Green Belt land that the proposed development will, by admission of the applicants, be materially harmed.</p> <p>Whilst I have sympathy for the applicants' very special circumstances, I feel their needs can easily be met by numerous existing properties that can be acquired and re-developed to meet their needs. Specifically, a bungalow with wheelchair access and in close proximity to the specialist services they require, such as a hydrotherapy pool in Stanmore. The proposed development site is further from these services in Stanmore than the previous family home in Kings Langley.</p>

	<p>During my time, growing up as a child in the family home, The White House, Willows Lane, my father died due the wicked and tragic disease of Cystic Fibrosis, which is an equally tragic issue to those faced by the applicant's family.</p> <p>Any material changes to the immediate Green Belt land, as per the proposed development, will irreparably damage future generations of not only my, but also future families, that wish to live in areas like Willows Lane where the belief is that the unspoilt and open nature of the Green Belt is perceived to be protected, through Planning Process and precedent.</p> <p>Since my father's death, my mother has strived to maintain the family home to both protect the very special memories we have and also to maintain a legacy for my lost and departed father's immediate family. The proposed development will have a material impact on both. I'd highlight that many of the supporters of this application do not/have not lived in the parish and perhaps are not even aware of the immediate surroundings unlike myself. I lived there for 25 years and still consider the White House to be my family home.</p> <p>To that end the applicants proposed location still hold precious very special circumstantial memories for me that, if the application is approved, will be forever lost. In the same way that this area of Green Belt, once developed will also be irretrievably lost.</p> <p>When considering the applicant needs, for a 3 bedroom bungalow that can be modified for wheelchair access and in close proximity to Stanmore, I find it untenable that the proposed site, creating material harm to the Green Belt is the only option available. I understand that there are approx.. 100 properties for sale, in the immediate area that could meet their needs.</p> <p>I urge the respective planning authorities to refuse this application, linked to change of use for this Green Belt land, to protect and maintain the local environment for this and future generations</p>
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## SUPPORTING COMMENTS

Address	Comments
Gade Valley Junior Mixed Infants School	<p>We as a school are aware that this house is designed for Lexis needs but we are extremely mindful of Ronnie's needs too, he is currently in our Reception class and will of course be living at the property. We are currently working with Ronnie in his transitional period to understand his role as a big brother to someone with such a rare condition. It has been suggested Ronnie will start to work with carers organisations to learn how to cope with Lexi and the impact her illness will have on the both of them. As a school we are the recommended location for Lexi to join and her EHCP application is already being processed due to her specific and rare needs, with additional support from outside agencies.</p> <p>She will require a 1-2-1 at all times at school and as Ronnie already attends our Reception we are already doing everything we can to</p>

	<p>safeguard both children and support the parents through the children's school years. Hours of effort have been put into both children's school plans and I would not recommend moving them out the area and attending another school. We will offer the best care for these children in this unique situation hence why this location of land is the most suitable for this family. They can drive to school from Willows Lane to Gade Valley. Anything further away would not only compromise their care due to others lack of understanding and experience but also create great upset and disturbance for the Robins family, particularly Ronnie. As a school we highly recommend this build and the stability it is able to offer to both children</p> <p>.</p>
International FOP Association (IFOPA)	<p>Please take this as conclusive when I say that there is no greater authority, globally, to be able to advise on the FOP condition or the severe impact it has on the communities and families.</p> <p>I have reviewed the Robins family plans in detail and we, as the IFOPA, are in full support of the critical need for all aspects of the proposed dwelling. Not only are we in full support of the plans, we are very concerned with some of the objection comments relating to the medical condition and what others deem 'best' or 'necessary' for an FOP patient. Not only is much of this grossly inaccurate and mis-understood, it demonstrates a significant disrespect to the medical professionals that have backed this bespoke dwelling.</p> <p>We are in full support of the medical professionals who are qualified, hold the attributes and spend countless hours, days and weeks best understanding this rare and cruel disease that affects the FOP community.</p> <p>If any of the 'objectors' wish to learn more about the FOP condition in order to correct their knowledge on this, then we can be contacted to discuss.</p> <p>If any of comments are coming from qualified medical professionals, then not only would we love to educate you further relating to the FOP condition, but we would also like to engage you in our 'Pursuit of a Cure' programme in order to find a way of combating this disease. Again, we are welcome to be contacted.</p> <p>We fully back every detail of the current proposed design, recognise each aspect as necessary and are in full approval of the application.</p>
Royal National Orthopaedic Hospital	<p>I am the UK specialist for the majority of patients with Fibrodysplasia Ossificans Progressiva (FOP). I have worked with the Robins family since Lexi's diagnosis last year. I agree with the OTs specific measurements of the house and, although I understand why they need to be on the small side, I believe this house would make a significant difference to Lexi's future welfare and capabilities. The chronic and progressive condition Lexi has means that her body needs protecting, and Mrs Robins has covered every need for her child for now and in the future within this floorplan. I hope this house is approved as it will make a big difference to Lexi needs. This house build for my patient therefore has my full support.</p>

	Professor Keen
22 The Avenue, Flitwick	I was a senior reporter for the Gazette last year and have worked with the Robins family throughout their diagnosis of Lexi and fundraising efforts for FOP. After the family called asking me to help them we tried to feature their land search in many articles including a front page spread pleading for land or a house to convert for their daughter and her needs. I believe they have tried everything possible to secure space for this bespoke build for Lexi and I hope this application is granted as I have witnessed them trying everything else.
4 Victoria Gardens	<p>Lexis condition was the first case of FOP I had encountered in 37 years as a paediatrician at Portland children's hospital, London. The family have worked very hard to do everything for their daughter and I support the care they are aiming to achieve from this house build. Daily Hydrotherapy is the best prevention and treatment currently for Lexi and being able to do this every day at home will make a big difference to her mobility. Please move forward and approve this special build for this one in two million condition, it is very important</p> <p>Dr Khan</p>

## ITEM NUMBER: 5f

<b>23/00195/FHA</b>	<b>Garage Conversion, Replacement Windows and Doors, Smooth Rendered Finish to Existing and New Walls, Single Storey Rear Extension, Cladding / Rendering of Existing Out-building / Garage Block.</b>	
<b>Site Address:</b>	<b>Russett View Dunny Lane Chipperfield Kings Langley Hertfordshire WD4 9DD</b>	
<b>Applicant/Agent:</b>	<b>Mr &amp; Mrs M Brookes</b>	<b>Mr Nigel Hammond</b>
<b>Case Officer:</b>	<b>Sally Robbins</b>	
<b>Parish/Ward:</b>	<b>Chipperfield Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>Applicant is a member of staff at DBC</b>	

### 1. RECOMMENDATION

That planning permission be **GRANTED**

### 2. SUMMARY

2.1 The site is situated within the Breen Belt, wherein small-scale development is permitted in accordance with Core Strategy Policy CS5. The proposed garage conversion, single storey rear extension and external alterations would not, by virtue of their sympathetic design, adversely impact upon the parent dwelling, neighbouring properties, the wider countryside, Chipperfield Conservation Area or nearby listed buildings. The proposal is therefore in accordance with Saved Policies 58, 119 and 120 of Dacorum Borough Local Plan (2004), Policies CS5, CS8, CS10, CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2021).

### 3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Dunny Lane in Chipperfield. The site is within the Green Belt and Chipperfield Conservation Area.

3.2 The application site comprises a detached bungalow with integral single garage, which is set into the hillside as levels rise towards the rear of the site. There is a detached outbuilding to the front of the site that comprises a double garage. There are several listed buildings in the vicinity, including neighbouring Lavender Cottage, which is locally listed.

### 4. PROPOSAL

4.1 The application seeks full planning permission for the conversion of the integral garage into habitable accommodation, a single storey rear extension and external alterations comprising replacement windows / doors and applying smooth render finish to the whole dwelling and new cladding or render to the detached garage at the site's frontage.

4.2 Planning permission was granted on 29 April 2022 for a single storey rear extension, new porch and other alterations. The approved scheme and the current proposal are entirely different proposals and could not be built simultaneously. The proposed scheme is a reduced alternative to that already approved.

### 5. PLANNING HISTORY

Planning Applications:

22/01733/FHA - Conversion of Swimming Pool Building to Annexe  
*GRANTED - 7th December 2022*

21/04404/FHA - Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description)  
*GRANTED - 29th April 2022*

4/00523/17/FHA - Extension above existing garage  
*GRANTED - 7th June 2017*

4/00702/09/FHA - Replacement of flat with pitched roof and three velux windows over existing extension and retiling of main roof  
*GRANTED - 23rd June 2009*

4/00010/09/LDP - Replacement pitched roof to extension and re-roof main dwelling  
*REFUSED - 26th February 2009*

4/01045/05/DRC - Details of sectional detail of driveway including surfacing materials required by condition 4 of planning permission 4/00353/05 (demolition of garage and construction of attached garage (amended scheme))  
*GRANTED - 27th June 2005*

4/00353/05/FHA - Demolition of garage and construction of attached garage (amended scheme)  
*GRANTED - 15th April 2005*

4/02679/04/FHA - Demolition of garage and construction of attached garage  
*WITHDRAWN - 5th January 2005*

4/01370/00/DRC - Details of roof tile required by condition 2 of planning permission 4/1595/98 (construction of building to accommodate swimming pool)  
*GRANTED - 11th August 2000*

4/00775/00/DRC - Details of facing materials required by condition 2 of planning permission 4/01595/98 (erection of building to accommodate swimming pool)  
*GRANTED - 5th May 2000*

4/01595/98/FUL - Erection of building to accommodate swimming pool  
*GRANTED - 11th December 1998*

## **6. CONSTRAINTS**

CIL Zone: CIL2

Chipperfield Conservation Area

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

Parish: Chipperfield CP

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 522, Details of Trees: G1 4x Common Ash, 1x Common Birch 2x Sycamore

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Visual Amenity and Heritage Assets
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

### Principle of Development

9.2 The application site is located in the Green Belt, wherein paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 149 goes on to list a number of exceptions to this, including 149 (c) 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

9.3 This is supported by Policy CS5 of the Core Strategy, which states that small-scale development will be permitted, including limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside. Regard is also given to Saved Policy 22 of the Local Plan, which requires an assessment based on the increase in floor area, allowing for a 30% increase. However, the more recent Core Strategy and NPPF do not contain such a prescriptive size limitation.

9.4 It is considered that any increase in floor area is often not fully representative of the impact on Green Belt openness. For example, in this case the built form of the proposed extension would be situated to the rear of the dwelling and, as the site levels rise towards the rear, there would be very limited perception of the proposed extension. It would not be seen from any public vantage points and within the site the extension would be seen against the backdrop of surrounding extensive mature landscaping, in addition to the rising land levels to the rear. Furthermore, control over size is more tightly applied at more isolated locations in the countryside, but may be more relaxed at the centre of settlements. As such, the limiting floor area size in Policy 22 is given limited weight. The main issue is whether the proposed extension is 'limited' and 'proportionate' and whether it would have a significant impact on the character and appearance of the countryside.

9.5 Although percentage increases are no longer typically used as a limiting factor in establishing whether an extension is acceptable in principle, these measurements do provide a good starting point in an assessment of the scale and proportionality of a development. From the planning history, it appears that the original building had a floor area of 111.7sqm. Historic additions to the dwelling have increased the floor area to 226.3 sqm, which equates to an increase of 102%. The current proposal seeks to add a further 26 sqm of floor area, resulting in a total floor area of 252.3 sqm, which represents a percentage increase of 125%. Notwithstanding the fact that percentage increases are no longer typically used as a limiting factor in establishing whether an extension is proportionate, it is clear that an increase of 125% is a substantial increase and cannot therefore be considered proportionate or a limited extension. The proposal is therefore inappropriate development in the Green Belt and is therefore not acceptable in principle.

9.6 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### *Green Belt Summary*

9.7 The proposal constitutes inappropriate development, which is by definition harmful to the Green Belt. In accordance with paragraph 148 of the NPPF, substantial weight is given to any harm to the Green Belt. The following assessment will consider whether very special circumstances exist whereby the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### Quality of Design / Impact on Visual Amenity and Heritage Assets

9.8 Core Strategy Policy CS12 seeks to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance. The application site lies within Chipperfield Conservation Area wherein development should preserve or enhance the character and appearance of the area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and Paragraph 197 of the NPPF. There are nearby listed buildings, therefore Saved Policy 119 of the Local Plan is relevant. Policy 119 seeks to ensure that any new development liable to affect the character of an adjacent listed building will retain the character and setting of the listed building



9.9 Paragraph 199 of the NPPF requires local planning authorities to give great weight to the conservation of designated heritage assets. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.10 When considering proposals that affect non-designated heritage assets, such as locally-listed buildings, paragraph 203 of the NPPF states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

9.11 Regard is also given to Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses, as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

9.12 The Council's Conservation and Design Officer has been consulted and initially raised concerns in relation to the roof form of the rear extension along with the proposed window size, design and position on the front elevation as it was felt that the proposed flat-roofed rear extension and visual appearance of the front elevation were somewhat incongruous. The proposed scheme has been through a number of design amendments and the Conservation and Design Officer is now satisfied with the proposal and has provided the following comments:

*"The cumulative effect of all the alterations to the fenestration on the front façade(s) was found to be problematic. These amended plans have now ironed out most of the alterations so that the house presents a more uniform fenestration character facing the road, particularly the north elevation. The French windows now have a Juliette balcony, the small bathroom window has been retained and the garage window now matches the window above.*

*As previously stated the rear extension is now acceptable.*

*I note that in an email dated 6th February the agent confirmed that the render will be cream/off white which is acceptable in principle but exact details should be supplied with an external condition.*

*Recommendation: No further objection. External materials condition needed which should also cover the new windows and doors."*

9.13 The single storey rear extension would comprise a dummy-pitched roof with eaves height to match the existing dwelling. Externally the dwelling would be finished in light coloured render. The detached garage to the frontage of the site would also be finished in cladding (as per the approved scheme ref. 23/00195/FHA) or light coloured render to match the parent dwelling. Given the garage's distance from the main house (approx. 40m), it is considered that either timber cladding or light coloured render would be acceptable. Overall, it is considered that the proposed extension and external alterations would result in a more contemporary appearance to the dwelling. However, given that the existing dwelling is modern and does not have any historic or architectural significance, it is not considered that the proposed contemporary design would be harmful to the existing dwelling. Furthermore, given the verdant nature and spacious layout of the plot, the proposed development will not cause harm to the surrounding area or wider countryside. Notwithstanding the above, it is considered reasonable and necessary to impose a condition requiring further details of material finishes, including samples of the proposed render, to ensure that the proposal is not overly prominent.

9.14 In terms of heritage assets, it is not considered that the proposed extension and external alterations would result in any material harm to the locally listed building or Chipperfield Conservation area.

9.15 Taking all of the above into account, the proposed development is considered to comply with Policy CS12 in terms of its visual impact. Furthermore, it is considered that the proposal would not unduly affect designated or non-designated heritage assets and would therefore comply with policy CS27 of the Core Strategy, Saved Policies 119 and 120 of the Local Plan, the NPPF and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Impact on Residential Amenity

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

9.17 There would be changes to window openings, however there are no significant concerns in relation to overlooking or loss of privacy owing to the spacious layout, substantial boundary treatment and significant separation distances from surrounding residential properties. The proposal complies with Policy CS12 in terms of residential amenity.

#### Impact on Highway Safety and Parking

9.18 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.19 The proposal would result in the loss of one car parking space within the integral garage. However, the submitted site layout plan shows that there would sufficient space on the external hardstanding for 7 vehicles, in addition to 2 spaces retained within the detached garage (total of 9 spaces). As a result of the proposed development, there would be four bedrooms within the main house. There is extant permission (LPA ref. 22/01733/FHA) to convert the swimming pool building to the rear of the site into an annexe containing one bedroom. The parking requirement for a five-bedroom dwelling in Accessibility Zone 3 is assessed on an individual case basis. It is noted that the requirement for a four-bedroom dwelling would be 3 spaces.

9.20 The proposed 9 spaces could be considered an over-provision, however bearing in mind the site's rural location within the Green Belt, it is not considered that there would be any harm caused. As such, it is considered that the proposal would be acceptable in respect of highway safety and parking provision.

#### Other Material Planning Considerations

##### *Environmental Health*

9.21 The Council's Environmental Health team have been consulted and raise no objections in relation to contaminated land, noise, dust, air quality etc. subject to the inclusion of informative notes.

##### Planning Balance

9.22 The proposed extension, in addition to previous extensions, would result in disproportionate additions to the original dwelling. This constitutes inappropriate development, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

### *Very Special Circumstances*

9.23 Extant permission fall-back - Planning permission was granted on 29 April 2022 for a single storey rear extension, entrance porch, single storey front extension and other external alterations. The approved scheme granted permission for an additional 54.3 sqm in floor area (28.3 sqm more than the current proposal). The current proposal is a reduced version of that approved. The extant permission is a very probable fall-back position that weighs in favour of the proposed development.

9.24 Permitted Development fall-back - The proposed extension could not be constructed using 'permitted development rights' as it would be connected to a previous extension and so would not comply with the criteria. However, it would be possible to extend the property in other ways, for example a larger rear extension that does not connect to a previous extension, a front porch, side extensions or an upward extension, which would be a realistic alternative if planning permission were refused. In addition, in order to secure this 'very special circumstance', and given the substantial cumulative additions to the property, permitted development rights would be removed should planning permission be granted. Any further enlargement and any further uncontrolled additions to the property would be restricted to maintain visual and spatial openness of the Green Belt, consistent with the purposes of the Green Belt at local and national level.

### Summary

9.25 Very special circumstances have been demonstrated above that clearly outweigh this harm. Furthermore, the above assessment has identified that there would not be any other harm arising from the proposal. The potential harm to the Green Belt by reason of inappropriateness is therefore clearly outweighed by other considerations, in accordance with paragraph 148 of the NPPF.

### Response to Neighbour Comments

9.26 No objections received.

### Community Infrastructure Levy (CIL)

9.27 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

## **10. CONCLUSION**

10.1 By virtue of their sympathetic design, the proposed single storey rear extension and external alterations will not adversely impact upon the parent dwelling, neighbouring properties, the wider countryside, Chipperfield Conservation Area or nearby listed buildings. The proposal is therefore in accordance with Saved Policies 58, 119 and 120 of Dacorum Borough Local Plan (2004), Policies CS5, CS8, CS10, CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2021).

## **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, to safeguard the visual character of the area, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

3. **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 further enlargement of the building or outbuildings, additional hardstanding or means of enclosure shall occur or development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Class A, Class AA, Class B, Class E of Part 1, Schedule 2**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality, preserve heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

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

**01 Rev K (Location and Block Plan)  
02 Rev L (SE and S Elevations)  
03 Rev N (W and N Elevations)  
04 Rev M (NW and NE Elevations)  
08 Rev J (Proposed Lower Ground)  
09 Rev M (Proposed Ground Floor)  
10 Rev K (Proposed Roof)**

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

**Informatives:**

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

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

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto: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. 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.
3. 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.
4. Air Quality Informative: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

5. Invasive and Injurious Weeds: Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at:  
<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>  
 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, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.
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
Environmental And Community Protection (DBC)	<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, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative            Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p>

	<p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate</p>
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	<p>trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></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, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p>
Parish/Town Council	No comment
Environmental And Community Protection (DBC)	<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>Please expect separate advice in relation to nuisance related considerations.</p>
Conservation & Design (DBC)	<p>These comments concern amended plans dated 15th March 2023 which are the second set of amended plans.</p> <p>The cumulative effect of all the alterations to the fenestration on the front façade(s) was found to be problematic. These amended plans have now ironed out most of the alterations so that the house presents a more uniform fenestration character facing the road, particularly the north elevation. The French windows now have a Juliette balcony, the small bathroom window has been retained and the garage window now</p>



	<p>matches the window above.</p> <p>As previously stated the rear extension is now acceptable.</p> <p>I note that in an email dated 6th February the agent confirmed that the render will be cream/off white which is acceptable in principle but exact details should be supplied with an external condition.</p> <p>Recommendation: No further objection. External materials condition needed which should also cover the new windows and doors.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	0	0	0	0

### Neighbour Responses

None received

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
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## PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (April 2023)

1	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution. 2019 planning permission implemented though approved replacement dwelling not yet built and mobile home remains. Case review required to decide if further action necessary.
2	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Works now taken place to remove bund. Need to consider Offence.
3	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Partly complied	Most vehicles removed from the land. Visit confirmed that hard surfaced area has been removed, bund of material arising still on site awaiting removal. Planning granted: 1937/19. Further site visit

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										needed to check material removed and to check compliance with conditions of permission.
4	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Planning permission for amended scheme (844/17/FHA) granted. Changes almost entirely completed and remaining deviations insignificant harm. Case review needed with a view to closure.
5	E/16/00052	Land at Hill & Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Partially Complied	EN has been broadly complied with and case has been closed Nov 2020. Site now replaced with approved portal framed agricultural building. Wider investigations ongoing for Hill and Coles Site under E/19/00064.
6	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with Conservation to confirm final details of replacement fenestration. Installation due later

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										in Jan – Feb 2022. Conservation Officer still in discussions
7	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	Not complied	DBC owned property. Contractors in discussion with the Conservation Officer to confirm final details of replacement fenestration. Installation due later in Jan – Feb 2022. Conservation Officer still in discussions
8	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes, appeal dismissed	12 July 18 (for all steps)	Not complied	Requirements not met in full. Permitted development rights being used as 'fall-back' position but items not being removed between events. Planning application 19/02588/MFA refused and dismissed at appeal 13 July 2022. Owner declined to attend Interview Under Caution Sept 22. *Next formal steps being considered*.
9	E/17/00407	Land at The Hoo, Ledgemore Lane,	Construction of new road, turning area	29 Nov 17	29 Dec 17	29 Jun 18 (for all steps)	Yes, appeal	29 Apr 19 (for all steps)	Partly complied	Application for twin tracks approved

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		Great Gaddesden	and bund.				dismissed			20/03945/FUL – works already undertaken to remove a lot of material. Final compliance check required and then removed from this list.
10	E/16/00104	40 Tower Hill Chipperfield	MCOU of land from residential garden to commercial car parking/storage and associated laying of hardstanding.	06 Mar 18	05 Apr 18	05 Apr 18 (for all steps)	No	N/A	Partly Complied	Enforcement Notice compliance period has passed. Cars reduced to 4-5 in number but hardcore surface not removed. Insufficient compliance to close, case to be reviewed.
11	E/18/00408	28 Boxwell Road, Berkhamsted	Demolition of wall and creation of parking area	09 Sep 19	09 Oct 19	09 Dec 19	Yes	30 Jul 20	Not complied	EN served following dismissal of planning appeal regarding same development. Appeal dismissed – new compliance date 30 July 2020. Compliance check undertaken and application 20/03416/FHA not dealt with under s70(c). Legal options to secure compliance being pursued.
12	E/20/00023/ MULTI	Haresfoot Farm, Chesham Road, Berkhamsted	Construction of unauthorised buildings, hard	19 Feb 20	20 Mar 20		Yes / split decision	18 Dec 21	Not complied	Appeal decision split, planning permission granted for a number

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13	E/20/00163/ NAP	The Walled Garden, Stocks Road, Aldbury	surfaces and importation and processing of waste materials.							of buildings and uses on the site, enforcement notice upheld in relation to some matters. Planning permission granted March 2022 for storage, salvage, re-cycling under 21/04629/FUL subject to condition. Case review carried out and found enforcement notice where upheld at appeal has not been complied with. Discussions underway with new owners as to how to secure compliance but also guide new appropriate development.
			Breach of condition 17 of permission 4/02488/16/FUL.	27 May 20	27 May 20	27 Aug 20	N/A	N/A	Not complied	Breach of condition notice issued. The garage at this site had not been built in accordance with the approved scheme - loss of features such as bug hotels and flint elevations. Amended scheme approved under 20/01656/ROC in April 2022. Case review to take place.

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14	E/20/00088/ NPP	Land east of Watling Garth, Old Watling Street, Flamstead	Construction of a building, gabion walls, widening of an existing access, formation of two vehicular access points and roadways within the site.	17 Jul 20	28 Aug 20	17 Jul 21	Yes dismissed 28.02.22	28 Feb 23	Partly complied	Appeal conjoined with 3 x planning appeals for refusals of numerous developments at this site. *All 4 appeals dismissed. Enforcement notice almost entirely complied with, owner declined to attend Interview Under Caution Sept 22. Review to take place if further action required.
15	E/20/00249/ LBG	57 St Johns Road, Hemel Hempstead	Installation of UPVC windows in listed building.	25 Sep 20	27 Oct 20	27 Oct 23	Yes / dismissed	26 May 24	n/a	Appeal submitted – appeal dismissed, notice upheld. Homeowner now has until 26 May 2024 to comply.
16	E/20/00101/ NPP	121 High Street, Markyate	Installation of extraction system and flue on listed building.	05 Oct 20	02 Nov 20	02 March 21	Yes / dismissed	10 Sep 21	Not complied	Appeal submitted – appeal dismissed – new compliance date 10 September 2021. No compliance – need to consider next steps.
17	E/19/00513/ NPP	Berkhamsted Golf Club, The Common, Berkhamsted	Creation of a new vehicle parking area.	19 Nov 20	21 Dec 20	N/A	Yes Part allowed 29.10.21	29.02.21	Part complied	21/02829/FUL granted, allowing compromise scheme. Appeal decision part allowed for compromise scheme. Case to be reviewed.

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18	E/21/00043/ LBG	121 High Street, Markyate	Internal works to create flats following refusal of listed building consents	23 Jun 21	21 Jul 21	21 Oct 21	No		Partly complied	Listed building EN issued in relation to the works carried out inside the premises. Notice was not appealed and compliance required by 21 Oct 21. Works have commenced – need compliance check.
19	E/19/00395	26 Morefields, Tring, HP23 5EU	Construction of a raised platform above a stream/ditch and the possibility of damage to adjacent trees, part of a woodland TPO 337	28 Jul 21	30 Aug 21	30 Aug 22	No		Partly complied	Enforcement notice issued following refusal of 19/02948/RET. Notice requires removal of decking and hard landscaping. Partial compliance by Aug 22 deadline. Case being reviewed
<b>20</b>	E/21/00312/ NPP	Land at Church Road, Little Gaddesden	Construction of sheds/structures, creation of new access, erection of gates and fencing	12 Aug 21	12 Sep 21	N/A	Yes		complied	*Enforcement Notices have been complied with and case closed. To be removed from list*
21	E/21/00041/ NPP	The Old Oak, Hogpits Bottom, Flaunden	Change of use of the land to a mixed use of wood chopping/fire wood business and the siting of a mobile home/caravan for residential purposes	09 Dec 21	13 Jan 22	13 Jan 23	Yes		Not complied	Appeal to be dealt with by public inquiry. Date to be set by Planning Inspectorate. Discussions ongoing with Parish Council.
<b>22</b>	E/22/00073/ LBG	Cow Roast Inn Cow Roast	Building in very poor condition.	30 Mar 22	7 Apr 22	14 April 22	No		Complied	*Urgent repairs notice complied with. To be removed from



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										list*
23	E/21/00430/ NPP	1 The Orchard, Kings Langley	Erection of a fence	5 July 22	5 Aug 22	16 Aug 22	Yes		Waiting appeal result	Appeal statements submitted to Planning Inspectorate. Awaiting appeal decision
<b>24</b>	E/22/00168/ COL	Cupid Green Lane, South of Gaddesden Lane.	Storage of cars	14 June	15 Jul 22	15 Aug 22	No		Not complied	Witness Statements written. Legal options being pursued. Interviews under caution were not attended *invited for further interview following legal advice*
<b>25</b>	E/21/00126/ NAP	The Moorings, 13 Anglefield Road, Berkhamsted, HP4 3JA	Erection of fencing and gates	22 Sept 22	24 Oct 22	24 Jan 23	No		Complied with	*Enforcement Notice Complied with. To be removed from list*
26	E/18/00096	Land at Flint Cottage, Barnes Lane, Kings Langley WD4 9LB	Commercial and domestic storage	7 Oct 22	8 Nov 22	8 Sept 23	No		n/a	Still within compliance period
27	E/21/00302/ NPP	45 Lawn Lane, Hemel Hempstead HP3 9HL	Use of outbuilding as independent dwelling	25 Oct 22	25 Nov 22	25 Aug 23	Yes		Waiting appeal result	Appeal Statements submitted
<b>28</b>	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission erection of buildings on land	18 Nov 22	20 Dec 22	20 Jul 23	Yes		Waiting appeal result	*Planning Enforcement notice served. Appeal Statement submitted*
<b>29</b>	E/19/00444/ NAP	Land east side Cupid Green Lane, Hemel Hempstead	Without planning permission the change of use of the land from agricultural to a mixed use of	18 Nov 22	20 Dec 22	8 Apr 23	Yes		Waiting appeal result	* Planning Enforcement notice served. Appeal Statement submitted*

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			agriculture, domestic, and commercial uses not reasonably associated with agriculture							
<u>30</u>	E/22/00349/ NPP	Berry Farm, Upper Bourne End Lane, Hemel Hempstead	Without Planning permission the siting of 3 steel clad containers and the erection of post and wire fencing	16 Dec 22	30 Jan 23	30 Jul 23	Yes		Waiting appeal result	* Planning Enforcement notice served. Appeal Statement submitted*
<u>31</u>	E/19/00221	37 West Valley Road, Hemel Hempstead, HP3 0AN	Without planning permission, the erection of high fencing, a covered storage area, installation of a retaining wall and steps, also changes to land levels in the rear garden associated works.	4 Jan 23	3 Feb 23	3 Aug 23	No		N/A	*Planning enforcement notice Served. Still within compliance period*

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**The Following Cases are being added to the list for the first time**

<u>32</u>	E/22/00293/ NAP	Martlets, The Common, Chipperfield	. Without planning permission, the construction of a detached structure to provide two semi detached outbuildings	16 Jan 23	20 Feb 23	20 Aug 23	Yes		N/A	* Planning enforcement notice Served. Questionnaire submitted*
<u>33</u>	E/17/00254	Zeera, 49 High Street, Bovingdon	Condition 2,3,7 and 8 of 4/00714/14/FUL	16 Jan 23	16 Jan 23	16 Jul 23	N/A		N/A	*Breach of Condition notice served. Still within compliance period*
<u>34</u>	E/19/00229	85-87 High Street,	Without planning	16 Jan 23	20 Feb 23	20 Nov 23	Yes		N/A	* Planning

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		Berkhamsted	permission, the replacement of a ground floor bay window, ground floor window and entrance door on the principle elevation							enforcement notice Served. Questionnaire submitted*
<b>35</b>	E/22/00143/COB	60 Thumpers, HH	Without planning permission The conversion of one dwelling into two separate residential units.	26 Jan 23	9 Mar 23	9 May 23	No		N/A	* Planning enforcement notice Served. Still within compliance period*
<b>36</b>	E/20/00157/NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		N/A	* Planning enforcement notice Served. Questionnaire submitted*
<b>37</b>	E/20/00157/NAP	Land Lying South East of Cupid Green Lane 'Plot G'	Without planning permission, unauthorised change of use from agriculture to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt	16 Feb 23	30 Mar 23	30 Oct 23	Yes		N/A	* Planning enforcement notice Served. Questionnaire submitted*
<b>38</b>	E/23/00117/NPP	Land Adjacent To Threefields Sheethanger Lane	the erection of a dwelling house without prior planning	23 Mar 23	23 Mar 23	23 Mar 23	N/A		N/A	*Temporary stop notice served. Monitoring potential

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
		Felden Hemel Hempstead HP3 0BJ	permission							prosecution*