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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 30 MAY 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

#### Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Patterson
Councillor Durrant	Councillor Riddick
Councillor Hobson (Vice-Chairman)	Councillor Mitchell
Councillor Maddern	Councillor Smith-Wright
Councillor Stevens (Chairman)	Councillor Walker
Councillor Bristow	Councillor Barry

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

## AGENDA

### 1. MINUTES

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

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) 24/00330/MFA - Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement - Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU (Pages 6 - 154)
- (b) 23/02805/FUL - Proposed Electric Vehicle (EV) Charging Station and Cafe - The Park Garage Group Plc/Simply Planning Ltd (Pages 155 - 190)
- (c) 23/02861/FUL - Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings - 8 King Street Markyate St Albans Hertfordshire AL3 8JY (Pages 191 - 211)
- (d) 23/01583/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping - Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH (Pages 212 - 301)
- (e) 23/02934/FUL - Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two - Greymantle, Hempstead Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0HF (Pages 302 - 337)
- (f) 23/02235/FUL - Demolition of existing stable buildings. Construction of 1 no. residential dwelling and alterations to vehicular access - The Stables, 11 Piccotts End Lane, Hemel Hempstead, Hertfordshire, HP2 6JH (Pages 338 - 371)
- (g) 24/00368/FHA - Reinstatement of existing 3.5m wide gated access to western end of rear garden. New 5 rail timber field gate - Spring Lodge, Hollybush Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SN (Pages 372 - 382)

**6. APPEALS** (Pages 383 - 403)

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</b>	24/00330/MFA	Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement Haresfoot Farm , Chesham Road, Berkhamsted, Hertfordshire	
<b>5b.</b>	23/02805/FUL	Erection of electric vehicle charging station with ancillary dwell facility, together with associated access and landscaping works Car Park Opposite The Eagle Public House, Hempstead Road, Kings Langley, Hertfordshire	
<b>5c.</b>	23/02861/FUL	Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings. 8 King Street, Markyate, St Albans, Hertfordshire	
<b>5d.</b>	23/01583/FUL	Demolition of existing single storey garage building. Construction of 1 no. detached four-bedroom family dwelling with associated car parking / landscaping. Land Rear Of 38-40 Windmill Way, Tring, Hertfordshire, HP23 4EH	
<b>5e.</b>	23/02934/FUL	Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two. Greymantle, Hempstead Road, Bovington, Hemel Hempstead	
<b>5f.</b>	23/02235/FUL	Demolition of existing stable buildings. Construction of 1 no. residential dwelling and alterations to vehicular access. The Stables , 11 Piccotts End Lane, Hemel Hempstead, Hertfordshire	
<b>5g.</b>	24/00368/FHA	Reinstatement of existing 3.5m wide gated access to western end of rear garden. New 5 rail timber field gate. Spring Lodge, Hollybush Close, Potten End, Berkhamsted	

# Agenda Item 5a

ITEM NUMBER: 5a

24/00330/MFA	Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement	
Site Address:	Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU	
Applicant/Agent:	Haresfoot Limited	Mr Simon Warner
Case Officer:	James Gardner	
Parish/Ward:	Berkhamsted Town Council	Berkhamsted East
Referral to Committee:	Berkhamsted Town Council have raised objections on the grounds of overdevelopment, urbanisation of the countryside, inappropriate access arrangements, minimal green space to serve the development and non-compliance with national planning policy in relation to the Green Belt.	

## 1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** (if the Secretary of State for Communities & Local Government (SSCLG) decides not to recover the application for their own determination) subject to conditions and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure satisfactory mitigation for the Chiltern Beechwoods Special Area of Conservation, consistent with the Chilterns Beechwoods Mitigation Strategy and other appropriate contributions and provisions to make the development acceptable in accordance with the development plan, NPPF and any other material considerations.

## 2. SUMMARY

2.1 The site is not within the settlement boundary of Berkhamsted and therefore is located within open countryside, wherein development is generally discouraged in accordance with Policy CS1 of the Dacorum Core Strategy.

2.2 On the basis that the site is already largely developed and the applicant is proposing a comprehensive package of off-site highway improvements that would substantially improve the locational sustainability of the site and offer a genuine choice of transport methods for future residents, the site is, on balance, considered to be a suitable location for housing.

2.3 Paragraph 154 of the National Planning Policy Framework (NPPF) states that the partial or complete redevelopment of a previously developed site is not inappropriate in the Green Belt, provided that it would not cause substantial harm to the Green Belt and contribute to meeting an affordable housing need in the area of the local authority.

2.4 The northern quadrant of the site constitutes previously developed land. Significant parts of the southern quadrant, by contrast, are undeveloped. Development in the northern quadrant would not cause substantial harm to the Green Belt and thus is not inappropriate. Very special circumstances are required to justify development of the southern quadrant.

2.5 In the circumstances of this case very special circumstances are considered present and the development will help meet a pressing need for housing delivery and affordable housing in a deliverable timescale along with a range of other benefits.

2.6 Whilst there would be harm to the Green Belt from encroachment and loss of openness of the Green Belt, this part of the Green Belt contributes modestly to other purposes of including land within the Green Belt.

2.7 Other harm - in the form of the loss of employment generating uses - has been identified. Overall, however, the benefits of the scheme are considered to clearly outweigh the harm to the Green Belt.

### 3. SITE DESCRIPTION

3.1 The site is located to the south of Berkhamsted and comprises of a former farm complex set within the Green Belt, in close proximity to the A41. Accessed via a semi-rural track, White Hill which currently serves the application site and a limited number of residential dwellings before connecting into Whelpley Hill.

3.2 The application site is within close proximity of an area of Ancient Woodland, located to the east of the site. The north-eastern corner of the site is bound by Berkhamsted 041 [Public Right of Way], which crosses the north-eastern corner of the application site, leading north to Berkhamsted, passing under the A41 towards the Town Centre

3.3 The site contains a number of buildings, some of which were used for the manufacturing of props and scenery used by film studios and theatres, which are subsequently returned to the site and stored prior to repurposing prior to re-distribution. Other buildings on the site have been let out to other companies as part of a previous farm diversification project.

3.4 The land surrounding the site is subject of a planning application<sup>1</sup> for the change of use from agricultural land to Suitable Alternative Natural Greenspace (SANG), which Members recently resolved to grant planning permission for.

### 4. PROPOSAL

4.1 Planning permission is sought for the demolition of all buildings on site and the construction of 86 new dwellings, a community hub, site access road and highway improvements.

4.2 The site is to be laid out and designed in such a way that there will be four distinct character areas; namely Farmstead Edge and Arrival Yard, Courtyards, Mews and the Green Spine. The latter is a south-west / north-east pedestrian only route which leads to the Community Hub in the north-east, as well as connecting up with routes leading out into the nearby SANG. A cycle route intersects with the Green Spine approximately halfway along its length before continuing on its northern route toward the site entrance / exit and the SANG land beyond. A number of estate roads will provide vehicular access to the different areas of the development.

4.3 The following unit types and numbers are to be provided as part of the development:

<b>Market Housing</b>	
Property	Number
1 Bed Apartment	2
2 Bed Apartment	0
3 Bed House	31
4 Bed House	13
5 Bed House	6

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<sup>1</sup> 23/02508/MFA

Total	52

<b>Affordable Housing</b>	
Property	Number
1 Bed Apartment	11
2 Bed Apartment	5
2 Bed House	10
3 Bed House	7
4 Bed House	1
5 Bed House	0
Total	34

4.4 The development would be built at a density of approximately 11.7 dwellings per hectare and would range in height from 1.75 – 2.5 storeys.

4.5 A significant number of off-site highway improvement works are proposed in order to maximise the sustainable travel options for the site. These will include the provision of a pedestrian path along White Hill and up to the junction with the A416 Chesham Road, traffic calming measures along White Hill, the re-location of bus stops on Chesham Road, the introduction of a controlled crossing and an accompanying reduction in speed limit (60mph to 40mph) to aid crossing to the western side of the road. Further works in the form of the widening of a traffic island and the widening of the path past Ashlyns are also proposed.

4.6 A section 106 Agreement shall secure the following heads of terms (all contributions to be indexed linked):

<b>Matter</b>	<b>Contribution / Requirement</b>
<b>Affordable Housing</b>	<p>A minimum of 40% affordable housing</p> <p>Tenure to be split as follows:</p> <p>23.53% First Homes  11.76% Discount Market Homes (65%)  14.71% Shared Ownership  50% Dacorum Affordable Rent</p>
<b>Education</b>	<p>£833,791 contribution towards Secondary Education.  £100,277 contribution towards Special Educational Needs and Disabilities (SEND)</p> <p>£14,592 contribution to Youth Services</p> <p>£340 in respect of Monitoring Fees</p>



<b>Strategic Access Management and Monitoring Strategy (SAMMS) contributions</b>	£78,593.68 contribution as part of the Chiltern Beechwood Special Area of Conservation mitigation.
<b>Suitable Alternative Natural Greenspace (SANG)</b>	Mechanism to secure SANG provision for 86 units at Haresfoot Farm SANG.
<b>Biodiversity Net Gain (BNG)</b>	Net gain to be secured in perpetuity.
<b>Site Management Company</b>	Establishment of a Management Company with responsibility for ongoing maintenance of open-space, play space and community hub building.
<b>Submission of updated Travel Plan and payment of HCC Travel Plan Monitoring Fee</b>	£6,000
<b>HertsLynx Bus</b>	Hertslynx Bus Service to be extended to include a Bus Stop as shown on the updated Site Layout. A Welcome pack that includes £100 of vouchers is to be provided to each household upon first occupation of the site.

## 5. COMMUNITY REVIEW PANEL (CRP)

5.1 On Tuesday 5<sup>th</sup> March the applicants presented the application to members of the Dacorum Community Review Panel in order to obtain a cross-section of views from persons living in various parts of the Borough.

5.2 The following key points / queries were raised:

- The panel was positive about the planning application, noting that it would improve the existing condition of the site and that there is much to admire in the design approach and layout.
- Some concerns were raised in connection with the site's isolation and connectivity.
- The panel questioned vehicle movements, the urbanising effect of this development, and improvements needed to White Hill and beyond the red line. It asked: what it would be like to live in this development without a car, is that possible, how do you get a pint of milk, and would it be possible for a shop to be provided on-site?
- There was discussion around the transition from the current equestrian and warehouse use to housing and how visible this would be.
- That the proposal exceeds affordable housing policy was commended, but it was emphasised that social rental properties should be the focus, and service charges minimised for low-income households.

- The importance of maintenance of the landscape was stressed.

5.3 In response to the CRP's comments, the applicant provided an Additional Information Note and a Post Planning Submission Updates<sup>2</sup> document which deals with some of the matters raised by the Panel.

## 6. PLANNING HISTORY

Relevant Planning Applications:

21/03607/DRC - Details as required by conditions 6 (parking areas), 7 (transport statement), 8 (ecological enhancement) and 9 (landscaping) attached to planning appeal E20/00023/MULTI (Erection of new buildings and intensification of industrial uses at the site) granted under the planning inspectorate (APP/A1910/C/20/3249358)  
*Granted - 10th June 2022*

21/03725/FUL - Single storey extension to existing building, including biomass boiler and associated plant and machinery  
*Granted - 26th January 2022*

21/03839/FUL - Retrospective consent for temporary fencing. To be in place for 36 months in order to facilitate maturing of landscape features required by consent APP/A1910/C/20/3249358  
*Withdrawn- 24th November 2021*

21/03841/RET - Retrospective consent for the installation of a weighbridge  
*Granted - 17th January 2022*

21/03848/FUL - Retrospective consent for the installation of temporary covered storage for a 12 month period  
*Granted - 23rd February 2022*

21/04443/RET - Retrospective consent for temporary fencing. To be in place for 36 months in order to facilitate maturing of landscape features required by consent APP/A1910/C/20/3249358 (resubmission)  
*Refused - 16th March 2022*

21/04496/RET - Retrospective consent for CHP enabled biomass system within existing building 4, including external flue.  
*Granted - 10th February 2022*

21/04629/FUL - Change of use to the storage, salvage, re-purposing and recycling of scenery and props. Addition of external materials  
*Granted - 28th March 2022*

21/04649/FUL - Construction of new storage building to use for salvage, re-purposing and recycling of scenery and props associated with the entertainment industry which includes a biomass boiler with CHP capability.  
*Refused - 30th March 2022*

21/04689/FUL - Temporary use of hardstanding for the storage of standard shipping containers until 18th April 2022  
*Refused - 12th April 2022*

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<sup>2</sup> March 2024.

## **7. CONSTRAINTS**

Advert Control: Advert Special Control  
BCA Townscape Group  
CIL Zone: CIL1  
Green Belt: Policy: CS5  
Parish: Berkhamsted CP  
RAF Halton and Chenies Zone: Red (10.7m)  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
Parking Standards: New Zone 3

## **8. REPRESENTATIONS**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2023)  
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  
CS5 – The Green Belt  
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  
CS23 – Social Infrastructure  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

## Local Plan

Policy 13 – Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 76 – Leisure Space in New Residential Developments  
Policy 111 – Height of Buildings  
Policy 113 – Exterior Lighting

Appendix 3 – Layout and Design of Residential Areas  
Appendix 8 – Exterior Lighting

Supplementary Planning Guidance/Documents:

Hertfordshire Place & Movement Planning and Design Guidance (2024)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

## **10. CONSIDERATIONS**

### Main Issues

10.1 The main issues to consider are:

The suitability of the site for housing  
Green Belt Considerations  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### **Suitability of Site for Housing**

10.1 Policy CS1 of the Dacorum Core Strategy states that: *'Decisions on the scale and location of development will be made in accordance with the settlement hierarchy in Table 1.*

10.2 Hemel Hempstead is to be the focus for housing development, followed by the market towns (i.e. Berkhamsted and Tring), the large villages (i.e. Bovingdon, Kings Langley and Markyate) and then the small villages in the Green Belt and Rural Area (i.e. Chipperfield, Flamstead, Potten End, Wigginton, Aldbury, Long Marston and Wilstone). Other small villages and land in open countryside are at bottom of the hierarchy as they represent the least sustainable areas of the borough.

10.3 The application site is located outside the settlement boundary of Berkhamsted and in open countryside. Consequently, consideration needs to be given as to whether the site represents a suitable location for housing.

### Background

#### *Access to Public Transport*

10.4 Berkhamsted Town Centre is located approximately 1.4 miles from the application site. The quickest route by walking or cycling is by way of White Hill and Chesham Road. A bus stop with services into Berkhamsted Town Centre is located an 11-minute walk<sup>3</sup> from the edge of the application site on Chesham Road. There is, however, no pedestrian infrastructure between the application site and Chesham Road. Whilst a section of White Hill contains a narrow grass verge

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<sup>3</sup> As measured from the security gate at the entrance to Haresfoot Farm.

upon which pedestrians might be able to walk, this would be neither safe nor satisfactory for the less able-bodied during times of inclement weather.

10.5 The Chartered Institute of Highways and Transportation (CIHT) publication 'Planning for Walking' (2015) outlines how far people are likely to walk in order to access public transportation:

*'...For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.'*

10.6 Within the government document 'Inclusive Mobility' (2021) it states:

*'In residential areas, bus stops should ideally be located so that nobody in the neighbourhood is required to walk more than 400 metres from their home. The spacing of bus stops should also take account of the gradients in the terrain within the vicinity of stops. A suggested standard is to reduce the maximum distance by 10 metres for every 1 metre of rise or fall. Such ease of access will help to remove barriers to the use of bus services.'*

10.7 It is acknowledged that these documents refer to distances in residential areas where the expectation of convenience is greater, and therefore it follows that those living outside of residential areas may be willing to walk farther to access public transportation.

10.8 The bus stop for services heading toward Berkhamsted requires maintenance, there is a limited area of hardstanding upon which to wait, and no means of shelter from the elements. These factors, in addition to the lack of pedestrian infrastructure along White Hill, will inevitably influence the travel choices of future residents of Haresfoot Farm. It is acknowledged, though, that upgrades and improvements to the bus stop would go a considerable way to making bus travel a more attractive as a means of reaching Berkhamsted. While it is accepted that the bus service<sup>4</sup> serving this stop could not, owing to its limited frequency, support regular commuting, it nonetheless provides an alternative means of transportation for persons who do not have access to a car or who are environmentally minded.

10.9 For travel farther afield, the nearest train station is located in Lower Kings Road, Berkhamsted – a distance of some 1.9 miles from the application site – from which there are frequent and direct services to Hemel Hempstead, Watford Junction and London Euston. The distance of the train station from the application site is such that most persons would not consider walking as a realistic travel option. However, with a travel time of approximately 11 minutes, cycling would be a viable alternative.

#### *Walkability*

10.10 There is currently no pedestrian infrastructure between the application site and Chesham Road. There is a continuous footpath between the White Hill / Chesham Road junction and the slip road of the A41. Subject to widening and general maintenance, this section of the path can likely be made acceptable for use by a greater number of pedestrians. The interface between the A41 slip road (serving vehicles travelling along the east-bound carriageway) and pedestrians is problematic, notwithstanding the large central reservation.

10.11 The pedestrian footpath then proceeds past Ashlyns School until the junction with Hilltop Road, where it is necessary to cross in order to continue down Chesham Road toward the Town Centre. In total, the walking distance equates to approximately 27 minutes from the edge of the site to the town centre.

10.12 A map showing the location of bus stops, shops, healthcare facilities and other amenities in relation to the site is included within the Transport Assessment (TA) and has been reproduced below for ease of reference.

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<sup>4</sup> No. 354.

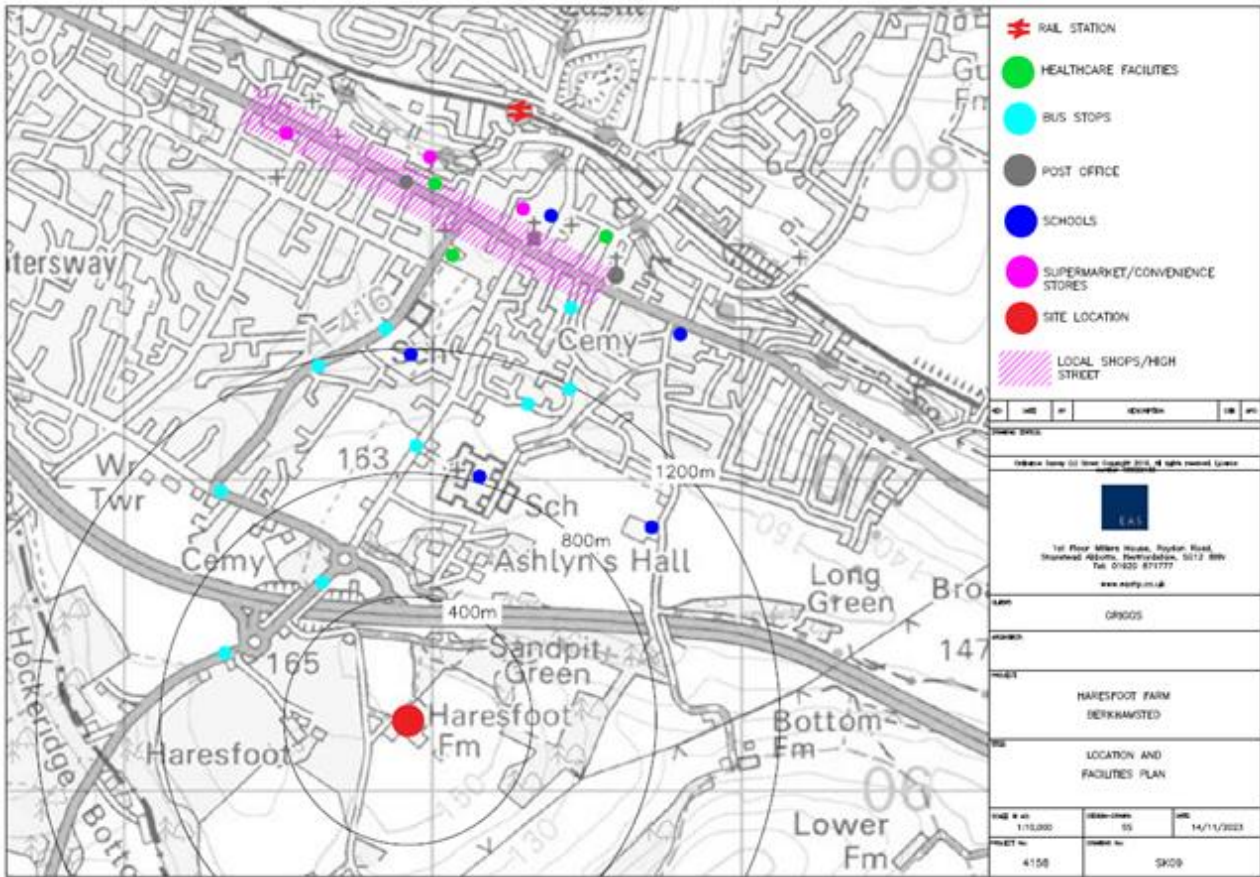


Figure 1: Location of site in relation to nearby services

10.13 There would there would be improved connections to the town by way of the footpaths proposed at Suitable Alternative Natural Greenspace (SANG), which would offer an alternative route to the town by way of Bridleway 55 and the the A41 underpass. It is appreciated, however, that this is unlikely to be an attractive route during times of inclement weather or the hours of darkness.

*Cycling*

10.14 The Department for Transport Local Transport Note 1/12<sup>5</sup> indicates that a width of 3 metres should generally be regarded as the preferred minimum for an unsegregated shared cyclist / pedestrian route, although acknowledges that a narrower route might suffice where there are few cyclists or pedestrians.

10.15 The proposed traffic calming measures along White Hill are likely to make the road more conducive to cyclists, while the average speeds of vehicles traversing Chesham Road have been established as being consistently at 40mph<sup>6</sup> or below. Were a reduction in speed limit along White Hill and Chesham Road to be agreed (see section below), then this would be likely to encourage more people to use cycling as an alternative means of transport. There are also alternative, quieter routes into Berkhamsted; in particular, along Shootersway, joining the Chiltern Cycleway on Cross Oak Road, which is traffic calmed on its approach to Berkhamsted town centre.

10.16 Berkhamsted High Street is located in a valley and thus it needs to be borne in mind that the return route would take longer, and require more effort. The advent of electric bicycles would largely mitigate this, although it is appreciated that these are not yet ubiquitous as a traditional, human-powered bicycle.

<sup>5</sup> 'Shared Use Routes for Pedestrians and Cyclists'.

<sup>6</sup> Mean and 85<sup>th</sup> percentile.

### *Proposed Upgrades*

10.17 Through early pre-application discussions with the applicants, it was agreed that a number of upgrades to the highway network would be necessary to make this site suitable for housing.

10.18 A package of works to the highway is proposed to improve accessibility and promote sustainable means of transport. These include:

- Installation of a footway along White Hill, leading onto existing footways on A416. In hand with a series of traffic calming carriageway alternate priorities and with a series of street lighting.
- Widened footways along A416 and widened traffic island on western side of A416/Chesham Road roundabout.
- Pedestrian controlled crossings prior to A416/Chesham Road roundabout, allowing crossing to west side of A416.
- Relocation of bus stops to within 550m walk of proposed development.
- Tactile paving at key crossing points.
- Speed limit reduction to 40mph along White Hill and A416 travelling north-east and south-west.
- Speed limit reduction to 40mph on A41 slip road.

10.19 The construction of a footway along White Hill, upgrades to the existing footway along the A416, provision of a controlled pedestrian crossing to west side of the A416 and a widened traffic island would facilitate a safe and convenient pedestrian network up to Ashlyns Secondary School, and from there to the heart of Berkhamsted.

10.20 Based on drawing nos. SK01, SK02 and SK03, there would be stretches of path that would meet or exceed the minimum 3m width recommendation for a shared cyclist / pedestrian route. Furthermore, it is unlikely that the route would be highly trafficked – either by pedestrians or cyclists – and thus there could be an argument to say that the route would be suitable as a shared space, although this approach would need to be deemed acceptable by the Highway Authority as part of the detailed section 278 discussions.

10.21 The relocation of the bus stops to within 550m of the site and the provision of both access kerbs and shelters would encourage greater use of the current bus service.

10.22 The Highway Authority have confirmed that they are supportive of all the aforementioned upgrades.

### *Additional Sustainability Measures*

#### **Community Hub Building**

10.23 A community hub building, which will be managed and maintained by the Management Company, is proposed to be constructed as part of this application and would be capable of being configured for a range of events – including yoga classes, family parties and gatherings, as well as desks for remote working. The concept is that the building will encourage social interaction with other residents and, in the case of classes, preclude the need to travel farther afield.



10.24 As the quantum of development is such that there would not be the critical mass of people necessary to support a small convenience store, the applicants have advanced the idea of pantry contained within the community hub building. The pantry, which would be stocked and managed by the Management Company, would be a place where residents would be able to get essentials such as bread, milk, coffee, tea, eggs etc without resorting to a car journey.

#### Herts Lynx

10.25 This is a relatively new service in Dacorum and is described on the Intalink website in the following terms:

*HertsLynx is Hertfordshire County Council's Demand Responsive Transport (DRT) service, offering a flexible way to travel by bus; unlike traditional bus services, the HertsLynx service doesn't follow a timetable or have any set routes, instead passengers can choose from a wide variety of pick up and drop off locations within designated operating zones across Hertfordshire. Passengers can select where and when they would like to travel by using the HertsLynx app, booking website or by calling the HertsLynx team.*

10.26 It has been confirmed with Hertfordshire County Council that there are no issues with HertsLynx serving the development at Haresfoot Farm. A sympathetically designed bus shelter is thus proposed to be constructed on-site for residents who wish to use this service.



Figure 2: Location of HertsLynx Bus Stop

10.27 The section 106 agreement will require the applicant to provide each household<sup>7</sup> with a Welcome Pack which explains how HertsLynx works and £100 in vouchers to encourage use of the service.

#### Electric Bicycle Hire:

10.28 A total of 8 electric bicycles are to be provided as part of the development and secured by the section 106 agreement. These will be available for use of the residents on the site and the maintenance and management of these dealt with by the Management Company.

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<sup>7</sup> First occupiers only.



## *Assessment*

10.29 Paragraph 109 of the NPPF sets out that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, paragraph 109 also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

10.30 The facilities plan demonstrates the location of the appeal site relative to services, facilities and public transport.

10.31 The route from the edge of the application site to Berkhamsted High Street was walked by the case officer. This took approximately 27 minutes at an easy pace but at a brisker pace, the time could be reduced to around 24 minutes. A round trip of 48 minutes to 54 minutes is likely to deter a reasonable number of people from walking – especially if they are less mobile, accompanied by children or carrying purchases.

10.32 This notwithstanding, the footpath and other off-site highway works secured by the planning permission would enable some residents to safely walk to the town when not constrained by time, or for leisure purposes. Chesham Road is reasonably busy but with the provision of a wider footpath, controlled crossing<sup>8</sup> and widened traffic island, pedestrians would be able to safely make their way to Berkhamsted Town Centre. Moreover, the facilities in Berkhamsted would be able to be reached relatively easily by bicycle or electric bicycle, the latter of which would militate against the incline on the return trip. There are also other facilities closer to the site than the High Street – e.g. Ashlyns School, Berkhamsted School, Thomas Coram Church of England School, Milton House Surgery etc – which residents would potentially be more inclined to walk to.

10.33 Following relocation of the bus stops on Chesham Road, there would be bus services within 550m of the application site, which would offer a reasonable alternative to the private car. It is also to be noted that the new HertsLynx service, which the development could be served by, offers a convenient and cheap way of travelling into Berkhamsted and other parts of the Borough.

10.34 In summary, in the context of an edge of settlement location, it is considered that the application site would, following the off-site highway works, maximise the opportunities for accessing local services and facilities other than by private car. However, there is a question mark over how effective the measures will be in reality.

10.35 In light of the above it is considered that the proposed development would be in partial compliance with Policy CS1 of the Dacorum Core Strategy. Accordingly, there would be a degree of harm arising as a result of the location. This harm is considered to be moderate.

### **Green Belt Considerations**

10.36 The application site is located within the Green Belt where there is a presumption against the construction of new buildings unless they fall within a specified category within paragraph 154 of the NPPF.

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

10.38 The proposed development would result in the construction of new buildings and therefore it needs to be determined whether this would represent inappropriate development in the Green Belt.

10.39 Paragraph 154 (g) gives one of the exceptions to inappropriate development as being:

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<sup>8</sup> Likely a Puffin Crossing but to be determined in the section 278 discussions with the Highway Authority.

*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:*

- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
- *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

10.40 The northern quadrant of the site constitutes previously developed land. Significant parts of the southern quadrant, by contrast, are undeveloped.

10.41 The new development must therefore be shown to have no greater an impact on the openness of the Green Belt than the existing development, or to not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to meeting an identified affordable housing need.

### Whether Inappropriate Development

#### *Previously Developed Land*

10.42 The Glossary to the Framework defines PDL as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

10.43 Case law<sup>9</sup> has established that the extent of previously developed land is determined with reference to the curtilage of buildings.

#### Northern Quadrant:

10.44 The northern quadrant of the site (see Figure 3) contains the majority of built form.

10.45 The fields to the north of the northern quadrant comprise of land associated with the equestrian centre granted planning permission by application 4/01070/09/FUL.

10.46 Bearing in mind the disqualification of agricultural buildings and land within their curtilage as previously developed land, it is important at this stage to distinguish between the use of land for the grazing of horses and horses being kept on the land, the former comprising of an agricultural use and the latter comprising of an equestrian use.

10.47 Of relevance in this regard is the case of *Sykes v Secretary of State for the Environment* [1981], where it was held that land used for grazing non-agricultural horses would fall within the meaning of 'use of land as grazing land', for unlike the words 'breeding and keeping of livestock', there is nothing within the section 336 definition of agriculture which requires the animals to be used

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<sup>9</sup> R (oao Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin)

for the purposes of farming. It was also established that if horses are being kept on the land and 'being fed wholly or primarily by some other means so that that such grazing as they do was completely incidental and perhaps achieved because there was no convenient way of stopping them doing it', then the land would not be being used for grazing and, by extension, not in an agricultural use.



Figure 3: Southern Quadrant of Site

10.48 By way of background, the 'Proposal' section of the officer report in respect of 4/01070/09/FUL, stated that:

*The proposal seeks full planning permission for the construction of a single storey stable block and an exercise arena. The stable block will consist of 24 stables modelled on a rectangle foot-print, which would create a courtyard type complex. The building will also include a tack room, feed and bedding storage and ancillary office. The siting of the stable block will require the removal of an existing large agricultural barn, which currently rises to a height of 7.8 metres. The proposal also includes the provision of an exercise arena to the southeast of the stable block having an area of about 1500 sq ms. This exercise arena will introduce soft landscaping to the external boundaries being the southern and eastern boundaries.*

*The proposal primarily relates to the applicants financial need to diversify the operations of the farm by incorporating a livery enterprise comprises of seventeen owners with 24 horses in total. The agents have noted that the farming enterprise is not sustainable in profit and livelihood terms. Two years ago it achieved a profit of £8000 and one year ago the farm made a £4000 loss. In order to financially support the farming operation the applicant needs to maintain the income from the diversification comprising the livery yard. The annual income from the livery enterprise is £28,000, before the deduction of costs such as hay and feed which is provided by the applicant, and any labour charges. The agents conclude that the livery operation income is essential to the farming enterprise and without it the farming would be unviable.*

10.49 It is clear, therefore, that the equestrian centre comprised<sup>10</sup> of a commercial equestrian use and thus any land within its curtilage would fall to be considered as previously developed.

10.50 The Hiley judgement<sup>11</sup> established that the correct approach in determining curtilage is that set out by the Court of Appeal in the decision of R (Hampshire County Council) v Secretary of State

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<sup>10</sup> It is understood that the use has recently ceased, though all associated buildings and infrastructure remain in place.

for Environment, Food and Rural Affairs [2022]; namely, for 'one hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter'.

10.51 The curtilage of the building to be ascertained is the stable building in the heart of the Haresfoot Farm complex.

10.52 The plan submitted in support of the historic application (see Figure 2) indicated that the land to the north and north-east of the stable was to be used for grazing, which is confirmed in the officer report, where it is stated that 'there is more than sufficient grazing land available at the farm for the horses which will be stabled.'



Figure 4: Extent of Grazing Land

10.53 In addition to stabling and feed storage, facilities at livery yards typically include access to grazing. In this instance, the ability of horses to be safely led to the grazing field and, from there, the bridledways beyond with limited interaction with large and potentially dangerous machinery, would have undoubtedly been a key consideration when a decision was as to the final location of the equestrian centre and. It is considered that, by virtue of its proximity to the field and its intimate association in land use terms, the curtilage of the equestrian centre extends to the fields to the north of the northern quadrant of the site and, accordingly, constitute previously developed land.

10.54 There are a number of other buildings in the northern quadrant of the site that were formerly in an agricultural use, but which have been let out to other companies as part of an ongoing process of farm diversification. It is accepted by Officers that these buildings are now in lawful non-agricultural use.

10.55 In summary, the northern quadrant of the site is considered to be previously developed by virtue of comprising of land occupied by a permanent non-agricultural building or land which forms part of the curtilage of a permanent non-agricultural building.

#### Southern Quadrant:

10.56 The southern quadrant contains three buildings (Buildings 7, 8 and Temp Building 1), only one of which is lawful.

10.57 Building 7 comprises of a metal framed structure erected by the previous owners of the site and held by the inspector appointed to deal with the enforcement notice appeal as inappropriate

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<sup>11</sup> Hiley v Secretary of State for Levelling Up, Housing and Communities & Anor [2022]

development. The terms of the partially upheld enforcement notice require its demolition. It is understood that an attempt was made by the applicants to decommission the building; however, this took place at a time of high rainfall when the ground was insufficiently firm to support the requisite heavy machinery.

10.58 As regards Building 8, it was accepted at the appeal that it was granted planning permission in 1998<sup>12</sup> as a barn for agricultural purposes with 3 open sides clad in dark stained Yorkshire boarding and a half clad north eastern elevation with profiled metal sheeting painted dark grey. In considering the appeal against the enforcement notice to remove the building in June 2021 (APP/A1910/C/20/3249358), the Inspector noted:

*“47. ... I consider that although it has had its original cladding removed, the frame is original; and, on its own, does not constitute a new building. The appeal on ground (d) in respect of it consequently succeeds and the requirement to demolish this section of it will be removed from the notice. It should however be noted that, should it be considered expedient, that Council might nevertheless be able to take enforcement action against the addition of the external cladding.”*

*“The frame appears original, albeit modified in this way. I therefore see no reason to doubt the appellants’ claim that this part of the building has been in place for more than 4 years. Although it has now been re-clad, this work was carried out after the issue of the enforcement notice and whether planning permission for this cladding should be granted is not within the remit of this appeal.”*

10.59 Planning permission<sup>13</sup> for retention of the external alterations to Building 8 and its change of use to the storage, salvage, re-purposing and recycling of scenery and props associated with the entertainment industry was granted 28<sup>th</sup> March 2022. Therefore, Building 8 and any land within its curtilage constitutes previously developed land.

10.60 In terms of Temp Building 1, planning permission<sup>14</sup> was granted on 23<sup>rd</sup> February 2022 for its retention for the storage of items associated the entertainment industry for a period of 12 months. This building has not been removed within the required time and is unlawful. Consequently, it does not represent previously developed land.



Photo 1: The Manege, Temp Building 1, steel frame of Building 7, and Building 8

<sup>12</sup> 4/00404/98/FUL

<sup>13</sup> 21/04629/FUL

<sup>14</sup> 21/03848/FUL

10.61 A manège associated with the stable building is located to the north of Building 7. For similar reasons to those outlined above in respect of the fields set aside for grazing, it is considered to be part and parcel of the stable building and thus within its curtilage. It follows that it constitutes previously developed land.

10.62 It should be noted that while parts of the southern quadrant are considered to be previously developed, Plots 21 – 24<sup>15</sup>, 25, 26, 27, 29, 30, 33, 36 – 38 Plots 25, 26 and 27 would not be located on previously developed land and is considered to represent inappropriate development. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

*Whether Greater Impact on Openness / Substantial Harm to Openness of Green Belt*

10.63 It is acknowledged that a lesser test (i.e. that there be no substantial harm to the openness of the Green Belt) is pertinent where a proposal would contribute to meeting an identified need for affordable housing need.

10.64 The application proposes that 40% of the units would be affordable:

Tenure Type	Number of Units per Tenure	Percentage per Tenure
First Homes	8	23.53%
Discount Market Sale (65%)	4	11.76%
Shared Ownership	5	14.71%
Dacorum Affordable Rent <sup>16</sup>	17	50.00%
Total Number of Units:	34	

Table 1: Affordable Housing Tenures and Quantity

10.65 Evidence of housing need in the area is provided in the South West Hertfordshire Local Housing Needs Assessment (September 2020), with Chapter 5 of this document showing that there remains a very substantial need for affordable housing in Dacorum.

10.66 The Affordable Rents in Dacorum report produced by Justin Gardener Consulting (May 2022) builds upon the analysis in the South West Hertfordshire Local Housing Needs Assessment and indicates that the borough is in great need of genuinely affordable rent (i.e. rents capped at 60% of market) due to the acute affordability crisis in the Borough and disparity between income and rent/house prices.

10.67 When based on income alone, it is clear that only a small proportion of households unable to afford market rents would be able to afford an affordable rent (at 80% of market rent) at current costs without the need to claim benefits (or where it would be assumed they are spending too high a proportion of their income on housing costs).

10.68 Current local and national planning policy does not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 17 affordable rented properties at 60% of market rent would meet an identified need for affordable housing in the area and thus engage the less stringent requirement of paragraph 154 (g) – i.e. development must not cause substantial harm.

<sup>15</sup> Including associated garaging.

<sup>16</sup> Capped at 60% of market.



10.69 Substantial harm is a high bar and thus when the second limb of 154 (g) is engaged, a considerable level of harm<sup>17</sup> to the Green Belt can be caused without it constituting inappropriate development. Decisions as to whether substantial harm would occur ultimately fall to be matters of planning judgement.

Whether Substantial Harm to Openness:

10.70 Paragraph 142 of the NPPF states that *‘the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.’*

10.71 In *Turner v Secretary of State for Communities and Local Government* EWCA Civ 466 [2016], the Court of Appeal held that:

*‘The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.’*

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

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

10.73 The *Turner* case (referred to above) also gives useful guidance in terms of the synergy between spatial and visual impacts:

*‘The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there.’*

10.74 In forming a view as to whether the proposed development would cause substantial harm to the openness of the Green Belt, it is relevant to consider the current situation.

10.75 The Planning Statement provides a useful comparison between the existing and proposed development on the site and has been reproduced below for ease of reference.

Attribute	Existing	Proposed	Difference	Change
Footprint (m <sup>2</sup> )	8,150	7,264	-886	-11%
Hardstanding	17,131 <sup>18</sup>	11,392	-5,739	-34%

<sup>17</sup> Although it must still be less than substantial harm.

<sup>18</sup> The areas of existing hardstanding referred to in the table above include those required to be removed as part of the Enforcement Notice. Discounting these areas gives an overall figure of 15,585m<sup>2</sup>.

(m <sup>2</sup> )				
Volume (m <sup>3</sup> )	47,851	42,095	-5,756	-12%
Green Space (m <sup>2</sup> )	40,385	54,428	14,043	+35%

Table 2 – Whole Site - Existing and Proposed Calculations

10.76 The figures in Table 1 above relate to the entire site but as areas of the southern quadrant are not considered to be previously developed, it is appropriate to differentiate between the two quadrants.

Attribute	Existing	Proposed	Difference	Change
Footprint (m <sup>2</sup> )	7,510	4,926	-2,584	-34.4%
Hardstanding (m <sup>2</sup> )	8,742	6,777	-1,965	-22.48%
Volume (m <sup>3</sup> )	43,703	28,526	15,177	-34.73%

Table 3 - Northern Quadrant - Existing and Proposed Calculations

10.77 It should be noted that the existing commercial / industrial buildings occupying the northern quadrant of the site are, in general, large, bulky and utilitarian. In the case of buildings 3, 4 and 5, these extend along the south-western side of the site for some distance and form a single mass of development with limited spacing between them. These buildings have heights in the region of 6m – 7m. Building 2 occupies the northern corner of the site, in close proximity to PRow 41, and has a maximum height of around 8m.

10.78 Brick buildings of a more traditional form and appearance (Units 1, 2, 3, 4 & 5) are located along the site frontage. Unit 3 is 1.5 storeys in height, while the remaining units are single-storey under clay tiled pitched roofs. Units 12-14 are accommodated within a traditional brick building that has a steeply pitched gable roof with a ridge height of 9.8m.

10.79 The heart of the complex is devoid of soft landscaping and comprises of a patchwork of hardstanding and haphazardly parked cars.

10.80 The total footprint of the buildings proposed to be constructed in the northern quadrant would equate to approximately 4,926m<sup>2</sup> (GEA) and they would have a volume of 28,526 m<sup>3</sup> - a reduction of 34% and 34.73%, respectively, when compared to the existing development.

10.81 Removal of the large, bulky and utilitarian buildings and their replacement with a number of smaller buildings would open up views across the site. Instead of seeing the unbroken elevations of Buildings 3, 4 and 5, gaps would be created between the rows of dwellings comprising Plots 15 – 20 and Plots 7-14 and Plot 6 and Plots 7-14.

10.82 With the exception of the dwellings and garages, the majority of the northern quadrant will consist of significant areas of open space and gardens, such that there will be greater levels of spatial openness across the site.

10.83 Paragraph 154 (g) of the NPPF requires that the development which contributes to meeting an identified housing need in the area of the local planning authority does not cause substantial harm to the openness of the Green Belt. In this instance it is considered that – far from causing harm to openness – the proposal (in so far as it relates to the northern quadrant) would result in a development which is considerably more open than the current situation.

10.84 However, this is not the case for the southern quadrant of the site, where development is proposed on non-previously developed land. Therefore, for the avoidance of doubt, taken as a



whole, development in the southern quadrant is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### Impact on Openness of Green Belt

10.85 Case law has established that, following confirmation that the proposed development is inappropriate development (i.e. development not identified at Paragraphs 154 and 155 of the Framework), then whether there is 'any other harm' to Green Belt must be established through an assessment of:

1. The performance of the Green Belt in question, having regard to the five purposes of the Green Belt identified at NPPF Paragraph 143;
2. The harm to the openness of the particular area of Green Belt as a result of existing development; and
3. The direct harm caused by the proposed development (i.e. new buildings).

10.86 Once the level of harm is quantified, the extent of 'other considerations' necessary to overcome that harm can be established. Reference to 'any other harm' should be taken to mean non-Green Belt harm (e.g. highways, biodiversity, etc.).

#### 1. Existing Performance

10.87 The five purposes of including land in the Green Belt are:

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

10.88 The Council commissioned SKM to carry out a Green Belt Review Purposes Assessment in November 2013. The SKM assessment established a number of zones for assessment, with the land at Haresfoot Farm forming part of Zone GB12. The extent of Zone GB12 is shown below for ease of reference:



Figure 5: Extent of Zone GB12

10.89 The SKM assessment provides the following supplementary data regarding GB12:

**Description** The Parcel located to the north of Bovington and extends to along the A41 to Feldon (south Hemel Hempstead). To the east the boundary follows the B4505 and extends south to the edge of the study area. It is 890 ha in size and forms a flat upland chalk plateau

which falls strongly to the north towards the Bulbourne valley across undulating dry valleys slopes.

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

**Principal Function / Summary**

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

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

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

10.91 The report provides the following commentary in respect of Green Belt Purpose 3:

*The parcel displays typical rural and countryside characteristics in large arable fields with smaller areas of grazing in valley bases and elongated woodlands on slopes including ancient woodland. Field boundaries vary with hedgerows, hedgerow trees and post and wire fencing. Urban influences include the former Bovingdon Airfield, as well as Bovingdon Prison (MDS. Scattered ribbon development is located along the B4505 between Feldon and Bovingdon. The A41 represents an urban influence which is concealed but audibly intrusive. Levels of visual openness are generally high.*

10.92 Although helpful as a starting point, it is important to note that the SKM review was looking at a large swathe of land at a strategic level and cannot, therefore, account for the specific circumstances of individual sites within Zone GB12.

10.93 It is accepted that the primary purpose of the Green Belt in this location is to protect the countryside from encroachment. However, not all countryside is the same and there exists within this section of Zone GB12 a pattern of development involving the commercial activities associated with storage and light industry at Haresfoot Farm and the activities at the Berkhamsted School campus. This notwithstanding, as a policy tool for controlling further encroachment into the countryside, it is accepted that the parcel performs well.

10.94 Purpose five of the Green belt review (stated above as: ‘To maintain existing settlement pattern’) does not tally with that of the NPPF. Paragraphs 5.2.20 and 5.2.21 of SKM report provide the following explanation:

*The fifth national purpose has been screened out. Assisting urban regeneration, by encouraging the recycling of derelict and other urban land is considered to be more complex to assess than the other four purposes because the relationship between the Green Belt and recycling of urban land is influenced by a range of external factors including local plan policies, brownfield land availability and the land / development market. Due to the fact that the local policy review demonstrates that there is a limited supply of available or unallocated brownfield land in St*

*Albans, Dacorum and Welwyn Hatfield it is considered that the Green Belt as a whole has successfully and uniformly fulfilled this purpose. Therefore all parcels would perform equally well and any attempt to differentiate would be meaningless.*

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

10.95 The Planning Advisory Service publication *Planning on the Doorstep: The Big Issues – Green Belt* grapples with purpose five of including land within the Green Belt:

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

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

## 2. Existing Openness

10.97 The openness of this part of the Green Belt is already diminished to a degree by the presence of Building 8, the design of which is large and bulky with limited articulation and blank facades, giving a strong impression of solidity. The building has a volume of 4,148m<sup>3</sup>, a footprint of 575m<sup>2</sup> and a maximum height of 7.6m

10.98 The southern quadrant of the site is also characterised by an area of surfacing the form of the manège, which has an area of approximately 1,484m<sup>2</sup> and is separated from the boundary with Building 7 by a solid fence of approximately 2m in height.

10.99 As demonstrated in Appendix 4 of the Landscape and Visual Appraisal prepared by Leyton Place, long distance views of the site are possible from Bridleway 36 - located on higher ground to the south-east. Views are glimpsed and filtered by the intervening trees.

## 3. The direct harm caused by the proposed development.

10.100 The southern elevation of Building 8 represents the outer limit of built form on the site and new development would stop short of this. The gap between Building 8 and the main complex of buildings to the north, which imparts a sense of openness to the site, would be infilled by Plots 29, 30 and 36 – 38. Furthermore, while it is noted that Building 8 is not dissimilar in height to that of the proposed dwellings, it could be argued that its greater separation from the site boundary means that it is less visually prominent when viewed from White Hill.

10.101 There would be spatial harm as a result of the development proposed in the southern quadrant of the site. The table below outlines the situation both before and after.

Attribute	Existing	Proposed	Difference	Change
Footprint (m <sup>2</sup> )	575	2,338	+1,763	+306.7%
Hardstanding (m <sup>2</sup> )	3,208	3,793	+585	+18.24%
Volume (m <sup>3</sup> )	4,148	13,569	+9,421	+227.122%

Table 4 – Southern Quadrant Calculations

## *Conclusion*

10.102 Taking the areas of assessment above into account, it is considered that the development of the southern quadrant of the site would result in harm to the Green Belt in the form of definitional harm, as per paragraph 147, of the NPPF, moderate visual and spatial harm to the openness of the Green Belt, and encroachment into the countryside, contrary to one of the purposes of including land within Green Belt.

10.103 National planning policy states directs that “*substantial weight is given to any harm to the Green Belt*”. The ‘other harm’ associated with the proposals will be discussed throughout this report and summarised at the end.

## Very Special Circumstances

10.104 Case law<sup>19</sup> has established that very special circumstances do not in themselves have to be rare or uncommon. It is for the decision maker to determine whether the potential harm to the green belt by way of inappropriateness is “*clearly outweighed by other considerations*”.

10.105 As elements of the southern part of the development would be inappropriate development in the Green Belt, a case for very special circumstances needs to be advanced.

## *Provision of Market Housing*

10.106 A recent assessment of the Council’s housing supply position in relation to the Rectory Farm appeal has determined that it has 1.69 years of supply, which is considered to be acute.

10.107 The Council is currently in the process of preparing a new Local Plan, but until this has been adopted it is unlikely that there will be any improvement in Council’s five year land supply.

10.108 In light of the size of the scheme, it is considered that it would be deliverable in a reasonable period of time and should be afforded **very substantial weight** in the planning balance.

## *Provision of Affordable Housing*

10.109 As there is also an acute shortage of affordable housing, **very substantial weight** should be attached to the provision of 40% affordable housing, which is above the policy requirements of 35%. The 5% additional provision would contribute to the very special circumstances case by providing much needed affordable housing in the Berkhamsted area.

## *Provision of Genuinely Affordable Socially Rented Units*

10.110 Current local and national planning policy does not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 17 affordable rented properties – 50% of total affordable housing provision on-site - at 60% of market rent should attract **very substantial weight**.

## *Redevelopment of a Previously Developed Site*

10.111 Weight has already been attributed to the benefits arising from the re-development of the site for housing. It is not considered, therefore, that this particular point attracts any additional weight. Accordingly, it is considered that **no weight** should be afforded it in the planning balance.

## *Contribution to Supply of Self Build Plots*

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<sup>19</sup> *Wycharon District Council v Secretary of State for Communities & Local Government & Ors [2008] EWCA*

10.112 The starting point is that the Self-Build and Custom Housebuilding Act 2015 places a duty on councils to keep a register of eligible individuals and associations who wish to self-build.

10.113 The Council's Strategic Planning team have provided information in respect of Custom and Self Build Housing supply and demand. This is set out below for ease of reference:

Base Period	Gross No. on register	No. formally registered	Queries but not removed from register	No. entrants removed / Blank Forms	No. declined	Net no. on register	Rolling period total	CIL Exempt. Delta (returns)	Achieve Annual No.
Base period 1 (April 2016-30 October 2016)	19	18	0	1	0	18	18	22	4
Base period 2 (31 October 2016-30 October 2017)	36	35	2	1	0	35	53	55	20
Base period 3 (31 October 2017-30 October 2018)	27	26	0	1	0	26	79	42	16
Base period 4 (31 October 2018-30 October 2019)	22	20	0	2	0	20	99	39	19
Base period 5 (31 October 2019-30 October 2020)	34	32	6	1	1	32	131	30	-2
Base period 6 (31 October 2020-30 October 2021)	62	62	5	0	0	62	193	58	-4
Base period 7 (31 October 2021-30 October 2022)	16	16	2	0	0	16	209	18	2
Base period 8* (31 October 2022-30 October 2023)	11	11	0	0	0	11	220	15	4
	<b>227</b>	<b>220</b>	<b>15</b>	<b>6</b>	<b>1</b>	<b>220</b>		279	59

\* Base period 8 includes two associations (1x1 person and 1 x3 persons).

Figure 6: Custom and Self Build Housing Supply and Demand 2016 - 2023

10.114 The data broadly show that the Councils is meeting the demand on the register if it fully takes into account all relevant CIL exemption data as a proxy for Custom and Self Build Housing plots. The only years showing a deficit are 19/20 and 20/21.

10.115 The above notwithstanding, the Planning Practice Guidance states that:

*Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area. Secondary sources can include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.*

10.116 At present the Council is not utilising any data other than the CIL exemption forms to establish the level of demand for custom and self-build plots in the area. It is also noted that the Custom and Self-Build Register is not advertised anywhere other than the Council's website, and as such, there is an argument to say there could, in reality, be unmet demand.

10.117 There are two further relevant points of consideration in this regard:

- The supply should be reviewed over a rolling three year period and the calculation for the current year is yet to be undertaken.
- Even if the Council is currently meeting its duty to provide Custom and Self Build Plots, neither the saved policies of the Local Plan or the Core Strategy contain any policies that would enable the Council to secure new plots.

10.118 Accordingly, it is considered that **moderate weight** should be afforded to this in the planning balance.

#### *Reduction of Built Form in Green Belt*

10.119 The information submitted in support of the application indicate that there would be an overall reduction in footprint, volume and hardstanding across the site. This is considered to attract **modest weight** in the planning balance.

#### *Increase in Green Space and Substantial Tree Planting*

10.120 Policy CS29 of the Dacorum Core Strategy requires the incorporation of one new tree to be planted per dwelling; therefore, there would be a minimum requirement for 86 new trees to be planted on site. A number of trees in excess of this<sup>20</sup> are proposed but this is not determinative as other policies would in any case require additional planting in the interests of making the development acceptable in planning terms. Unlike CS29, this is not a specific number and thus can, in reality, only be quantified by the Planning Officer. In taking a balance view of the matter, it is considered that the level of tree planting is not significantly above what would ordinarily be expected by planning policies as a whole. In terms of green space, it is noted that the provision would exceed the level ordinarily required by policy. It is considered, therefore, that **limited weight** should be afforded this in the planning balance.

#### *Quality of Design*

10.121 The housing may be considered by some to be more attractive than the buildings it is proposed to be replace, but there is no feature of the design of the houses themselves that would elevate them to something above mere compliance with local and national planning policy, which seeks development which is visually attractive as a result of good architecture and the creation of high quality, beautiful and sustainable buildings. In this regard, it is considered that **no weight** should be afforded it in the planning balance.

#### *Off-Site Highways and footpath Improvements*

10.122 The off-site highway improvement works are necessary to make the development acceptable in locational terms. The primary beneficiaries of the works would be future occupiers of Haresfoot Farm.

10.123 There would potentially be some benefits to The Beeches and Ashlyns Lodge as a result of the improved bus stop facilities, widened footways and controlled pedestrian crossing. The widening of the footpath between the A416 roundabout and Ashlyns School could also result in some benefits to existing users of Ashlyns School. However, given the limited number of persons this would benefit, it is considered that only **limited weight** should be afforded to this in the planning balance.

#### *Biodiversity Net Gain*

10.124 This application was submitted after biodiversity net gain became a mandatory requirement and therefore the applicant is required to deliver a biodiversity net gain of 10%.

10.125 A biodiversity net gain of 15% in respect of Biodiversity Units and 184% in respect of Hedgerow Units is proposed to be delivered through on-site habitat management and restoration, details of which are set out in the Ecological Impact Assessment prepared by CSA Environmental.

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<sup>20</sup> Approximately 260 are prop

10.126 The particulars have been reviewed by the County Ecologist who has confirmed that he is satisfied that *'the metric....has been correctly populated'* and considers that *'the proposed BNG is likely to be deliverable with appropriate management, and consequently the BNG Condition is capable of being met.'*

10.127 Given the level of net gain being provided, it is considered that this matter should be afforded **very substantial weight** in the planning balance.

#### *Improved Drainage*

10.128 Surface water run-off is to be dealt with by way of areas of permeable paving, which will direct water to swales leading to a pond / wetland area in the south-east of the site for discharge via deep bore soakaway. However, the use of Sustainable Urban Drainage Systems would be expected on a development of this size. Furthermore, there have been no reports of the existing site contributing or causing to anything other than very minor localised flooding. Therefore, **no weight** should be afforded to this in the planning balance.

#### *Removal of Contamination*

10.129 Although the historic agricultural and industrial uses on the site could indicate the presence of land contamination, there is no quantifiable evidence which confirms that the land is, in fact, contaminated. On this basis it is considered that **no weight** should be afforded to this in the planning balance.

#### *Provision of Community Hub*

10.130 The hub has been put in place in order to, in part, address concerns in relation to the sustainability of the site. It forms part of the package of works necessary to make the development acceptable in planning terms. As a result, it is considered that **no weight** should be afforded to this in the planning balance.

#### *High Sustainability Credentials*

10.131 It has been stated that the dwellings will exceed Part L of the Building Regulations by over 60%. That said, the Energy Statement is not explicit on how this will be achieved and it would be necessary to secure such benefits if weight is to be afforded to them in the planning balance. Given the lack of clarity at this time, it is considered that **no weight** should be afforded this in the planning balance.

#### *SANG Delivery*

10.132 SANG land is required to ensure that this development will not give rise to any adverse impacts on the Chiltern Beechwoods Special Area of Conservation.

10.133 Members have resolved to grant planning application 23/02508/MFA, which sought a change of use to outdoor recreation with a view to the land ultimately being considered as Suitable Alternative Natural Greenspace (SANG).

10.134 The SANG application is independent of this application and has already been given to the provision of surplus SANG capacity for other developments within Dacorum. Irrespective of whether this application comes forward, it is likely that the SANG will be delivered and **no weight** is attributed in this regard.

## *Economic Benefits*

10.135 The full list of economic benefits is set out on pages 4 and 5 and pages 16 and 17 of the Economic Benefits Statement submitted in support of this application. Highlights include:

- New employment (58 FTE) during the construction period.
- Indirect job creation (56 FTE) during the construction period.
- Boost to the local economy through expenditure on goods and services.
- Generation of additional Council Tax revenue for the Council.
- 57 of the new residents would be economically active, adding to the local workforce.

10.136 It is acknowledged that there can be no absolute certainty that the 57 new economically active residents would contribute to the local workforce. However, it would be unrealistic to say that none would be employed locally. This degree of uncertainty has been factored into the level of weight attributed to this matter.

10.137 In summary, the information contained within the document appears reasonable, and in having regard to the fact that sustainable development includes an economic element, it is considered that **moderate weight** should be afforded to the economic benefits in the planning balance.

## **Quality of Development / Character and Appearance**

### *Design*

10.138 The Farmstead Edge character area seeks to emulate the largely unbroken line formed by the current historic farm buildings. Plots 3 and 86 flank the entrance and are modern interpretations of the existing white building to the right of the access. Materials are to comprise of white and natural coloured brick with heights ranging from 1.75 to 2.5 storeys. The entrances to the dwellings will be along the site edge – looking out toward the public footpath and future SANG. It is considered that the design and recreation of the existing farmstead frontage has been done to a high-standard, sensitively reflecting the strong characteristics of the historic farmstead charm. The design of plots 1-3 and 86-83 embeds the development in the local character and forms a scheme that has evolved from the historic usage and character.

10.139 The vision states that the development will incorporate characteristics of a farmstead, responding to local character, that feels like a natural evolution, framing what could be a potentially high-quality development. Overall, the approach to character across the site is a positive one, and the strategy is welcomed, reflecting the local context and architectural character. Similarly, the design principles represent the historic farmsteads characteristics and distinctive features. It is rare to see a development of this scale include character areas, however the scheme includes a comprehensive approach to character which is welcomed, generating a high-quality scheme.

### *Layout*

10.140 The layout of the proposed scheme is considered to be high-quality from a design perspective. The approach to the east-west landscape corridor is a major asset to the scheme and creates a unique environment that will be distinctive.

10.141 Parking has been carefully considered and sympathetically sited in courtyards to avoid cluttered streets.

### *Density*



10.142 The development is built at a density of approximately 11.8 dwellings per hectare. Given the site context and local character, this level of density is considered to be acceptable.

#### *Amenity Space*

10.143 In accordance with Appendix 3 of the Dacorum Local Plan, private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m, and that a range of garden sizes should ideally be provided to cater for different family compositions, ages and interests. A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity, to open land, public open space or other amenity land.

10.144 Drawing no. 23-J4356 – 109 (Private and Communal Amenity Plan) indicates the garden areas demised to the respective dwellings. Whilst there are examples of dwellings with garden depths marginally less than 11.5m<sup>21</sup>, the site is exceptionally located in so far as public amenity space is concerned, being stone's throw from the future SANG and the considerable public open space on the site itself.

#### *Noise*

10.145 Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. PPG24 has, however, now been cancelled and superseded by the NPPF, and whereas PPG24 included a sequential test and Noise Exposure Categories, the NPPF is less prescriptive:

10.146 Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

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

10.147 Furthermore, Paragraph 191 of the NPPF states that:

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions – and avoid noise giving rise to significant adverse impacts on health and quality of life.*

10.148 An Acoustic Assessment and noise survey undertaken by Cass Allen identified that average noise levels, maximum noise levels and background noise levels across the site are dictated by road traffic on the A41 - located approximately 280m from the northernmost corner of the site.

10.149 As regards internal noise levels, the report advises that, subject to the installation of suitable glazing and ventilation systems, acceptable internal noise levels will be achievable.

10.150 The Acoustic Assessment states at paragraph 5.24: *'The noise survey results indicate that noise levels in the majority of external amenity areas are predicted to generally achieve the BS8233 recommended levels.'* before going on to conclude, in paragraph 5.26, that the *'exceedance is*

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<sup>21</sup> Approximately 17.

*anticipated to be below the level at which it would become perceptible under normal conditions (i.e. outside of a dedicated listening room) and is therefore considered negligible in practice’.*

10.151 Consideration is also given to the fact that the development of the SANG will require the construction of an acoustic fence, which will further attenuate sound levels.

10.152 The Council’s Environmental Health Officer has reviewed the particulars and provided the following comments:

*In relation to noise, while I note internal levels being met with appropriate glazing and insulation; it is inappropriate and unreasonable for the applicants to assess the external amenity levels as acceptable, in areas where the upper guideline value of BS8233 is potentially being exceeded. This appears to be due to the A41, and the report hopes that by using the potential road noise propagation from another applicant to mitigate this potential impact, this should be acceptable.*

*I would expect the applicant to be considering their own acoustic fences/bunding etc., for the avoidance of doubt and ensuring that they are appropriately preventing any detrimental impact on occupants themselves; as opposed to relying on a development that may not exist at the point of first occupation.*

*I don't believe this is a sufficient reason to suggest refusal, however I would suggest a condition requiring a scheme for achieving the levels set out in BS8233 across all of site (including internal and external areas), to be provided for discharge prior to commencement, and ensuring that the applicant themselves are responsible for putting these in place and maintaining them.*

10.153 Cass Allen subsequently provided an Update Note clarifying their position in relation to the acoustic fence that will serve the SANG. It is their view that the acoustic fence is not necessary and would simply provide betterment to the nearest gardens to the A41. The reasons for arriving at this conclusion were:

- i. The noise survey results indicate that noise levels in the majority of external amenity areas are predicted to generally achieve the BS8233 recommended levels.*
- ii. Whilst noise levels in some gardens closest to the A41 without screening from the associated dwelling may marginally exceed the 55 dB LAeq,T BS8233 upper guideline value by up to 2-3 dB this is only expected on weekdays when traffic numbers are highest. Furthermore, garden noise levels during weekday evenings (following the afternoon rush-hour) are anticipated to generally be below the upper guideline value.*
- iii. Garden noise levels during weekends were also found to be lower than the upper guideline value.*
- iv. Given that garden noise levels during the evenings and weekends are anticipated to be below the upper guideline value and it is typical for gardens to primarily be used during those periods; it is considered that, for the majority of typical use cases, garden noise levels even in “worst case” locations will be below the upper guideline value.*
- v. The above notwithstanding, any marginal daytime weekday exceedance of the upper guideline value is anticipated to be below the level at which it would become perceptible under normal conditions (i.e. outside of a dedicated listening room) and is therefore considered negligible in practice and would not impact on the reasonable use of the gardens.*
- vi. Finally, BS8233 makes it clear that the values presented are guidelines and not hard-and-fast limits not to be exceeded. This clearly allows for some leeway in assessments.*

10.154 The consultants go on to recommend the inclusion of an alternative planning condition to the one suggested by the Environmental Health Officer. The wording of the condition is such that details of a scheme for sound insulation would only need to be provided prior to first occupation. However, if the development had not been constructed appropriately it could at that late stage be difficult to justify the necessary remedial works, potentially resulting in detriment to future residents. Accordingly, it is suggested that the wording be amended to permit only works below slab level prior to the submission and approval of the scheme for sound insulation.

10.155 Subject to the inclusion of this condition, it is considered that development would be acceptable from an acoustic perspective.

### **Impact on Amenity of Neighbours**

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

10.157 The dwelling most likely to be affected by the development is Haresfoot Farm House. However, the relationship between this dwelling and Plot 1 is such that there would be no significant adverse effects, with overlooking being somewhat oblique and there being no direct visual intrusion. Indeed, it is considered that the removal of the large industrial / commercial buildings adjacent to the boundary of the curtilage would, in fact, result in improvements to amenity.

10.158 There are no other dwellings close enough to the site to be directly affected. Considering off-site impacts to amenity arising from, for example, traffic travelling along White Hill, it is instructive to note that the Transport Assessment predicts an overall reduction in vehicles entering and leaving the site.

10.159 Taking all of the above into account, it is considered that the development would accord with Policy CS12 of the Dacorum Core Strategy.

### **Impact on Landscape Character**

10.160 Policy CS25 states that all development will help conserve and enhance Dacorum's natural and historic landscape and should take full account of the Dacorum Landscape Character Assessment.

10.161 The site lies within the Landscape Character area of Ashlyns and Wigginton Plateau (Area 110), which is described as a gently undulating plateau, characterized by open farmland and punctuated by mixed woodland. Land use in the area is primarily pasture and secondarily arable. Buildings and uses are noted as isolated eyesores in this area. The historic parklands of Ashlyns Hall, Haresfoot, Rossway and Champneys are noted as important features of the landscape character of the area with the Cedars and Wellingtonias a visually dominant element of the skyline.

10.162 The Strategy and Guidelines for Managing Change seek, inter alia, to:

- promote the survey, retention and restoration of the historic parklands, including Ashlyns, Haresfoot, Rossway and Champneys through a range of initiatives; including; tree planting including parkland exotics (where over mature);
- encouragement to reverse arable to pasture and use of traditional metal estate fencing. Restoration of structures should be historically accurate;
- support a strategy to limit built development within the area or the impact of development that may affect the area from outside;

- conserve and enhance the distinctive character of settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area.

10.163 The application was accompanied by a Landscape and Visual Appraisal (LVA) which assesses the likely landscape and visual effects of the development. The LVA establishes the baseline and provides comment on the nature of the changes and whether they will be significant in the determination of the application.

10.164 It is important to note that the Guidance for Landscape and Visual Impact Assessment, third edition (GLVIA 3) does not require an assessment of harm. Instead, it simply refers to whether a particular effect would or would not be significant. Judgements as to levels of harm, if any, are planning judgements.

10.165 The LVA considers that the landscape is of only “local value” and has a sensitivity which lies in the low to mid-range of sensitivity to the change proposed.

10.166 Based upon a Zone of Theoretical Visibility (ZTV), photography has been undertaken to illustrate single vantage points. The limited visual envelope of the proposed development is such that the locations from which the new dwellings will be experienced relate to those where the existing development is already visible.

10.167 A degree of visual change is anticipated for people walking on footpath 41/42, people using Bridleway 36 south east of the Larches, people travelling along White Hill, and future users of the SANG. Importantly, however, the development does not introduce development into a hitherto undeveloped landscape; rather, it would replace large, utilitarian commercial buildings with smaller built components that are set within a landscape setting which will filter views, eventually reducing the visibility of the development from local roads and footpaths.

10.168 Landscaping proposed within the nearby Haresfoot SANG would further soften the residential development. It is appreciated that the SANG may not ultimately be implemented and, in such an eventuality, the landscaping benefits would not accrue. Unless an alternative bespoke SANG solution were found, the residential scheme at Haresfoot Farm could not come forward. The Council is not aware of any possible sites which the applicants could avail of if this were the case. For this reason it is considered unlikely that the SANG would not come forward. Even if it did not, there would still be landscaping within the application site boundary that would militate against any significant impacts.

10.169 In summary, following maturation of the areas of landscaping proposed as part of the development, it is not considered that there would be any significant adverse impacts on the landscape character of the area.

### **Loss of Employment Generating Uses**

10.170 The site currently hosts a number of storage and light industrial units. Saved Policy 34 of the Dacorum Local Plan states that established employment sites in the Green Belt which do not cause environmental problems and provide local employment opportunities will be protected from change to non-employment generating uses unless satisfactory replacement opportunities are provided.

10.171 Paragraphs 88 and 89 of the NPPF are supportive of the growth and expansion of all types of business in rural areas and acknowledge that sites to meet the needs of local business may be located adjacent to or beyond existing settlements, including locations that are not well served by public transport.

10.172 As outlined in the comments from Strategic Planning, there is a shortage of industrial space in both Dacorum and South West Hertfordshire as a whole, with very limited opportunities for new industrial development. This deficit includes small and medium sized units.

10.173 While it is appreciated that a number of the newer units on the site are restricted to the storage, salvage, re-purposing and recycling of scenery and props associated with the entertainment industry within use classes B8 and E(g), a relaxation of the use requirements is likely to be looked at positively given the shortage of light industrial space within the Borough. However, regard does need to be had to the specific site circumstances.

10.174 A report prepared by Lambert Smith Hampton and submitted in support of this application outlines the suitability of the site for employment uses and the utility of the existing units located on the site.

10.175 As of 20<sup>th</sup> April 2024,<sup>22</sup> 11 of the 23 separate units were vacant. The use of Buildings 2 – 8 are limited to the storage, salvage, repurposing and recycling of scenery and props associated with the entertainment industry within use classes B8 and E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This use was specific to the former owner of the site and is restrictive and likely to be wholly unsatisfactory for occupiers seeking unencumbered E, B2 or B8 uses.

10.176 The report considers whether the site could be re-purposed for use as a functional film studio. A requirement for a functional studio is no less than two 20,000 sq ft sound stages and ancillary accommodation, the latter of which can be split into set and prop storage, although both must be in close proximity to the sound stages. There is less of a need for costume and make up facilities to be in close proximity to the sound stage, but they do nonetheless need to be accommodated. The report goes on to advise that:

*'There is clearly no demand for the accommodation at Haresfoot Farm from these occupiers – the units are too small and piecemeal, whilst the internal eaves heights fall below the ideal minimums required by these end users. The buildings are in a state of disrepair, there are no facilities on site such as toilets, office, kitchens and workshop space.*

*Furthermore, there has been a significant uplift in the amount of dedicated, purpose-built film studio sites including the likes of Sky Studio, Warner Brothers Watford, Pinewood and Sunset Studios. These facilities more than meet market demand levels, whilst coupled with the recent Writers and Actors strikes, has stunted current demand and led to a saturation of supply.'*

10.177 Lambert Smith Hampton have also provided commentary and analysis in terms of the potential for the site to be used for general commercial purposes. Key points have been set out below for ease of reference:

- At 42.2m sq ft, UK-wide take-up of commercial space in 2023 was the lowest annual total since 2017.
- Interest in commercial premises is focused on the quality end of the market, Grade A space accounting for approximately 70% of total take-up in 2023.
- The underlying make-up of supply has shifted following an increase in speculative development, with new and refurbished space accounting for 67% of total supply.

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<sup>22</sup> An email from the applicant, dated 20/05/24, advised that Units 1 and 2 have now also been vacated, leaving a total of 10 units occupied.

- Within Dacorum there is a good supply of higher quality commercial units than those found at Haresfoot Farm. The new units are purpose built and provide basic amenities such as toilets, kitchens, office content and are located in established employment locations with better road access and nearby services.

10.178 The report goes into considerable detail regarding the latter in assessing the suitability of the respective buildings for commercial use. The buildings are described as *'a mis-match of previous agricultural buildings and ancillary storage uses which have been added to and expanded over time'* and therefore considered to be *'wholly unsuited to modern occupational standards insofar as they do not provide any office content or key facilities such as WC provisions, welfare, kitchens/kitchenettes or changing facilities.'* Consideration is also given to the available areas of yard space, it being noted that some of the hardstanding is unlawful and subject to an Enforcement Notice, rendering the servicing space unacceptable to a significant proportion of prospective occupiers.

10.179 It is understood that Claridges Commercial were formally instructed to market the site in 2023 and although there was initial interest, this very quickly cooled, with feedback from prospective occupiers indicating the following issues:

- Poor location of site.
- Access for HGVs and larger vehicles is problematic.
- The units do not provide adequate amenities such as toilets and kitchens
- The units have inadequate service yards
- The units are inefficient
- The site lacks necessary nearby amenities
- Issues with lawful use.

10.180 In their current form and given the planning restrictions imposed on them, the buildings at Haresfoot Farm are unlikely to be attractive to the majority of occupiers. Coupled with the increase in high-quality, brand new, purpose-built accommodation in established industrial areas (such as Maylands Avenue) where there are a range of amenities nearby and the road network is sufficiently developed such that it can accommodate HGVs, it is clear that nothing short of full-scale re-development would suffice to make the site viable for commercial uses.

10.181 That said, it must be acknowledged that 10 of the units are currently occupied and would be deprived of commercial / storage space should re-development for residential purposes proceed. Accordingly, it is considered that **modest negative weight** should be afforded to the loss of employment generating uses in the planning balance.

### **Highway Safety, Car Parking and Servicing**

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

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

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

### **Access**

10.184 The existing access to the site is to be altered to facilitate the residential development. The alterations are to comprise of a new bellmouth junction and the realignment and widening of the access, details of which are shown on drawing no. 23-J4356 – 100 Rev. A (Proposed Site Layout).

10.185 Paragraphs 3.26 – 3.29 of the Transport Assessment prepared by EAS (dated February 2024) provides a list of road traffic accidents which have taken place in the vicinity of the site for the five-year period ending in 2022. It is to be noted that no accidents were recorded along White Hill, the closest being at the junction of White Hill and the A416. Other accidents were located even further from the site and would clearly have been unrelated to the application site access.

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

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

10.187 MfS illustrates the type of vehicles various carriageway widths can accommodate. Carriageway widths of 4.8 metres are sufficient to permit two cars to pass one another with relative ease and larger vehicles with care, while carriageway widths of 5.5m will allow cars and larger vehicles to pass with relative ease.



Figure 7: MfS Extract pertaining to carriageway widths

10.188 The proposed access road would measure approximately 5.5 metres and thus is considered to be commensurate with the anticipated level of traffic and nature of the vehicles likely to visit.

### Road Capacity

10.189 TRICS data has been used to predict the transport impacts of both the proposed and existing development.

10.190 By way of background, the TRICS database consists of a large amount of survey data, encompassing numerous developments throughout the country. TRICS will annually identify what datasets are lacking data, or data that is at risk of being out of date, and then look to find suitable sites they can survey. Transport consultants will set certain parameters – e.g. land use, location in relation to urban areas, tenure, unit numbers etc – and then use an average of the survey data in order to estimate the likely number of vehicular movements.

10.191 Table 7.2 of the Transport Assessment sets out the expected number of vehicle movements in the morning and evening peaks (08:00 – 09:00 & 17:00 – 18:00) and between the hours of 07:00 – 19:00 for the proposed development. The tenures upon which the figures were based had

changed since the report had been submitted; therefore, an updated Trip Generation Note was provided on 10<sup>th</sup> May 2024 which assessed the vehicle movements associated with 59 privately owned houses, nine affordable houses, 10 privately owned flats and 8 affordable flats.

10.192 The Trip Generation Note states that ‘32 total vehicle trips are estimated to occur during the AM peak hour, 31 during the PM peak hour, and 280 over the day’. By contrast, there would be a reduction of 14, 23 and 208 vehicle trips during the respective AM / PM peak hours and over the course of an average weekday when comparing the existing and proposed uses.

10.193 It should be noted that the figures stated in relation to the existing use have been adjusted to Passenger Car Units (PCU), which is a way of assessing the impact a particular mode of transport has on traffic variables – i.e. headway, speed and density – compared to a single car on the road network. Common vehicle types are assigned a conversion factor which allows counts of heavy vehicles to be converted into counts of passenger cars, such that a mixed flow of heavy and light vehicles is converted to an equivalent traffic stream consisting solely of passenger cars.

10.194 As the current land use will generate a significantly larger number of HGV movements than the proposed residential development, and as each HGV will individually have a greater impact than a single car, it was considered by the transport consultants that the use of PCU would be appropriate. The Highway Authority have raised no objections to this approach and nor do Officers.

10.195 Junction modelling over three scenarios<sup>23</sup> has taken place in respect of the A41 Roundabout (NE), the White Hill / A416 Priority Junction, and the A41 Roundabout (SW). The data indicates that the junctions are operating well within capacity and will continue to do so in all modelled scenarios.



Figure 8: Junction Modelling Undertaken

10.196 It is noted that concerns have been raised by members of the public in relation to the potential traffic impact on the section of White Hill between the application site and the hamlet of Whelpley Hill, as well as Whelpley Hill itself.

<sup>23</sup> 2023 Base Year Model, 2028 Growth Model & 2028 Growth + Development Model



10.197 White Hill to the south of the application site is predominantly single-track in width with limited passing spaces and flanked on either side by verges and tall, mature hedging, such that visibility and, by extension, speed is severely curtailed.

10.198 Given these constraints, it is entirely reasonable to assume that persons heading toward Whelpley Hill / Bovingdon would in most instances use the A416 / B4505 or A41 / A4251 / B4505 routes, for while these routes are longer in distance, travel times would be broadly similar and the respective journeys far less arduous.

10.199 A Technical Note providing further information in relation to trip distribution has also been provided by the transport consultants in order to understand the potential for additional traffic along the section of White Hill between the application site and Whelpley Hill.

10.200 Using 2011 Census Journey to Work data, which contains details of all employed persons residing in the area – including their location of employment – a route planner was used to calculate the route a resident would take between the site and their workplace. This was set up to route journeys based on the expected traffic levels for a weekday morning.

10.201 The Technical Note goes on to advise that:

*‘owing to the site’s proximity to the A416 and the A41, it is found that very few car journeys are expected to route through Whelpley Hill. Overall, 6.7% of ‘journeys to work’ would be expected to route through Whelpley Hill, with the remainder routing via the A41, A416 or Berkhamsted town.’*

The relevant table of results has been reproduced below for ease of reference:

	08:00 – 09:00			17:00 – 18:00			07:00 – 19:00		
	In	Out	Total	In	Out	Total	In	Out	Total
Cars	1	1	2	1	1	2	9	9	17
OGVs	0	0	0	0	0	0	0	0	0

10.202 In numerical terms, the development is likely to generate two car journeys through Whelpley Hill in both the AM and PM peak hours, or 17 vehicle movements between the hours of 07:00 – 19:00. Over a 10 hour period<sup>24</sup>, this would equate to a total of approximately 1.3 car movements per hour if spread evenly throughout that period.

#### *Cumulative Impact*

10.203 Members recently resolved to grant planning permission<sup>25</sup> for the change of use of land surrounding the application site to outdoor recreation with a view to it eventually becoming Suitable Alternative Natural Greenspace (SANG).

10.204 Planning permission is yet to be formally granted, but in light of the positive resolution by Members and the necessity of delivering the SANG for the applicants, it is reasonable to assume that the requisite section 106 agreement will, at some point in the near future, be completed and signed by all relevant parties, allowing permission to be formally granted. It is, therefore, that the cumulative impact of the SANG and this development are assessed.

10.205 A supplementary report has been submitted to quantify the expected impact of the SANG on the Haresfoot Farm residential development from a trip generation perspective.

<sup>24</sup> 07:00 – 08:00, 09:00 – 17:00 & 18:00 – 19:00.

<sup>25</sup> Planning reference 23/02508/MFA.

10.206 The report refers to the Transport Assessment submitted in support of the SANG, which states that peak periods for SANG usage are likely occur during weekends and daytime hours on weekdays; that is to say, outside the peak AM and PM hours on weekdays (08:00 – 09:00 & 17:00 – 18:00). On this basis, the report concludes that vehicle movements associated with the SANG would have *'minimal overlap with the expected vehicle movements generated by the proposed Haresfoot Farm residential scheme'*.

10.207 The Highway Authority have reviewed this additional information and have raised no objections, noting that *'There are no specific concerns in this respect and the SANG proposals would not impact on the formal recommendation for this site'*.

### *Summary*

10.208 It is considered that the development would not result in highway capacity being exceeded. In forming this view, regard has been had to the robust and substantial quantitative evidence provided by the applicant and the expert views of the Highway Authority.

### Offsite Highway Works

10.209 As has already been outlined in an earlier section of this report, the following off-site highway works are proposed:

- Installation of footway along White Hill, leading onto existing footways on A416, in addition to a series of traffic calming carriageway alternate priorities and street lighting.
- Widened footways along A416 and widened traffic island on western side of A416/Chesham Road roundabout.
- Pedestrian controlled crossings prior to A416/Chesham Road roundabout, allowing crossing to west side of A416.
- Relocation of bus stops to within 550m walk of proposed development.
- Tactile paving at key crossing points.
- Speed limit reduction to 40mph along White Hill and A416 travelling north-east and south-west.

10.210 The site location plan submitted in support of this application does not include the land upon which the highway works are to be carried out. However, it is well established in planning law that Highways works outside of a red line boundary can be secured by way of a Grampian condition.

10.211 A Grampian condition is essentially a negatively worded condition that either prohibits development authorised by a planning permission or other aspects linked to the planning permission until a specified action – e.g. provision of supporting infrastructure – has been undertaken.

10.212 Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

10.213 The Highway Authority have reviewed the proposed works and advise that they:

*'...are supported by HCC as HA to ensure that access to and from the site is acceptable and sufficient for all users including pedestrians and to ensure that the proposals are in accordance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's Local Transport Plan (LTP4) and Paragraphs 110 to 112 of the NPPF. The applicant would ultimately 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 necessary works that would be needed on highway land.'*

10.214 Concerns have been raised by the occupiers of Redwoods in connection with the potential for the proposed traffic calming along White Hill to impede access to their driveway. At this stage the works are indicative and full details would be provided to the Highway Authority at section 278 stage, where the works would be subject to a number of audits. The Highway Authority would not agree to any works which impede ingress and egress to an established access.

10.215 It is acknowledged that the works in relation to White Hill would result in a degree of urbanisation; however, the following factors are considered to be of relevance:

- The crash barrier adjacent to A41 already urbanising factor, as will be the SANG car park, and therefore the road is not entirely devoid of urban features; indeed, these have been considered as acceptable.
- Approval of SANG ensures that the rural character of the area is largely retained for 80+ years.
- Traffic calming features can be sympathetically designed to help them integrate with the rural character of the area (as shown in the example below from Hertford).



Photo 2: Example of Sympathetic Traffic Calming

10.216 It is recommended that a condition requiring submission of a detailed scheme for the necessary off-site highway improvement works as indicated on drawing nos SK01 (Rev B), SK02, (Rev C) SK03 (Rev C), SK04 and SK05 be included with any grant of planning permission. This is to ensure that the works granted planning permission accord with those subsequently agreed at section 278 stage. A condition requiring implementation and completion of the highway works prior to first occupation of the development is also recommended for inclusion with any grant of planning permission.

#### Car Parking

10.217 Policies CS8 and CS12 of the Dacorum Core Strategy seek to ensure that development provides sufficient and safe parking.

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

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

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

....

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

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

2 bedrooms	Allocated	1.50
	Unallocated	1.20
3 bedrooms	Allocated	2.25
	Unallocated	1.80
4 bedrooms	Allocated	3.00
	Unallocated	2.40
5 bedrooms	Allocated	Case by case approach
	Unallocated	Case by case approach

10.221 Matters pertaining to parking provision fall within the remit of the local planning authority, although the Highway Authority may make specific comments where car parking would undermine sustainability objectives (by discouraging the utilisation of more sustainable means of travel), or where a shortfall may exacerbate local conditions to such a degree that the free flow of traffic or highway safety would be prejudiced.

10.222 Notwithstanding the proposed off-site highway works, it is not unreasonable to assume that the car would be the favoured travel option for a majority of residents.

10.223 To be considered de-facto parking for the purposes of the SPD, parking spaces are required to meet specified minimum dimensions. Paragraph 8.2 of the Dacorum Parking Standards SPD sets out the situation as follows:

*The 'Roads in Hertfordshire: Highway Design Guide' focusses on the design aspects of roads and the streetscene in Hertfordshire. It advises on the dimensions and location requirements for parking bays and driveways. Guidance is in the process of being updated but until this new guidance is adopted the dimensions required for a standard parking space are 2.4m x 4.8m.*

10.224 Hertfordshire County Council's *Place & Movement Planning and Design Guidance* was adopted by the County Council on 18<sup>th</sup> March 2024 and includes new guidance on standard parking spaces. A standard parking space should now have dimensions of 2.5m x 5m. This update acknowledges the trend of larger vehicle sizes and the issues this can cause in older car parks.

10.225 A total of 223 spaces are to be provided within the development, comprising of:

- 156 allocated spaces.
- 30 unallocated spaces.
- 37 visitor spaces.

10.226 The Proposed Parking and Cycle Plan<sup>26</sup> lists the accommodation and the level of proposed parking provision. Since more than 50% of the parking spaces are allocated, the allocated standards need to be applied. The proposal comprises of the following dwelling mix:

<u>Quantity</u>	<u>No. Bedrooms</u>
13	1B
15	2B
38	3B
14	4B
6	5B

10.227 This size and number of dwellings proposed gives rise to a parking requirement of 191 spaces. Excluding visitor spaces – which are additional where more than 50% of spaces are allocated – there would be a deficit of 5 car parking spaces.

10.228 The deficit arises as a result of the 3-bedroom dwellings which require 2.25 each but only provide 2. It is perhaps relevant to consider that if one 3-bedroom dwelling were provided in isolation, only 2 spaces would be required due to rounding and it is only when aggregated that the 0.25 of a space add up to an additional 10 spaces.

10.229 Whilst there is the potential to add a further five parking spaces, there is clearly a balance to be struck between car parking versus landscaping. The development has been designed to form an attractive composition filled with an abundance of soft landscaping and street trees.

10.230 As is acknowledged in the sub-section below, the site would provide a policy compliant level of visitor parking – i.e. 37 spaces. This is a sizeable number and it is questionable whether all would be in use at any one time. In other words, the visitor parking would arguably serve as a release valve in the event that parking capacity proves insufficient.

10.231 It is therefore suggested that despite a small deficit there would nonetheless be a sufficient level of parking on site. Should Members have concerns with this approach, then it would be possible to include a condition requiring details of a further five spaces and their provision prior to occupation of the site.

#### Visitor Parking

10.232 The Parking Standards SPD identifies that no special provision need be made for visitor parking where at least half of parking provision associated with a development is unallocated. Where this is not the case, an additional 0.2 spaces per dwelling will be required.

10.233 As is evident from the figures above, parking spaces within the development are overwhelmingly allocated and thus there would be a requirement for 37<sup>27</sup> additional standalone visitor parking spaces.

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<sup>26</sup> 23-J4356 - 108

10.234 The plan shows 37 visitor parking spaces are shown interspersed relatively evenly throughout the site. It follows that the visitor parking is in accordance with the Parking Standards SPD.

#### *Disabled Parking*

10.235 The Parking Standards SPD states that 5% of residential car parking spaces should be designated for use by disabled persons. It is important to note that this is 5% of total capacity, not additional. The total number of spaces to be provided in the development is 223; therefore, 11 disabled parking spaces would need to be provided in order for the development to be policy compliant.

10.236 Guidance on the dimensions of disabled car parking bays is provided in Traffic Advisory Leaflet 5/95:

*Off-Street Parking - The dimensions of off-street parking bays should provide a rectangle at least 4800mm long by 2400mm wide for the vehicle, along with additional space as follows:*

*(a) where the bays are marked parallel to the access aisle and access is available from the side, an extra length of at least 1800mm (Figure 3), or*

*(b) where the bays are marked perpendicularly to the access aisle, an additional width of at least 1200mm along each side. Where bays are adjacent, space can be saved by using the 1200mm "side" area to serve the bays on both sides (Figure 4).*

10.237 The parking standards SPD states that 'Any space not meeting this standard will not be taken into account when assessing whether the parking requirement has been met.'

10.238 The wheelchair accessible dwellings within the development are indicated on the diagram below in orange, and their respective parking areas in yellow. These are plots Plots 7, 26, 28, 29 and 32.



Figure 9: Location of Allocated Disabled Spaces

<sup>27</sup> 186 x 0.2 spaces = 37.2.

10.239 None of the spaces and adjacent areas of hardstanding serving the disabled adapted units appear to have sufficient width to be considered as fully compliant disabled spaces. The same also applies to the visitor spaces. However, it would be feasible to provide the additional widths and depths required, such that policy compliant spaces could be provided. It is therefore recommended that a condition requiring the submission of further plans, which shows disabled spaces of the requisite size for the disabled adapted dwellings and a minimum of two visitor spaces be included, with development subsequently needing to be carried out in accordance with the approved particulars.

10.240 In summary, subject to the imposition of the aforementioned planning condition, it is considered that there would no planning harm.

*Electric Vehicle Charging*

10.241 The EV charging provision requirements for planning purposes are set out in Table 1 on page 32 of the Parking Standards SPD, an extract of which has been provided below for ease of reference:

<b>Land use</b>	<b>Provision</b>	<b>Type of Charger (minimum)</b>	<b>Power Supply</b>
C3 Houses	1 per house active charging point	7kW Mode 2 with Type 2 connector	230v AC 32 Amp Single Phase dedicated supply
C3 Flats and other C3 uses	50% of all parking spaces to have active charging point, all remaining parking spaces to have passive provision. This assumes all the electric spaces are unallocated; if allocated, the Council will require a higher proportion of provision agreed on a case by case basis.	7kW Mode 2 with Type 2 connector  Feeder pillar or equivalent permitting future connection.	230v AC 32 Amp Single Phase dedicated supply

10.242 Full details of EV charging provision have not been provided; however, this is a detail that can be reserved by condition.

Servicing Arrangements

*Refuse*

10.243 Appendix E of the Transport Assessment includes swept path analysis for a refuse freighter.

10.244 Four potential turning points are shown where the refuse freighter would be able to carry out the manoeuvres necessary to change direction. The manoeuvre proximate to Plot 35 appears to require the refuse freighter to encroach upon the allocated parking area, which would not generally be considered satisfactory:



- Successful completion of the reversing manoeuvre is contingent on the cars being parked in the manner shown on the drawing.
- Even if the cars were parked in such a way that the refuse freighter was able to successfully carry out the reversing manoeuvre, this would result in encroachment on to land that would likely be in the ownership of the property.

10.245 However, it has been established that the refuse freighter used to model the swept path analysis is considerably larger than those currently used by Dacorum Borough Council Waste Services. For the avoidance of doubt, the applicants were asked to re-run the swept path analysis based on the correct specifications and it shows that all the manoeuvres could comfortably be carried out.

10.246 Plots 15 – 17, 58 – 65 and 74 – 79 appear to be served by bin collection points<sup>28</sup> with easy access from rear gardens. The detached dwellings, meanwhile, are unproblematic as it is anticipated that they will have side accesses and ample space for presenting the bins on collection day.

10.247 Queries in relation to bin collection were raised for Plots 1– 3, 5 – 6, 18 – 20, 21 – 24, 80 – 81 and 83 – 86, as it was either not entirely clear how this would take place or the Bin Collection Point (BCP) appeared to be located an inordinate distance away. Further information has subsequently been provided by the architects and is set out below:

Plots 1 – 3, Plots 5 – 6:

10.248 *‘Plot 1 will have side access to the rear garden, whereas Plots 2 and 3 will have access from the rear. The bins can be stored in the garden and placed next to the highway kerb (indicated by orange circles in the snapshot below) on the designated day of bin collection. Indicative side and rear access/gates have been shown on the attached draft site layout.’*



Figure 10: Refuse Storage Arrangements 1

<sup>28</sup> Annotated as ‘BCP’ on the plans.



10.249 'Plots 5 & 6 would have a side access. Same as Plots 1-3, the bins can be stored in the garden and placed next to the highway kerb (indicated by orange circles in the snapshot above) on the designated day of bin collection.'

Plots 18 – 20:



Figure 11: Refuse Storage Arrangements 2

10.250 'We have now provided rear access to Plots 15-20 and relocated the bin collection point closer to their rear entrance.'

Plots 21 – 24

10.251 'Plots 21-24 would have a rear access to their back garden. Indicative side and rear access/gates have been shown on the attached draft site layout.'

Plots 80 – 81, 83 - 86

10.252 'Side access would be provided. The bins can be stored in the garden and placed next to the highway kerb (indicated by orange circles in the snapshot below) on the designated day of bin collection.'



Figure 12: Refuse Storage Arrangements 3

10.253 *'Please note that we have made adjustments to the parking spaces in the court (highlighted in pink) to accommodate rear access/gates. The bins can be stored in the garden and placed next to the highway kerb (indicated by orange circles in the snapshot above) on the designated day of bin collection.'*

10.254 Following provision of this additional information, it is considered that refuse collection arrangements for individual properties would be appropriate and sufficient.

#### *Fire*

10.255 Appendix F of the Transport Assessment includes swept path analysis for a fire tender and shows a number of potential turning points where the fire tender would be able to carry out the manoeuvres necessary to change direction. The specifications of the fire tender used do not accord with the tenders used by Hertfordshire Fire and Rescue. However, following discussions with the Highways Officer it has been confirmed that the difference between the tender used in the swept path and that used by Hertfordshire Fire and Rescue is not significant and thus would not unduly impact on its ability to manoeuvre within the site.

10.256 It is further noted that whilst the swept path analysis shows the fire tender reversing into garage courts, due to the height restriction imposed by the first floor overhanging the access road, this would in reality not be possible. Hertfordshire Fire and Rescue's initial comments were generic and did not specifically address this point. Whilst it is not considered that fire access arrangements are likely to be problematic, the views of Hertfordshire Fire and Rescue on this particular point have been sought and Members will be updated by way of the addendum.

### **Social Infrastructure and Healthy Communities**

10.257 Core Strategy Policy CS23 relates to the provision of social infrastructure within the Borough. The explanatory text of the policy outlines that this infrastructure includes education, health, community and leisure facilities. The policy states that new developments will be expected to contribute towards the provision of community infrastructure to support the development. In the case of larger developments, this could be in terms of the provision of land and/or buildings on site to accommodate required facilities or financial contributions towards off-site provision.

10.258 Paragraph 93 of the NPPF requires planning decisions to provide social, recreational and cultural facilities and services the community needs, including the provision and use of shared spaces such as open spaces.

10.259 Paragraph 92 (c) highlights explains that planning decisions should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles for example through the provision of safe and accessible green infrastructure, sports facilities, access to healthier food, allotments and layouts that encourage walking and cycling.

#### *Education*

10.260 Hertfordshire County Council as the Education Authority were consulted and have requested the following financial contributions:

£833,791 contribution towards Secondary Education.

£100,277 contribution towards Special Educational Needs and Disabilities (SEND)

£14,592 contribution to Youth Services

10.261 Following the provision of further justification from the County Council, it has been concluded that these contributions meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and should be sought.

10.262 The applicant has confirmed their agreement to pay these contributions.

#### *Healthcare*

10.263 No contributions in respect of health services have been requested by the Hertfordshire and West Essex Integrated Care Board (ICB).

#### *Open Space*

10.264 Saved Policy 76 of the Dacorum Local Plan explains that residential developments of over 25 dwellings will not be granted planning permission unless public leisure space is provided. This open land should be provided at a standard of 1.2 hectares per 1,000 population or 5% of the development area whichever is greater and should be useable, well located and purposefully designed.

10.265 Based on an estimated population of 2.4 persons per unit (i.e.  $2.4 \times 86 = \text{total } 206$ ), there would be a requirement for 0.2472 of open space. However, the total development area (approximately 7.3 hectares) is such that 0.365 hectares of open space would be required.

10.266 The area of open space within the development comprises of parkland which wraps around the perimeter of the site as well as a green spine running north-east / south-west through the centre of the site and far exceeds the level required by Policy 76.

#### *Sports Provision*

10.267 Saved Appendix 6 of the Dacorum Local Plan provides further detail on requirements for open space and play provision. It requires the consideration of the National Playing Fields Association (NPFA) standards, now Fields in Trust (FIT), with a total of 2.8 hectares per 1,000 population; including: 1.6ha of adult/youth play (including pitches, 0.6ha for children's play over 5's, 0.2ha for under 5's and 0.4ha for additional leisure space.

10.268 Saved Policy 76 states, Major Developments will be required to contribute to other recreational needs of the development such as off-site provision of sports pitches or enhancements to other open spaces.

10.269 Sport England did not request any contributions toward the off-site provision of sports pitches.

#### *Play Provision*

10.270 In 2019, Dacorum commissioned and published several documents including: Open Space Standards Paper (OSSP) (2019); Playing Pitch Strategy and Action Plan (2019); and the Indoor Leisure Facilities Needs Assessment (2019) to provide an evidence base for the emerging Plan and provide direction to inform decisions on future strategic planning. The OSSP uses FIT standards for assessing current provision and existing deficits in the quality and quantity of play spaces and parks and gardens in the Borough. The *FIT: Guidance for Outdoor Sport and Play* (2020) also provides guidance on the recommended quantity of equipped/designated play space.

10.271 Table 2 explains that LAPs should be provided for developments of 5-10 dwellings. Locally Equipped Areas of Play (LEAP) should also be provided for developments of 1-200 dwellings. Financial contributions towards improvement of an existing equipped/designated play space may be sought in lieu of on-site provision for larger scale play spaces, or where existing play space lies within the walking distance guideline of a proposed development.

**Table 2: Recommended Application of Quantity Benchmark Guidelines – Equipped/Designated Play Space**

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
5-10 dwellings	✓			
10-200 dwellings	✓	✓		Contribution
201-500 dwellings	✓	✓	Contribution	✓
501+ dwellings	✓	✓	✓	✓

Figure 13: FIT Benchmark Guidelines

10.272 The recommended benchmark guidelines for the provision of play space are set out in Table 4.

**Table 4: Recommended minimum sizes – formal outdoor space**

Open space typology	Minimum sizes	Minimum dimensions	Buffer zones	
Playing pitches	<b>Association football</b>			
	Adult soccer	0.74ha	106 x 70 metres	
	Mini soccer U7/U8 pitch	0.14ha	43 x 33 metres	
	Mini soccer U9/U10 pitch	0.25ha	60 x 42 metres	
	<b>Rugby Union</b>	0.70ha	100 x 70 metres	
	<b>Hockey</b>			
Mini Hockey	0.31ha	65 x 48 metres		
<b>Lacrosse</b>	0.66ha	100 x 60 metres		
<b>Crickat</b>				
Senior recreational 12 pitch	1.43ha	111.56 x 128.04 metres		
Other outdoor (non-pitch) sports	<b>Athletics</b>			
	6 lane track	1.51ha	172.03 x 87.64 metres	
	<b>Tennis courts</b>			
	1 recreational court	0.06ha	34.75 x 17.07 metres	
	2 recreational courts For each adjacent court	0.11ha 0.05ha	34.75 x 31.70 metres 34.75 x 14.63 metres	
<b>Bowling greens</b>				
Flat green	0.12ha	34.4 x 34.4 metres		
Crown green	0.08ha	27.4 x 27.4 metres		
Equipped/designated play areas	<b>LAP</b>	0.01ha	10 x 10 metres (minimum activity zone of 100sqm)	5m minimum separation between activity zone and the boundary of dwellings
	<b>LEAP</b>	0.04ha	20 x 20 metres (minimum activity zone of 400sqm)	20m minimum separation between activity zone and the habitable room façade of dwellings
	<b>NEAP</b>	0.1ha	31.6 x 31.6 metres (minimum activity zone of 1,000sqm comprising an area for play equipment and structures & a hard surfaced area of at least 465sqm (the minimum needed to play five-a-side football))	30m minimum separation between activity zone and the boundary of dwellings
Other outdoor provision (MUGAs and skateboard parks)	<b>MUGA</b>	0.1ha	40 x 20 metres	30m minimum separation between activity zone and the boundary of dwellings

Figure 14: FIT Recommended Minimum Sizes

10.273 Based upon the size of the development, Local Area for Play (LAP) and a Locally Equipped Area for Play (LEAP) should be provided on site. LAPs should typically be 100m walking distance from dwellings and LEAPs within 400m.

10.274 An area of land to the south of the Hub Building as a LEAP and two informal play areas are shown along the green spine; which, although not specified as such, could serve as LAPs. All are broadly within the 400m and 100m walking distances specified above. Full specifications of the LEAPs and LAPs are to be reserved by condition, and their ongoing maintenance secured through the section 106 agreement.

### **Other Material Considerations**

#### *Flood Risk and Drainage*

10.275 Policy CS31 of the Dacorum Core Strategy requires development to, inter alia, avoid Flood Zones 2 and 3 unless it is for a compatible use and minimise water runoff.

10.276 The application has been supported by a site-specific Flood Risk Assessment (FRA) which identifies the site as being located within Flood Zone 1 for Rivers and Sea, nor modelled surface water floor scenarios up to a 0.1% annual probability and thus deemed to be at a very low risk of surface water flooding.

10.277 Advice from government is clear that the sequential test is not applicable to development in Flood Zone 1 unless there are flooding issues in the area of the development. There are no known issues and therefore a sequential test is not required.

10.278 Low infiltration rates mean that BRE 365 infiltration testing was unable to be carried out at any of the 7 testing locations, and therefore it has been established that the site is not suitable for surface level infiltration.

10.279 The proposed SuDS strategy comprises of 28 areas of permeable paving, a swale adjacent to the site entrance road to capture and attenuate run-off which will then be discharged by four deep bore soakaways, and a further three swales with depths of 0.75m – 1m which will discharge into the wetland area in the eastern part of the site prior to discharge to the deep bore soakaways.

10.280 The Lead Local Flood Authority (LLFA) have reviewed the strategy and, subject to caveats and the imposition of planning conditions, do not wish to raise objections.

10.281 The LLFA note in their response that limited information has been provided in relation to the risk of dissolution features arising as a result of deep borehole soakaways and recommend that a suitably qualified geotechnical engineer is consulted to provide advice on subsidence. Dissolution features typically occur when water passes through soluble rocks and, in the process, creates voids and cavities.

10.282 Paragraph 180 (e) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, *'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.'*

10.283 Thus, land stability is a legitimate matter which the local planning authority should carefully consider. In light of any further information in this regard and in order to ensure that the site is not undermined by land stability issues, it is recommended that a condition requiring additional geotechnical investigation takes place prior to any substantial on-site development and, where appropriate, suitable mitigation put in place.

## *Archaeology*

10.284 The application has been supported by an archaeological desk-based assessment prepared by Abrams Archaeology. Given that the farm was mapped in 1812, it concludes that it is highly likely that it existed in the 18<sup>th</sup> century and has post-medieval origins. In addition, it also notes that the surviving pre-20<sup>th</sup> century building have some archaeological interest and may require historic recording.

10.285 The Historic Environment Advisor at the County Council has been consulted and, following a review, considers that the proposed development is such that it is likely to have an impact on heritage assets of archaeological interest. Archaeological conditions are therefore recommended for inclusion with any grant of planning permission.

## *Ecology*

10.286 The County Ecologist has reviewed the Ecological Impact Assessment and has confirmed that there are no ecological objections, subject to the inclusion of conditions and informatives.

10.287 The site is of no significant ecological interest owing to its current use as a complex of commercial buildings with a large amount of hardstanding and horse-grazed grassland.

10.288 A number of bat roosts have been identified within six buildings and would be lost were the development to go ahead. However, compensation is proposed to mitigate the impacts. A licence from Natural England would need to be obtained prior to demolition.

10.289 Wildlife enhancements are proposed in paragraph 5.35 of the Ecological Impact Assessment. These include, inter alia:

- Provision of new bat roosting opportunities – at least 22 purpose-built bat boxes (either Schwegler or Habibat) to be erected on mature trees or new builds.
- Provision of new bird nesting opportunities - least 22 nesting boxes to be provided in new / retained planting.

10.290 These will be secured by condition.

10.291 The application was submitted on 13<sup>th</sup> February and therefore subject to mandatory Biodiversity Net Gain. Biodiversity is proposed to be enhanced across the site by removing extensive areas of hardstanding and replacing it with landscaping and gardens.

10.292 The development would achieve a 15% increase in area Biodiversity Units and 184% in Hedgerow Biodiversity Units. It is important to note that BNG must meet a legal minimum of 10%. This must be achieved independently for each of the different habitat types (area, hedgerow or rivers – depending on which is included within the site and therefore calculation) which must individually meet that minimum. In this case, the minimum is markedly exceeded and this would should attract substantial / very substantial weight in the planning balance.

10.293 The County Ecologist has reviewed the Biodiversity Metric, confirmed that it has been correctly populated and advised as follows:

‘Whilst the landscaping and management details have yet to be fully detailed, I consider that the proposed BNG is likely to be deliverable with appropriate management, and consequently the BNG Condition is capable of being met. This will also need a Biodiversity Gain Plan to be submitted as a condition of approval, informed by the completed metric and a Habitat Management and Monitoring Plan, which for consistency I advise should use the HMMP Template proposed by NE / DEFRA.’

10.294 As BNG is a matter being afforded weight in the planning balance, it is appropriate that it be secured in perpetuity. It is anticipated that this will be achieved through the legal agreement.

10.295 Overall and subject to conditions, it is considered that the proposed development would result in considerable ecological enhancements and is therefore acceptable, thereby complying with Policy CS26 of the Dacorum Core Strategy.

*Impact on Trees*

10.296 The Council’s Trees and Woodlands Officer has been consulted and, following removal of the Ash trees from the list of trees to be retained, has no concerns or objections to the proposed development.

10.297 The development would result in the loss of a number of trees, none of which are categorised in the arboricultural report as ‘A’ Category. A Category ‘B’ tree (Cedar T1) is scheduled for removal in order to facilitate the development. The tree is visible from the surrounding area and contributes to the character of the area. Consideration has been given as to whether pruning could be used to mitigate the impact of the tree on the proposed development. However, the report advises that

10.298 Cedars do not respond well to pruning and therefore this would not be a viable way of addressing any post-development relationship. Although the loss of the tree is regrettable, given the substantial planting proposed as part of the application, it is considered that any harm would be mitigated.

10.299 Conditions requiring the implementation of tree protection measures and details of the new tree planting are recommended to be included with any grant of planning permission.

*Permitted Development Rights*

10.300 Paragraph 54 of the NPPF states that “*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*”

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

*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn*

10.302 In line with the guidance in the NPPG, careful consideration has been given to whether permitted development rights should be removed and, if so, the minimum level of restriction needed to ensure that the development is acceptable in planning terms. The following classes of permitted development are recommended for removal:

<b>Permitted Development Right</b>	<b>Sub Class</b>	<b>Plot Nos</b>	<b>Reason for Removal</b>
Schedule 2, Part 1, Class A	Garage conversions	25 – 35, 44 – 45, 47 – 48, 51 – 55.	Any loss of garage space as a result of garage conversions has the potential to result in an unacceptable impact on car parking throughout the development; which, given the already identified marginal shortfall, is not an unrealistic prospect and thus need to be suitably controlled.
	Single storey	2, 85.	These plots have building lines

	rear extensions in excess of 3m		which extend forward of the adjoining plots – i.e. Plots 1 and 84. This has the potential, through the exercise of larger householder extension permitted development rights, to result in impacts on residential amenity - over and above that envisaged by central government. As such, this needs to be suitably controlled.
	Two-storey extensions	1, 25 – 27, 31 – 35, 52 – 56.	Any increase in bedroom accommodation has the potential to result in an unacceptable impact on car parking throughout the development; which, given the already identified marginal shortfall, is not an unrealistic prospect.
Schedule 2, Part 1, Class B		1 - 3, 5 - 6, 15 – 65, 74 – 81, 83 – 86.	Any increase in bedroom accommodation has the potential to result in an unacceptable impact on car parking throughout the development; which, given the already identified marginal shortfall, is not an unrealistic prospect.
Schedule 2, Part 1, Class C	Front roof slope	1 – 3, 58 – 65 77 – 79, 83 – 86	The provision of additional windows in the front roof slope would disrupt the attractive unbroken roof slopes, all of which would face the future SANG and thus be prominent from public vantage points.
Schedule 2, Part 1, Class E		3, 6, 15, 20, 21, 24, 42, 49, 58, 61, 62, 65, 74, 76, 77, 79, 80, 83, 86	Gardens abut, or are in close proximity to, areas of public open space or strategic pathways and would therefore be susceptible to adverse impact arising from the unsympathetic siting of potentially large outbuildings.

### Impact on Haresfoot SANG

10.303 As has already been outlined in this report, Members recently resolved to grant planning permission for a change of use of the adjoining land to outdoor recreation with a view to it eventually being designated as SANG. Given the change in the character of the land use, it is right (and material) to consider whether this would be prejudicial to the nascent SANG.

10.304 The Chiltern Beechwoods Special Area of Conservation Mitigation Strategy was approved by cabinet at a meeting held on 15<sup>th</sup> November 2022. The Mitigation Strategy sets out the SANG criteria likely to be accepted by the Council (as Competent Authority) and Natural England.

10.305 The relevant criterion which could be affected are set out below and shall be considered in turn:



- No unnatural intrusions (e.g. odour from sewage treatment works, noise from busy roads).
- There should be little intrusion of built structures such as dwellings, buildings, fencing (not constructed using natural materials), etc.

10.306 It is considered that the change of use from commercial to residential will almost certainly result in benefits to the tranquillity of the area and the SANG. The existing commercial use of the site is not understood to be unduly noisy or to result in any other unnatural intrusions. If it were, the SANG application would not have been recommended for approval. However, it is submitted that the change of use would result in betterment – i.e. even less noise than there already is – and make the SANG more attractive to prospective visitors.

10.307 In terms of the second point it is instructive to note that significant landscaping is indicated between the nearest dwellings and the SANG, which is in addition to the landscaping already proposed within the SANG itself. Thus, the proposed development would result in a more robust green buffer that would be beneficial to future users of the SANG. Furthermore, with the exception of 10.308 Plots 24 and 25<sup>29</sup>, all the dwellings within the site would be located a considerable distance from the boundary of the SANG – i.e. in excess of 28m and therefore unlikely to be perceived as a significant intrusion.

10.309 A secondary benefit relates to the reduction in scale of the individual buildings within the application site, the resultant effect of which would be buildings that are less visually dominant and, by extension, less likely to intrude upon the quiet enjoyment of the SANG

### Fire Hydrants

10.310 Hertfordshire Fire and Rescue have requested the provision of on-site fire hydrants. This is considered reasonable and it is therefore recommended that a condition requiring the provision of fire hydrants in the appropriate locations be included as part of any grant of planning permission.

### Agricultural Land

10.311 Paragraph 180 of the NPPF seeks to ensure that planning policies and decisions contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

10.312 Saved Policy 108 of the Dacorum Borough Local Plan (2004) seeks to protect the 'best and most versatile' (BMV) agricultural land<sup>30</sup>. The Agricultural Land Classification (East Region) map illustrates that the site is 'Good to Moderate' Grade 3 agricultural land. The land is not considered Grade 2 'Very Good' or Grade 1 'Excellent' in terms of its agricultural quality.

10.313 The majority of land within the redline boundary does not have an agricultural use, it being used for horse grazing associated with the commercial equestrian centre. The only land that arguably has an agricultural use is that to the south of the site. The loss of this small element would be extremely modest in the national context, especially given that the land is no longer part of an agricultural unit and thus very unlikely to ever be farmed.

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<sup>29</sup> Distances of approximately 12m and 11m, respectively.

<sup>30</sup> Best and most versatile agricultural land is defined by the NPPF Glossary as 'Land in grades 1, 2 and 3a of the Agricultural Land Classification.'

## S106 Planning Contributions

10.314 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 current CIL requirements, as set out in the Annual CIL Rate Summary 2024, for residential within Zone 1 is £375 per square metre.

10.315 The planning obligations have been assessed to determine whether they meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and re-enforced by paragraph 57 of the NPPF. The tests are that planning obligations must only be sought where they meet the following tests:

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

10.316 All the planning obligations in the section 106 Agreement meet the tests in CIL Regulation 122 and paragraph 57 of the Framework. Although some – such as BNG – exceed that required by statute, there are sound planning reasons for their inclusion in the context of the planning balance and very special circumstances of the case.

## Departure Direction

### *Section 77 Direction*

10.317 The Town and Country Planning (Consultation) (England) Direction 2024 is applicable to applications received on or after to 26<sup>th</sup> January 2024. It sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development.

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

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

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

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

....

....

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

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

## Environmental Impact Assessment

10.320 Pursuant to Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Impact Assessment (EIA) screening opinion has been adopted.

10.321 The Local Planning Authority is of the view that, in having particular regard to the characteristics of the proposal and the site location, the scheme would be unlikely to lead to significant environmental impacts, not otherwise capable consideration within the context of the planning application and any associated planning conditions. Accordingly, the application is not considered to be EIA development.

**PLANNING BALANCE**

10.322 The starting point is that the development of the southern quadrant of the site constitutes inappropriate development in the Green Belt, which, according to paragraph 152 of the NPPF is, by definition, harmful and should not be approved except in very special circumstances. The proposal would cause harm by reason of inappropriateness, moderate harm to visual and spatial openness (of the southern quadrant) and harm to Green Belt purpose (c) - *to assist in safeguarding the countryside from encroachment*. Added to this would be **moderate** harm from partial compliance with Policy CS1 of the Core Strategy in terms of the locational sustainability of the site, and **moderate** harm from the loss of employment generating land.

10.323 Benefits of the development include the provision of both market and affordable housing, biodiversity net gain of 15% (Biodiversity Units) and 184% (Hedgerow Units), economic benefits, custom and self-build plots, off-site highway works and increases in green space and tree planting.

10.324 The provision of market and affordable housing has been afforded very substantial weight in the planning balance given the Council’s housing supply position of 1.69 years, with no serious prospect of an improvement until a new local plan is adopted. With regard to affordable housing, local and national planning policy does not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 17 affordable rented properties at 60% of market rent would provide an important and tangible contribution to affordable housing need in the Borough; a contribution which would result in genuinely affordable rental properties.

Benefits	Weight
Provision of Market Housing	Very Substantial Weight
Provision of Affordable Housing	Very Substantial Weight
Biodiversity Net Gain	Very Substantial Weight
Economic Benefits	Moderate Weight
Provision of Custom and Self-Build Plots	Moderate Weight
Off-site Highway Works / Improvements	Limited Weight
Increase in Greenspace and Tree Planting	Limited Weight

10.325 The provision of SANG, high sustainability credentials for individual dwellings, construction of a community hub, contamination remediation, SuDS, quality of dwelling design, and the re-development of a previously developed site all attract no weight in the planning balance.

10.326 Whether or not 'very special circumstances' exist to justify inappropriate development in the Green Belt is ultimately an exercise of planning judgement, having regard to all relevant material planning considerations.

10.327 As outlined above, there are considered to be substantial benefits arising from the scheme. It is submitted that the benefits listed above are of such magnitude that they clearly outweigh the identified harms. As a matter of planning judgement it is considered that the very special circumstances exist to justify the development.

## **11. RECOMMENDATION**

That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** (if the Secretary of State for Communities & Local Government (SSCLG) decides not to recover the application for their own determination) subject to conditions and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure satisfactory mitigation for the Chiltern Beechwoods Special Area of Conservation, consistent with the Chilterns Beechwoods Mitigation Strategy and other appropriate contributions and provisions to make the development acceptable in accordance with the development plan, NPPF and any other material considerations.

### **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:**

#### **SLP01 Site Location Plan**

<b>100 Rev. B</b>	<b>Proposed Site Layout</b>
<b>101 Rev. B</b>	<b>Proposed Coloured Site Layout</b>
<b>102 Rev. B</b>	<b>Proposed Coloured Site Layout in Context</b>
<b>107</b>	<b>Tenure Plan</b>
<b>108</b>	<b>Proposed Parking and Cycle Plan</b>
<b>109</b>	<b>Private and Communal Amenity Plan</b>
<b>110</b>	<b>Affordable Location and Tenure</b>
<b>200</b>	<b>Plots 1-3 Floor Plans &amp; Elevations</b>
<b>201</b>	<b>Plots 4-6 Floor Plans &amp; Elevations</b>
<b>202</b>	<b>Plots 7-14 Floor Plans &amp; Elevations</b>
<b>203</b>	<b>Plots 15-17 Floor Plans &amp; Elevations</b>
<b>204</b>	<b>Plots 18-20 Floor Plans &amp; Elevations</b>
<b>205</b>	<b>Plots 21-24 Floor Plans &amp; Elevations</b>
<b>206</b>	<b>Plots 25 Floor Plans &amp; Elevations</b>
<b>207</b>	<b>Plots 26 Floor Plans &amp; Elevations</b>
<b>208</b>	<b>Plots 27 Floor Plans &amp; Elevations</b>
<b>209</b>	<b>Plots 28 Floor Plans &amp; Elevations</b>
<b>210</b>	<b>Plots 29 Floor Plans &amp; Elevations</b>
<b>211</b>	<b>Plots 30 Floor Plans &amp; Elevations</b>
<b>212</b>	<b>Plots 31 Floor Plans &amp; Elevations</b>
<b>213</b>	<b>Plots 32 Floor Plans &amp; Elevations</b>

214	Plots 33 Floor Plans & Elevations
215	Plots 34 & 54 Floor Plans & Elevations
216	Plots 35 & 55 Floor Plans & Elevations
217	Plots 36-38 Floor Plans & Elevations
218	Plots 39-41 Floor Plans & Elevations
219	Plots 42 & 43 Floor Plans & Elevations
220	Plots 44 & 52 Floor Plans & Elevations
221	Plots 45 & 53 Floor Plans & Elevations
222	Plots 46 & 47 Floor Plans & Elevations
223 Rev. A	Plots 48 & 49 Floor Plans & Elevations
224 Rev. A	Plots 50 & 51 Floor Plans & Elevations
225	Plots 56 & 57 Floor Plans & Elevations
226	Plots 58 & 61 Floor Plans & Elevations
227	Plots 62-65 Floor Plans & Elevations
228	Plots 66-69 Floor Plans & Elevations
229	Plots 70-73 Floor Plans & Elevations
230	Plots 74-76 Floor Plans & Elevations
231	Plots 77-79 Floor Plans & Elevations
232	Plots 80-82 Floor Plans & Elevations
233 Rev. A	Plots 83-86 Floor Plans & Elevations
300	Car Barns Floor Plans & Elevations
301	Car Barns Floor Plans & Elevations
302	Electric Bike Store Floor Plans & Elevations
400	Proposed Street Scene A-A & B-B
401	Proposed Street Scene C-C & D-D
402	Proposed Street Scene E-E
500	Proposed Hub Building
SK01 Rev. B	Site Access Arrangement (TOPO Survey Base Map)
SK02 Rev. C	White Hill Proposed Improvements
SK03 Rev. C	Chesham Road & White Hill Proposed Improvements
SK04	A416 & Chesham Road Roundabout Improvement Proposals
SK05	A416 & Chesham Road Improvement Proposals
SK27	Site Access Visibility Splay and Double Yellow Lines

Arboricultural Method Statement (received on 22nd April 2024)  
 TPP/HFWBH/010 A Tree Protection Plan (received on 22nd April 2024)

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

3. **No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

INFORMATIVE:

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

4. **No development (other than demolition) shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a detailed construction method statement have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be constructed in accordance with the approved particulars and based on SuDS Drainage Report (REF: 4158/2023 Rev B dated 07 February 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The development shall include:**
1. **Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent), three times in quick succession at the proposed depth of the proposed deep bore infiltration feature/s when they have been installed. The results shall be reviewed, and all the detailed drainage modelling calculations and detailed design be amended as appropriate.**
  2. **Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:**
    - i. **3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.**
    - ii. **1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.**
  3. **The design of the wetland, storage pond and swales for attenuation will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.**
  4. **Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.**
  5. **Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge including one additional step of treatment for discharge to a sensitive location (source protection zone 3).**

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policy CS31 of Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

5. **No development (other than demolition) shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of how groundwater and discharge to the deep bore soakaways will be protected, who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving waterbody. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.**

Reason: To prevent flooding and pollution offsite in accordance with Policy CS31 of the Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

6. **No development (other than demolition) shall take place until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show how the permanent drainage network will be protected from the temporary drainage arrangements and shall subsequently be carried out in accordance with the approved details.**

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

7. **The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:**

- 1) **A timetable for its implementation.**
- 2) **Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.**
- 3) **A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.**

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policy CS31 of the Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

8. **Upon completion of the surface water drainage system, including any SuDS features, and prior to occupation of the development hereby approved, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the**

details approved pursuant to Condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy CS31 of Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

9. **(a) No development (other than demolition necessary for the discharge of this condition) 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.**

**(b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.**

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

- i. **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- ii. **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

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

10. **Any contamination, other than that reported by virtue of Condition 9 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

Informative:



The above conditions are in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

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>

and here:

[https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\\_8](https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8)

11. **Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as referred to in the Transport Assessment and indicated on drawing number SK27 have been submitted to and approved in writing by the Local Planning Authority. These works shall include:**
- **New relocated vehicle bellmouth access and any associated works;**
  - **Any works associated with closing off the existing vehicle access;**
  - **Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;**
  - **Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road roundabout.**
  - **Pedestrian controlled signalised crossing prior to A416/Chesham Road roundabout.**
  - **Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.**
  - **Tactile paving at key crossing points.**
  - **Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout to the north side of the A41; part of A416 Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.**
  - **Any works associated with construction access into the site.**

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, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004).

12. **The development hereby permitted shall not be occupied until the offsite highway improvement works referred to in Condition 11 have been completed in accordance with the approved details.**

Reason: To ensure construction of a satisfactory development, that the highway improvement works are designed to an appropriate standard in the interests of highway safety, that the off-site works are actually delivered and thereby provide the site with the requisite level of accessibility by maximising sustainable transport solutions, in accordance with Policies CS1 and CS12 of the Dacorum Core Strategy (2013), Policy 54 of the Dacorum Local Plan (2004) and paragraph 109 of the NPPF (2023).

13. **Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out,**

**demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Borough Local Plan (2004)

15. **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 Part 1, Schedule 2, Classes A and D of the Order shall be undertaken in relation to all dwellings hereby approved until the local planning authority is satisfied that contamination will not pose a risk to human health, as evidenced by the submission and subsequent approval in writing of a Remediation Statement by the local planning authority**

Reason: In order to be satisfied that the site remediation measures will not be prejudiced / circumvented as a result of the exercise of permitted development rights by future occupiers in accordance with paragraph 189 (b) and (c) of the National Planning Policy Framework (2023).

Informative:

The Council will not unreasonably refuse to discharge the condition where it can be proven that the site conditions and method of remediation are such that they will not be prejudiced or circumvented by the exercise of permitted development involving groundworks.

16. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the garage(s) hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling(s) and they shall not be converted or adapted to form living accommodation.**

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 110 and 112 of the National Planning Policy Framework (2023) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

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

**Schedule 2, Part 1, Class A (single-storey rear extensions): Plots 2 & 85**

**Schedule 2, Part 1, Class A (two-storey rear extensions): Plots 1, 25 - 27, 31 - 35 & 52 - 56.**

**Schedule 2, Part 1, Class B: Plots 1 - 3, 5 - 6, 15 - 65, 74 - 81 & 83 - 86.**

**Schedule 2, Part 1, Class C (roof lights on front roof slope): Plots 1 - 3, 58 - 65, 77 - 79 & 83 - 86**

**Schedule 2, Part 1, Class E: Plots 3, 6, 15, 20, 21, 24, 42, 49, 58, 61, 62, 65, 74, 76, 77, 79, 80, 83, 86**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity and in the interests of ensuring that there remains sufficient parking within the site, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Policy 51 of the Dacorum Local Plan (2004) and Paragraph 135 of the National Planning Policy Framework (December 2023).

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

- i. **The programme and methodology of site investigation and recording**
- ii. **The programme and methodology of site investigation and recording as required by the evaluation**
- iii. **The programme for post investigation assessment**
- iv. **Provision to be made for analysis of the site investigation and recording**
- v. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- vi. **Provision to be made for archive deposition of the analysis and records of the site investigation**
- vii. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

19. **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 18**

**ii) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 18 and the provision made for analysis and publication where appropriate.**

Reason: Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

20. **Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

21. **Details of the onsite play space (which shall, at a minimum, include 1 x Locally Equipped Area of Play and 2 x Local Area of Play) provision shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved. The details shall include:**

- a) location, layout , boundary treatment and design of the play space; and  
b) equipment/ features.**

**The play space and equipment/features shall be laid out and installed prior to the first occupation of the development hereby approved permanently maintained thereafter.**

Reason: In order to ensure a sufficient level of playspace for future children living on the development, in accordance with Appendix 6 of the Dacorum Borough Local Plan (2004) and Section 12 of the NPPF (2023).

22. **Prior to first occupation of the development hereby approved, details of benches and bins (locations and specifications) within the public open space and play area shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development provides high quality public space and good place making in accordance with Section 12 of the National Planning Policy Framework (2023).

23. **No development above slab level shall take place until full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

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

24. **The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the National Planning Policy Framework (December 2023), and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

25. **No development above slab level shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).**

**The development shall not be occupied until the hard landscaping works have been fully provided.**

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

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

26. **Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority.**

**The CEMP shall set out, as a minimum, the proposed demolition, earthworks and construction methodology. The CEMP shall outline site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements, by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.**

**The SWMP shall, as a minimum, describe how materials will be managed efficiently and disposed of during the construction of the works, explaining how the re-use and recycling of materials will be maximised. It shall provide details on how measures have been taken to reduce the amount of waste produced on site and shall contain**

**information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type.**

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

Reason: To reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 109, 112, 114 and 192 of the National Planning Policy Framework (December 2023).

27. **Development shall be carried out in strict accordance with the Arboricultural Method Statement and Tree Protection Plan (TPP/HFWBH/010 A) received on 22nd April 2024 throughout the entirety of the demolition and construction phases.**

Reason: 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 180 of the National Planning Policy Framework (2023).

28. **No development above slab level shall take place until a scheme for sound insulation has been submitted to and approved by the Local Planning Authority demonstrating the means by which internal noise levels presented in Table 4 of BS8233:2014 will be achieved. Noise levels within private external amenity spaces should be designed to not exceed 55 dB LAeq,T wherever practical. Where noise levels are anticipated to exceed this value then the development should be designed to achieve the lowest practicable levels in those private external amenity spaces.**

Reason: In order to ensure that both the internal and external living environments of the development are acceptable, in accordance with paragraphs 130, 180 and 191 of the NPPF (2023).

29. **No development above slab level shall take place until a geotechnical report by a qualified geotechnical engineer has been submitted to and approved in writing by the local planning authority.**

**The report shall provide commentary on the potential for dissolution features to arise as a result of the use of deep bore soakaways for the SuDS and, where appropriate, recommend measures to avoid or reduce the likelihood of dissolution.**

**Where avoidance or reduction measures are recommended, these shall be implemented prior to first use of the development hereby approved.**

Reason: In order to prevent new development from being put at unacceptable risk from, or being adversely affected by land instability, in accordance with paragraph 180 (e) of the NPPF (2023)

30. **None of the dwellings hereby approved shall be occupied until all existing buildings currently on site have been demolished.**

Reason: To ensure an acceptable level of amenity for future residents of the site in accordance with paragraph 135 of the NPPF (2023).

31. **No development above slab level shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:**

- **At least 22 purpose-built bat boxes and their location; and**
- **At least 44 nesting boxes, 22 of which will be integrated Swift Bricks and their location**

**The purpose-built bat boxes and 44 nesting boxes shall be fully installed prior to first occupation of the dwellings hereby permitted and permanently retained thereafter.**

Reason: In the interests of strengthening biodiversity corridors, establishing a coherent ecological network which is resilient to current and future pressures, and integrating opportunities to improve biodiversity into the design of the development, in accordance with Policy CS26 of the Dacorum Core Strategy (2013) and paragraph 180 (d) and 186 (d) of the NPPF (2023).

31. **Notwithstanding the details shown on the approved plans, no development above slab level shall take place until a plan showing the following has been submitted to and approved in writing by the local planning authority:**

- **The disabled parking spaces serving Plots 7, 26, 28, 29 and 32 with dimensions that accord with Traffic Advisory Leaflet 5/95; and**
- **A minimum of two visitor spaces with dimensions that accord with Traffic Advisory Leaflet 5/95 in relation to disabled parking spaces.**

**The development shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby permitted and permanently retained thereafter.**

Reason: To ensure that sufficient parking is provided for persons with disabilities, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and the Dacorum Parking Standards SPD (2020).

#### **Informatives:**

1. UK Power Networks

We may have Electrical equipment within the boundaries including underground cables. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG

2. Highways

Construction Standards for Works within the Highway (S278 works)

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>

### Public Rights of Way

The Public Rights of Way near the site should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. 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 overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

### Planning Obligations

A 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 full occupation. 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 along with the provision of Residential Travel Vouchers to each dwelling on site of £100 per house and £50 per flat. 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)

## 3. Ecology

### Bats

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

### Nesting Birds



All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

### 3. Environment Agency

#### Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential developments are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The proposals are an unacceptable overdevelopment in the Green Belt. The area has never been designated for development by the Borough and much of the existing works on the site were unconsented and subject to appeal.</p> <p>The plans would create an urban housing estate on open countryside, resulting in urban sprawl on the Berkhamsted side of the A41, at the detriment to the local area.</p> <p>The site access is wholly inappropriate and the resulting impact on traffic in and out of the town is unacceptable. The submitted traffic report is inadequate and does not give a true picture of the increased</p>

	<p>car usage and volume of cars resulting from the number of properties within the scheme.</p> <p>There is minimal green space within the development for residents. Although the proposed SANG for the site would give green space to the surrounding area, the decision by the Borough on the SANG application is pending.</p> <p>The proposed development does not meet national planning policy criteria for building in the Green Belt in special circumstances, as the potential harm is not outweighed by other considerations</p> <p>NPPF (paragraph 153), CS1, CS2, CS5</p>
Environment Agency	<p>Thank you for consulting us on the above planning application.</p> <p>We have no objection to the consultation, however, please consider the following advice.</p> <p>Advice to Local Planning Authority</p> <p>Connection to Mains Sewer It is positive to see that the applicant is proposing to connect to the nearest mains sewer. Should these plans change during the planning application process we request that we are reconsulted immediately. We also offer the following guidance.</p> <p>Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater, and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:</p> <ol style="list-style-type: none"> <li>1. Connection to the public sewer</li> <li>2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)</li> <li>3. Septic Tank</li> </ol> <p>Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.</p> <p>Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.</p> <p>Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided</p>

that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial, or industrial sites.

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Contaminated Land

This development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies.
- Groundwater within important aquifers for future supply of drinking water or other environmental use. We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 180 of the National Planning Policy Framework.

#### Advice to Applicant

#### Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential developments are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

#### Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable

	<p>in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at <a href="mailto:HNLsustainablePlaces@environment-agency.gov.uk">HNLsustainablePlaces@environment-agency.gov.uk</a></p> <p>Final comments</p> <p>Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p> <p>If you have any questions, please email me at <a href="mailto:HNLsustainablePlaces@environment-agency.gov.uk">HNLsustainablePlaces@environment-agency.gov.uk</a>, quoting the reference at the beginning of this letter.</p>
<p>Hertfordshire Highways (HCC)</p>	<p><u>14/05/24</u></p> <p>Recommendation</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>Comments</p> <p>Some updated and additional plans have been submitted in relation the above planning application.</p> <p>Site Access Visibility Splay Plan</p> <p>A Site Access Visibility Splay and Double Yellow Lines plan (drawing number SK27) has been submitted in response to a recommendation for such details by HCC as Highway Authority in its original response dated 06/03/2024. The submitted details show visibility splays in accordance with DMRB standards for an 85th percentile speed of 40mph, which is considered to be a robust assessment and acceptable when taking into account the actual recorded 85<sup>th</sup> percentile speeds along White Hill.</p> <p>It would be recommended that the wording of the previously recommended highway condition 2 be updated to reflect drawing number SK27. Any highway works would need to be technically reviewed, approved and completed in accordance with the recommended highway condition 2 (included as part of HCC as Highway Authority's response dated 06/03/2024) and secured as part of the necessary Section 278 and Traffic Regulation Order application and review, which would be carried out after the granting of any planning permission.</p> <p>Suggested updated wording for highway condition:</p>

Part A: Highway Improvements - Offsite (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 necessary offsite highway improvement works as referred to in the Transport Assessment and indicated on drawing number SK27 have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- New relocated vehicle bellmouth access and any associated works;
- Any works associated with closing off the existing vehicle access;
- Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;
- Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road roundabout.
- Pedestrian controlled signalised crossing prior to A416/Chesham Road roundabout.
- Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.
- Tactile paving at key crossing points.
- Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout to the north side of the A41; part of A416 Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.
- Any works associated with construction access into the site.

Part B: Highway Improvements - Offsite (Implementation / Construction)

Prior to the first 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.

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)

Trip Generation Note

An updated additional note / letter has been submitted in relation to trip distribution and numbers (in addition to those submitted as part of the original Transport Assessment) to reflect the updated unit mix of dwellings on the site. HCC as Highway would not have any specific comments or concerns in respect to the methodology or data presented, including the updated total number of vehicle movements over a 12 hour period and in the peak hours of 0800-0900 and 1700-1800.

Conclusion

	<p>HCC as Highway Authority would not have any additional comments or recommendations in addition to its original response (with recommended conditions) dated 06/03/2024 (albeit noting than the original highways condition 1 has now been dealt with and the wording of the original highways condition 2 has been suggested to be updated as referred to earlier in this response).</p>
<p>Hertfordshire Highways (HCC)</p>	<p><u>29/04/24</u></p> <p>Recommendation</p> <p>Grant with Conditions</p> <p>Additional details have been submitted in relation to the above planning application.</p> <p>Haresfoot Farm - Additional Information Note</p> <p>The applicant has confirmed that "it is not intended that any of the development will be adopted by the council". HCC as Highway Authority would not have any objection in this respect as the site would not demonstrate a wider public utility. Details have also been provided in respect to the setting up of a management company for the whole development.</p> <p>Details have been submitted in relation to discussions with HertsLynx (the on demand bus service).</p> <p>HCC as Highway Authority would be supportive of the suggested bus stop within the development to support an extended HertsLynx. This appears to be an in principle agreement at the moment.</p> <p>Either way the provision of the on-site bus stop to serve HertsLynx would be separate to the proposed relocated bus stops on Chesham Road, which would still need to be provided.</p> <p>Trip Distribution</p> <p>An additional note has been submitted in relation to trip distribution and numbers (in addition to those submitted as part of the original Transport Assessment), specifically in relation to trip numbers and distribution via Whelpley Hill to the south of Haresfoot Farm. HCC as Highway would not have any specific comments or concerns in respect to the methodology or data presented, which shows a small number of additional vehicular movements travelling to and from the site via Whelpley Hill.</p> <p>Updated Highways Improvement Plan - White Hill</p> <p>An updated improvements plan has been submitted (drawing number SK002 rev B). The updated plan illustrates the proposed alternate priority traffic calming along White Hill in the context of the existing private accesses for the property The Redwoods, which is located on the west side of White Hill. HCC as Highway Authority would</p>

	<p>not have any additional comments in respect to the updated plan, which has been assessed in accordance with the updated plans and original Stage 1 Road Safety Audit and Designers Response.</p> <p>Conclusion</p> <p>HCC as Highway Authority would not have any additional comments or recommendations in addition to its original response with recommended conditions dated 06/03/2024.</p>
<p>Hertfordshire Highways (HCC)</p>	<p><u>08/03/24</u></p> <p>Recommendation</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> <ol style="list-style-type: none"> <li>1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: <ol style="list-style-type: none"> <li>a. Visibility splays of 2.4m by 25m illustrated on a scaled plan at any junctions / major vehicles accesses within the site.</li> <li>b. Visibility splay to either side of the proposed new bellmouth access from White Hill, illustrated on a scaled plan at a level in accordance with the recorded speeds on the highway.</li> <li>c. An indicative plan illustrating double yellow lines on White Hill for at least the length of the required visibility splays in either direction from the access point as referred in point b. 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).</li> </ol> </li> <li>2. A: Highway Improvements - Offsite (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 necessary offsite highway improvement works as referred to in the Transport Assessment have been submitted to and approved in writing by the Local Planning Authority. These works shall include: <ul style="list-style-type: none"> <li>- New relocated vehicle bellmouth access and any associated works;</li> <li>- Any works associated with closing off the existing vehicle access;</li> <li>- Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;</li> <li>- Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road</li> </ul> </li> </ol>



roundabout.

- Pedestrian controlled crossing prior to A416/Chesham Road roundabout.
- Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.
- Tactile paving at key crossing points.
- Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout to the north side of the A41; part of A416 Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.
- Any works associated with construction access into the site.

B: Highway Improvements - Offsite (Implementation / Construction)

Prior to the first 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. 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).

3. Provision of Internal Access Roads, Parking & Servicing Areas  
Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
4. Construction Management Plan No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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;

- i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway;

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 to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway (s278 works) 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>

The Public Rights of Way near the site should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. 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 overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

## Planning Obligations

A 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 full occupation. 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 along with the provision of Residential Travel Vouchers to each dwelling on site of £100 per house and £50 per flat. 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 planning application consists of redevelopment of the existing Haresfoot Farm site to provide a residential development of 86 residential dwellings and associated works. The site is located to the south of Berkhamsted and is accessed from White Hill, which is designated as an unclassified local access road, subject to a derestricted speed limit of 60mph and classified as P1/M1 (rural lane) on HCC's Place and Movement Network. Whitehill then joins onto Chesham Road, which is designated as a principle A road (A416), subject to a speed limit of 60mph and classified as P2/M3 (main connector) on the Place and Movement Network. A Transport Assessment (TA) and Travel Plan (TP) have been submitted as part of the application.

### 1. Access a. Highway Works

The proposals include amending the existing access into the farm site to facilitate access to the residential development in the form a new bellmouth vehicle access and separate pedestrian footpath as indicated on drawing number SK01 B. The location and general design of the access is considered to be acceptable by HCC as HA. It would be recommended that a scaled plan is provided illustrating the necessary visibility splays that would ultimately be required to be provided prior to first use of the site and permanently retained / maintained, taking into account the vehicle speeds on White Hill. As such any shrubs or features included as part of the proposed "timber sleeper shrub bed" would likely need to be provided and maintained at a height of no greater than 0.6m.

Furthermore it is also recommended that double yellow lines are provided for at least the length of the aforementioned required visibility splays in either direction from the access point on White Hill, to prevent any potential overspill parking from the proposed adjacent SANG site from parking within the necessary splay lines. It is recommended that the double yellow lines be illustrated on the proposed highway works plan and then can be included as part of any 278 application / 278

technical review process, in addition to the other highway works referred to below (albeit the double yellow lines themselves also needing to be secured by a separate Traffic Regulation process).

A number of off-site highway works have been included as part of the proposals and are supported by HCC as HA to ensure that access to and from the site is acceptable and sufficient for all users including pedestrians and to ensure that the proposals are in accordance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's Local Transport Plan (LTP4) and Paragraphs 110 to 112 of the NPPF. The applicant would ultimately 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 necessary works that would be needed on highway land. The works are indicated on the submitted plans in Appendix I of the TA and include:

- New relocated vehicle bellmouth access;
- Any highway works associated with closing off the existing vehicle access;
- Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;
- Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road roundabout.
- Pedestrian controlled crossing prior to A416/Chesham Road roundabout.
- Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.
- Tactile paving at key crossing points.
- Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout to the north side of the A41; part of A416 Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.
- Any works associated with construction access into the site.

Following a request from HCC as HA as part its pre-app discussions with the applicant, a Stage 1 Road Safety Audit and Designers Response has been submitted and included as part of section 6 and appendix J of the TA. Following consideration of the audit results, designers response and feedback from HCC's Road Safety Audit Team, there would not be any objections to the proposed works at this stage from a safety perspective, subject to a full assessment as part of the 278 technical review and incorporation (and ultimately implementation) of all of the proposed amendments in the designer's response.

The applicant would need to submit the full Stage One Road Safety Audit and Designers Response as part of the 278 application. Please see the above conditions and informatives for more information in relation to applying for the 278.

The acceptability of the necessary works on Chesham Road / A416 would be subject to the aforementioned speed limit change from the

national speed limit 60mph to 40mph. Any speed limit change in Hertfordshire is subject to approval from the Speed Management Group (SMG). Following submission of the necessary recorded vehicle speed survey data by the applicant (mean and 85th percentile speeds) and supporting information, the SMG has approved the recommended speed limit change and would not object to such a change and associated highway works. A copy of the full data is included in appendix H of the TA.

b. Internal Site Road Layout

The proposed site layout is shown on submitted drawing numbers 23-J4356-100 and 23-J4356-10104. The proposals include a 5.5m carriageway width for vehicles and a network of pedestrian footways and cycleway throughout the site. The overall works would need to be built to a design speed of 20mph in accordance with guidelines as documented in Roads in Hertfordshire: Highway Design Guide, MfS and the emerging Hertfordshire Place & Movement Planning and Design Guidance (P&MPDG), which does appear to be the case when taking into account the proposed features, which include raised tables and crossing points. Crossings points would need to be designed and provided in accordance with Cycle Infrastructure Design: Local Transport Note 1/20 (LTN1/20), 2020 and Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (IM), 2021 as necessary.

Visibility splays of 2.4m by 25m would need to be provided and maintained at any internal junctions within the site. This is to ensure that the visibility levels are sufficient for the design speed of 20mph. It would therefore be recommended that such splays are illustrated on a scaled plan.

Swept path analysis plans have been submitted as part of the TA to illustrate that a refuse vehicle (appendix E) and fire tender (appendix F) would be able to use the proposed internal site access arrangements from the highway, turn around on site and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes. The collection method would also need to be confirmed as acceptable by Dacorum Borough Council (DBC) waste management.

The Highway Authority does not have any specific concerns in respect to access for emergency vehicles. Nevertheless due to the number of dwellings, as part of the highway authority's assessment of this planning application, we have forwarded to Hertfordshire Fire and Rescue for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses (and subsequent updates).

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the

wider public. However the works would need to be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire and MfS (and the emerging P&MPDG)). The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

#### c. Sustainable travel assessment / LTP4 policy considerations

The location of the site is approximately 900m to 1km (via the White Hill / Chesham Road access route) from the southern settlement edge of Berkhamsted. Berkhamsted town centre and its associated facilities and amenities are approximately 1.6km to 2km from the site, including the railway station. The nearest bus stops at present are located a 750m walking distance from the site entrance on Chesham Road, which is greater than the normally recommended maximum walking distance of 400m from any homes as laid out in guidance in IM and CIHT's Planning for Walking, 2015.

A policy and Sustainable Accessibility review has been included in section 5 of the TA. Whilst acknowledging the limitations of the site when taking into account its location, on balance following a review of the points raised in the TA (including the review of the policy considerations) and proposed off-site highway and access works, it has been considered that there is not a reason to recommend refusal in respect of the sustainable travel options to and from the site. The proposed aforementioned off-site highway works would enable pedestrian access to bus stops closer to the site and therefore connections to bus services to the wider area including other facilities within Berkhamsted. The highway works would also enable safe pedestrian access to Ashlyns School (approximately 1km using the proposed new footways and pedestrian crossing points) and there would not be an objection in this respect.

HCC as HA would be supportive of the proposed community hub on site and proposed pedestrian links into the proposed adjacent Suitable Alternative Natural Greenspace (SANG) site, which is the subject of a separate planning application and is yet to be determined. The pedestrian links would improve pedestrian permeability in and around the site in addition to the proposed highway footway link. The proposals include cycle storage provision for all of the dwellings in addition to an electric cycle store (as indicated on submitted plan number 23-J4356-108), which would be supported by HCC as HA to promote and maximise cycling as a sustainable form of travel to and from the site.

#### 2. Car Parking

The proposals include 186 car parking spaces for the proposed dwellings in addition to 32 dedicated visitor parking spaces. HCC as HA would therefore not have any objections in respect to the level of parking. In respect to electric vehicle charging provision, the submitted TA states that 50% of spaces will have active provision with the remaining 50% having passive provision. This would be supported by HCC as HA to ensure that the proposals are in accordance with LTP4,

Policy 5h, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future".

DBC as the parking and planning authority for the district would ultimately need to be satisfied with the overall proposed parking levels on site taking into account DBC's PSSPD, use class, accessibility zone and the local area.

### 3. Trip Generation, Distribution and Traffic Junction Analysis

#### a. Trip Generation

A trip generation assessment has been included in section 7 the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the overall proposed development are estimated to be 29 two-way vehicle movements in the AM peak (0800-0900) (net reduction of -18 when compared to existing permitted use) and 28 two-way vehicle movements in the PM peak (1700-1800) (net reduction of -28 when compared to the existing permitted use) with a total of 257 between 0700 and 1900.

#### b. Junction Modelling

Following a request from HCC as HA as part of it pre-application review, junction modelling assessments have been completed for the following junctions:

- o A41 Roundabout (SW)
- o White Hill/A416 Priority Junction
- o A41 Roundabout (NE)

A Junctions 9 assessment has been carried out on the above junctions to a future year of 2028 both without and with the development, using baseline traffic data, TEMPRO growth factors to 2028 and the above TRICs vehicle trip rates in the AM and PM peak. The results of the modelling show that the Ratio of Flow to Capacity (RFC) at all of the arms of all junctions are well within the generally agreed practical capacity of 0.85.

From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 109, National Planning Policy Framework (NPPF) (update 2023), which 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". In this context and in conjunction with a review of the application and above model results, it has been demonstrated that there would not a severe impact on the road network.

#### 4. Travel Plan Planning Obligations

A Travel Plan (TP) has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 (index-linked RPI March 2014) are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed along with the provision of Residential Travel Vouchers to each dwelling on site of £100 per house and £50 per flat. As such, the TP would need to be updated taking into account the following:

- Provide details of the travel plan coordinator (TPC), when appointed. The appointment should be made by the applicant, Haresfoot Limited.
- Supply details of a secondary contact to the TPC, when known. In the interim, please insert text that commits to informing HCC of the details of a secondary contact.
- Detail the frequency with which the TPC will be at the site and whether it is envisaged that they will be based on or off site.
- State whether there is an intention to hand over the management of the TP to a management company.
- Explicitly state which external partners will be communicated with e.g. specific public transport operators.
- As per HCC travel plan guidance, please offer a sustainable travel voucher to the value of £50 for each flat and £100 for each house.
- Update baseline data, following baseline survey.
- Update targets in consultation with HCC, following baseline survey.
- Provide further detail on what form annual surveys will take and provide sample survey as an Appendix.
- Adjust text to commit to reviewing the TP annually, not just in years 3 and 5.
- Insert text to say that the TP will be secured by S106 agreement, with the associated £1200 p/a evaluation and support fee.

#### 5. Conclusion

Following consideration of the overall application and the associated off-site highway works, HCC as HA has considered that there would not be sufficient grounds to recommend refusal from a highways perspective. The applicant would also ultimately need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC as HA would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions, informatives and comments in respect to the TP



<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application submissions and information held by the Environmental and Community Protection (ECP) Team I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.</p> <p>This reflects the introduction of a residential end use that would be vulnerable to the presence of contamination on to a brownfield site that has a long history of agricultural and commercial uses.</p> <p>If permission is granted, the below condition will be required to enable the assessment of the land contamination risk associated with the site and if necessary appropriate decisions to be made to ensure that the future site is safe and suitable for its intended use.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <ul style="list-style-type: none"> <li>a) 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: <ul style="list-style-type: none"> <li>i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</li> <li>ii. The results from the application of an appropriate risk assessment methodology.</li> </ul> </li> <li>b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.</li> <li>c) This site shall not be occupied, or brought into use, until: <ul style="list-style-type: none"> <li>i. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) 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.</li> <li>ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</li> </ul> </li> </ul> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p>
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	<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 to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are in line with paragraphs 180 (e) &amp; (f) and 189 and 190 of the NPPF 2023.</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> and here: <a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
Hertfordshire Ecology	<p>Overall Recommendation:</p> <p>Confirmation that all HRA issues are satisfied and legally secured will be required before application can be determined. Otherwise, there are no ecological objections, pending conditions / informatives listed.</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>- No extant ecological interest sufficient to represent a fundamental constraint on the proposals.</li> <li>- Where necessary, bat issues can be addressed under licence.</li> <li>- Biodiversity Net Gain has been demonstrated and is likely to be deliverable.</li> <li>- HRA and SANG requirements need to be legally secured prior to determination.</li> <li>- Lighting is subject to an appropriate strategy.</li> </ul> <p>Detailed comments:</p> <p>1. Background</p> <p>1.1 The proposal is to create a completely new housing estate on a previous farm building complex within what is essentially open countryside. Until relatively recently this was one of the last active dairy farms in Hertfordshire. However, in recent years there have been numerous permissions in respect of a range of different uses for the site so that the original farm complex is now somewhat degraded. Nevertheless, this redevelopment represents a significant urbanisation</p>

of this site which will need to be considered by the LPA accordingly.

## 2. Ecology - Habitats

2.1 Although there are local sites of ecological value present in the area, there is no apparent extant interest on record associated with the former farm building complex.

2.2 No significant ecological interest was recorded on the site - largely a building complex and horse grazed grassland. This was considered to be Other Neutral Grassland despite containing key 'modified grassland' species. This would be regarded as being of moderate value. However, the evidence for this (Appendix E) suggests it could be regarded as 'modified grassland'. No abundances or % cover is provided for any species which also help determine ONG, and only 9 / 30 quadrat samples have at least 9 species which is one of the ONG criteria, whether or not some may be considered undesirable - which is a condition consideration anyway. Only 2 / 10 locations surveyed had nine or more species. Whilst I consider this may over-estimate the grassland distinctiveness value, there is no existing or submitted evidence to suggest that the grasslands are of any particular ecological interest given they are of clearly largely poor quality, consistent with typical horse-grazed pastures.

2.3 Furthermore, although two LWS indicators have not been highlighted, the grassland would not meet the LWS grassland criteria. Consequently, I do not anticipate commenting further on this definition as it does not under-estimate any exiting value which may otherwise need to be reassessed accordingly.

## 3. Ecology - protected species

3.1 A number of low conservation bat roosts (mainly day roosts of pipistrelle / brown long-eared) have been recorded within six buildings on site, and these will need to be addressed accordingly under licence. If mitigation and compensation as outlined in EclA 5.2 is followed, I see no reason as to why any such licence would not be issued. Some trees are considered to have mainly low potential but none are proposed for removal.

3.2 No badger setts were recorded on site but some use of the site was. Limited hedgehog habitat was recorded given most of the grasslands were well grazed.

3.3 Old swallow nests were recorded from one building.

3.4 The site is largely unsuitable for amphibians and reptiles.

## 4. Ecological impacts

4.1 Whilst much of the potential for species is also linked with site management - and this could change - there would appear to be no fundamental ecological constraints associated with the proposals.

## 5. Ecological enhancements

5.1 A number of species enhancements and other measures have been proposed (EclA 5.35) and these should be pursued as part of any approval. They should be secured as part of the LEMP condition.

## 6. Biodiversity Net Gain

6.1 This application was received by DBC on 13th Feb 2024 and consequently is subject to mandatory Biodiversity Net Gain, which became a legal requirement on 12th Feb 2024. It is proposed to enhance biodiversity across the site by replacing extensive amount of hard standing by landscaping and green spaces. DAS 5.5. The BNG mandatory requirement is significantly exceeded (Planning Statement). This has been calculated as being 15% increase in area Biodiversity Units (a gain of 6.48 BU) and 184% in hedgerow BU (0.94 BU gain). Consequently, this proposal meets mandatory 10% BNG requirements.

6.2 I am satisfied the metric (provided as a PDF) has been correctly populated. Whilst the landscaping and management details have yet to be fully detailed, I consider that the proposed BNG is likely to be deliverable with appropriate management, and consequently the BNG Condition is capable of being met. This will also need a Biodiversity Gain Plan to be submitted as a condition of approval, informed by the completed metric and a Habitat Management and Monitoring Plan, which for consistency I advise should use the HMMP Template proposed by NE / DEFRA.

6.3 BNG is not included within the proposed Heads of Terms (Planning Statement) - which would be required if the BNG is to be secured via a S106 agreement. It is, however, proposed as a Condition.

## 7. HRA / SANG requirement

7.1 Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and I recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).

7.2 However, it is recognised that the application will be subject to the requirements associated with the Chilterns Beechwoods SAC (incl. Ashridge Commons & Woods SSSI), and the following mitigation will be adopted (EclA 5.8):

- Strategic Access Management & Monitoring (SAMM) payment to contribute to management of recreational pressures at the Chilterns Beechwoods SAC in line with current rates to be confirmed by DBC;
- Suitable Alternative Natural Greenspace (SANG) provision at a rate of 8ha/1000 increase in population

7.3 Payment of the appropriate tariff has been proposed as part of the application, but there are no further details regarding this. However, to allow the HRA to conclude that adverse effects can be ruled out alone or in-combination, beyond reasonable scientific doubt, this must be

secured via a legal agreement. Once this is achieved, the application can then be determined accordingly.

7.4 In this respect, it is important that the legal status of the proposed SANG must also be secured before this application is determined. The reason for this is explained in the last three paragraphs of Natural England's (NE) letter of 21 November 2023 in relation to application no: 23/02508/MFA, in particular: As it currently stands, NE will object to any housing developments that rely on the Haresfoot SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC until such time that a legal agreement between the applicant and DBC regarding step-in rights and SANG security has been agreed. Consequently, I strongly recommend that you seek and take full account of NE's advice before determining this application.

7.5 In respect of SANG requirements, EclA 5.9 states:

Based upon the net increase of an estimated 207 new residents, the latter SANG requirement is confirmed to be 1.7ha (on the basis of 8ha SANG per 1000 population). In combination with the wider SANG proposed around the Site (23/02508/MFA), this 1.7ha area will be drawn down upon the capacity of the wider SANG. Excess SANG capacity may be allocated, subject to relevant agreement with DBC, to other development locally.

7.6 The Ownership interest incorporates a significant proportion of land at Haresfoot already subject to a planning application for delivery of a SANG, which has yet to be determined. However, it was stated that Natural England had confirmed that the site is acceptable for creation of a SANG and that the application site at Grange Farm Bovingdon is within the estimated catchment of the SANG (Planning Statement 4.3).

7.7 The Haresfoot development is almost surrounded by the proposed Haresfoot SANG, which is considered will facilitate its success (Planning Statement). This seems a rather odd perspective as it implies development is beneficial towards making a SANG work when it is actually required to offset the impacts of development in the first place. In any event, SANG delivery cannot be afforded any planning weight given this would be a legal requirement of any approval.

7.8 In respect of SANG capacity, in addition to the 1.7ha SANG required for the Haresfoot development as outlined above, the Bovingdon Application (23/02034/MFA) suggested 4.280ha of SANG were required for that development. Given the proposed Haresfoot SANG delivers 24.049ha of SANG, both developments can be accommodated by the existing SANG proposals.

7.9 It also states the proposal will also improve the setting and context of the current SANG application; I am not clear as to how creating a new urban settlement will achieve this, although visually it could be more appealing than the current complex of buildings and uses. That is a matter for the LPA to consider in respect of the effectiveness of the SANG, which is likely to be needed to accommodate further developments locally.

7.10 The proposed Heads of Terms for a S106 to include the SANG is noted.

## 8. Landscaping

8.1 The proposal seeks the to:

- Encourage the retention of the existing pattern of hedges and to create new features to further enhance landscape and ecological links between woodlands, using old field boundaries where possible.
- Promote the survey, retention and restoration of the historic parklands, including Ashlyns and Haresfoot, through a range of initiatives, including tree planting including parkland exotics (where over mature), encouragement to reverse arable to pasture and use of traditional metal estate fencing.

8.2 This would contribute to restoring the local character of the area surrounding the development, although management proposals for such areas are not provided. The parkland and surrounding SANG areas are unlikely to involve any livestock grazing given the primary use of these areas will have to be for SANG purposes i.e., leisure and recreation which will inevitably include dog walking, so their potential ecological contributions will be limited accordingly. Further details will be needed in respect of landscaping details - proposals and management, although these may be provided as part of the HMMP.

8.3 It is not clear from the landscaping whether any wetland areas for SUDS will be designed to hold permanent water, although the planning statement indicates that a permanent water depth of 600mm within pools will be created. If permanent water bodies are not created, the wetland ecological contributions of SUDS will be limited.

8.4 The proposals could potentially include a Community orchard, although this is not a feature of any habitat creation for BNG.

## 9. Trees

9.1 There is a limited proposed loss of trees, primarily associated with the immediate environs of the former farm complex. There is nothing to suggest this would have significant ecological implications sufficient to represent a constraint on the proposals. 268 or perhaps 280 trees are proposed to be planted - figures likely to have been influenced by BNG requirements.

## 10. Lighting

10.1 The lighting strategy recognises the location of the development adjacent to the SANG. The development also sits within what is otherwise open countryside, albeit within an urban fringe environment with the edge of Berkhamsted and the A41 close-by. It is considered to be within an E2 Rural surrounding in respect of existing lighting.

10.2 It also considers latest guidance in respect of bats (Lighting Report, 3.4), given roosts are present within some of the buildings and

	<p>will require compensation. Ecological receptors have been recognised and considered in the lighting strategy, which would appear to be acceptable in limiting the lighting associated with the development. It will still, by default, introduce new lighting. The appendices linked to the lighting strategy are missing and cannot be adequately considered.</p> <p>11. Conclusion</p> <p>Based on the above, there would not appear to be any fundamental ecological constraints to the proposals themselves. However, the HRA issues must be fully secured to the satisfaction of the LPA to tenable the application to be determined accordingly.</p> <p>12. Further Information/amendments required:</p> <ul style="list-style-type: none"> <li>- Confirmation that HRA all issues have been legally secured to enable determination.</li> </ul> <p>13. If approved, the following conditions and informatives are required / advised:</p> <ul style="list-style-type: none"> <li>- BNG standalone condition (independent of other planning conditions required).</li> <li>- Construction Environment Management Plan condition to consider needs of protected species on-site as appropriate, as outlined within 5.6 of the EclA. This would include precautionary measures required for badgers, as outlined within EclA 5.26.</li> <li>- LEMP condition to consider landscape and ecology proposals and management onsite.</li> <li>- Habitat Management and Monitoring Plan</li> <li>- Informative for nesting birds</li> </ul>
Water Officer (HCC)	<p>We'd like to request a condition for the provision and installation at no cost to the county council, or Fire and Rescue Service.</p> <p>This is to ensure there are adequate water supplies available for use in the event of an emergency</p>
Lead Local Flood Authority (HCC)	<p>Thank you for your consultation on the above site, received on 16 February 2024 for the demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement. We have reviewed the application as submitted and wish to make the following comments.</p> <p>We note that there is currently limited information on the possible risk of contamination of the underlying groundwater and if a formal drainage discharge via infiltration would mobilise any contaminants. This is within the remit of the Environment Agency and any proposed mitigation should be implemented e.g. lining drainage features and 'casing out' appropriate sections of deep bore soakaways.</p> <p>There is also limited information on the risk of further dissolution</p>

features due to the proposed use of deep borehole soakaways. However, we do note that there are no other possible alternative discharge mechanisms for surface water for this site. We would strongly recommend that you as the LPA consult a suitably qualified geotechnical engineer to advise on subsidence to the proposed application.

If the LPA are satisfied that the above issues have been adequately assessed, we have no objection subject to conditions being attached to any consent. We suggest the following wording.

#### Condition 1

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a detailed construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings and based on SuDS Drainage Report (REF: 4158/2023 Rev B dated 07 February 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The development shall include:

1. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent), three times in quick succession at the proposed depth of the proposed deep bore infiltration feature/s when they have been installed. The results shall be reviewed, and all the detailed drainage modelling calculations and detailed design be amended as appropriate.
2. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - i. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
  - ii. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
3. The design of the wetland, storage pond and swales for attenuation will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance



4. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
5. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge including one additional step of treatment for discharge to a sensitive location (source protection zone 3).

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies of Dacorum Borough Council.

#### Condition 2

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Environment Agency plus the LLFA. This information shall provide full details of how groundwater and discharge to the deep bore soakaways will be protected, who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving waterbody. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

#### Condition 3

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show how the permanent drainage network will be protected from the temporary drainage arrangements and shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

#### Condition 4

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in

	<p>perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:</p> <ol style="list-style-type: none"> <li>1. a timetable for its implementation.</li> <li>2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.</li> <li>3. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.</li> </ol> <p>Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Dacorum Borough Council.</p> <p>Condition 5</p> <p>Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Dacorum Borough Council.</p>
Natural England	<p><b>OBJECTION</b></p> <p>Natural England objects to this proposal. As submitted, we consider it will:</p> <ul style="list-style-type: none"> <li>- have an adverse effect on the integrity of Chilterns Beechwoods Special Area of Conservation Site Search (<a href="http://naturalengland.org.uk">naturalengland.org.uk</a>)</li> <li>- damage or destroy the interest features for which Ashridge Commons and Woods Site of Special Scientific Interest has been notified. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.</li> </ul>
Affordable Housing (DBC)	<u>23/04/24</u>

	<p>Apologies for the delay with this one. We are supportive of this new housing mix proposal and acknowledge that Griggs Homes have worked with us to reach a mix that is beneficial for the Council's housing need.</p> <p>At present we are investigating the mechanism that would be used for tying in the Discount Market Units as there are a couple of different options so I will come back to you once we have considered the best way forwards. Please also that the Affordable home ownership properties will be subject to the Local Connection Policy (link below) for Other Affordable Tenures such as Discount Market/Shared Ownership/First Homes which is going to cabinet in May.</p> <p>Local Connection Policy for Other Affordable Housing Tenures - <a href="https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=133&amp;MId=3653">https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=133&amp;MId=3653</a> – shown as Item 12, Appendix A</p> <p>The Shared Ownership and Discount Market Units will also be subject to the £80,000 income cap.</p>
Affordable Housing (DBC)	<p><u>06/03/24</u></p> <p>Thank you for requesting comments on affordable housing.</p> <p>This application falls within the Dacorum Local Plan area. Attention should be paid to the relevant policies therein</p> <p>We note your Affordable Housing proposal. Although the rented proportion complies with the amount of dwellings required, it does not provide the size and type of dwellings that are preferable to the Council and will not ensure a good mix of property sizes for customers on the housing register. There is a significant need for family sized rented accommodation. There is a limited demand for rented 2 bed flats.</p> <p>An ideal mix for the rented tenure would be the following or as close to as possible:</p> <p>Type</p> <p>Social &amp; Affordable Rent</p> <p>1 bed flat: 3  2 bed flat/house: 5  3 bed house: 7  4+ bed house: 2</p> <p>It is understood that you are over providing on the affordable provision with 40% but 35% affordable housing would be favoured if you could provide the preferred mix and tenure or something similar with a better mix of family sized accommodation for rent. In addition, Affordable rents at 80% of market in Dacorum are unaffordable for many households. Affordable rents at 60% of market across all the rented would be preferred. The reduction in the quantum of rented homes required, following the introduction of First Homes, should assist in achieving this.</p>

	<p>Wheelchair adapted units should be available as rented accommodation which are nominated to by the Council, as opposed to affordable home ownership as proposed.</p> <p>Furthermore, discount market sale properties are not appropriate in this area due to high open market values. A mix of 2 and 3 bed Shared Ownership would be supported, and likely to be more affordable for potential purchasers.</p>
BCA Townscape Group	<p>This is a rural area within the Green Belt wherein residential development is only permitted in exceptional circumstances. Whilst this could be considered a 'brownfield' site containing some large, unattractive buildings, exceptional circumstances have not been proven to justify the proposed development. The BCA objects to the scale of the development as demonstrated by the cramped and excessive number of buildings and hard surfacing not conducive to this former historic parkland. The applicant quotes a reduction in overall building volume and hard surfacing, but the layout of the dwellings and the associated car parking is, in effect, a very urban approach in this rural area which takes no cognisance of its setting.</p> <p>This is a relatively isolated location; thus the residents will be reliant on cars. The access road, White Hill, is unsuitable for the amount of traffic likely to be generated by the development. There is a question over sustainability as the site cannot be considered to be on the 'fringe of Berkhamsted and Hemel Hempstead' as the former is separated from the town by the A41 bypass and the latter is some 8 km away. The site is also on the plateau of the southern slope of the Bulbourne valley and it is unrealistic to assume that residents will walk or cycle to the facilities in the town some 2.75km away, along unsuitable roads and having to negotiate a slope with a gradient of 1:5.</p> <p>The number of dwellings and the required car parking for each unit results in an excessive amount of hard surfaces. The site is already susceptible to surface water flooding at times of exceptional rainfall which, given climate change, will occur more frequently. It would appear that most parking is provided in the form of surface parking, many in courts, and often quite divorced from the relevant property. This constitutes very poor planning highlighted by the Crime Prevention Officer who states that the scheme does not meet either the gold or silver standard, which is woeful for a new development.</p> <p>Although there is green space around the built development - a proposed SANG, which provides a 'setting', there is minimal green space within the development itself. The properties also have minimal private open space, and the blocks of flats have no immediate amenity space at all. Whilst there is a narrow 'green' corridor through the centre of the site there is no space along the roads for any structural landscaping. The requirement of one tree per dwelling has not been met.</p> <p>These comments all lead to the conclusion that the development constitutes an unacceptable development in the Green Belt, an overdevelopment of the site which introduces a very urban housing estate into open countryside to the detriment of its rural character.</p>

	Therefore, the BCA objects to the application.
Active Travel England	<p>In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.</p> <p>The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023 identifies ATE as a statutory consultee for planning applications falling within any of the following descriptions:</p> <ul style="list-style-type: none"> <li>i. the development includes 150 dwellings or more;</li> <li>ii. development for the provision of a building or buildings, where the use is not exclusively for the provision of dwellings, and where the floor space to be created by the development is 7,500 square metres or more; or</li> <li>iii. the overall area of the development is 5 hectares or more.</li> </ul> <p>Further information on the above is contained within ATE's Development Management Procedural Note for Local Planning Authorities, which can be found here:  <a href="https://www.gov.uk/government/publications/active-travel-england-development-management">https://www.gov.uk/government/publications/active-travel-england-development-management</a></p>
Campaign to Protect Rural England (CPRE)	<p>I write with regard to the above application to which CPRE Hertfordshire objects strongly for the following reasons.</p> <ol style="list-style-type: none"> <li>1. The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Dacorum Core Strategy where development is seen as inappropriate unless very special circumstances are identified which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).</li> <li>2. The Planning Statement prepared by consultants for the Applicant seeks to suggest that the site is "previously developed" and "adjacent to a defined settlement" (reference page 12 Planning Policy). It is clearly not adjacent to a settlement, being outside the built-up area of Berkhamsted, entirely surrounded by open countryside, most of which is proposed as Suitable Alternative Natural Greenspace (SANG) in an associated application.</li> <li>3. The varied and extensive planning history affecting the site indicates a gradual build-up of various uses of both commercial and equestrian activities which have changed the nature of the original agricultural use to some extent by adding low-rise shed type buildings and hard-standings. Specific reference is made to the appeal decision (APP/A1910/C/20/3249358) permitting new buildings and allowing some intensification of existing uses.</li> <li>4. The appeal decision was however partial and significant attention was paid by the Inspector to Green Belt issues, and specifically the effect on openness of existing and proposed buildings. It is clear from the Inspector's decision that the generally rural character of both the existing development and surrounding area is significant</li> </ol>

and should be maintained.

5. It is therefore not appropriate to suggest that the introduction of a completely different use, that is, a residential housing estate, should be permitted on the basis of consents granted for the intensification of uses which have been seen previously as compatible with a Green Belt location. The total redevelopment of the site marks a considerable departure from the previous planning history which is made up of numerous consents and refusals of permission for a wide variety of relatively low intensity uses over a period of many years.
6. The proposed site is an unsustainable location for a residential development of 86 units with personal and community services such as schools and medical facilities requiring private vehicle use or a significant walk or cycle journey. For example, the location of Ashlyns School, which is presently significantly over-subscribed, is noted as being accessible "within a 15 to 20 minute walk" with the use of the road network, and there is no indication of local primary or other school or community provision, other than a small "community hub building".
7. Public transport is almost entirely lacking in the area and the quantum of development proposed, while causing landscape and visual impacts, will not be sufficient to support special or even additional provision from the existing limited bus services. The local limited network of small country lanes surrounding the site will be detrimentally affected by the inevitable increased car usage from over 80 dwellings and over 200 car-parking spaces.
8. There is evidence of significant deterioration of the lanes in the immediate vicinity of the proposed development. Further increased usage will affect existing local users, rural residents and businesses which are already impacted by lack of maintenance and inadequate road capacity.
9. The proposed total redevelopment envisages the demolition of the existing original farm buildings as well as the more modern additions. There will be significant impacts on the rural character of the area caused by the demolition of extensive farm buildings which also contribute to the heritage context.
10. Notwithstanding the promotion of the previously developed nature of the site as justification for the proposed development, which we challenge as above, 'very special circumstances' are also promoted in terms of a range of benefits. According to the National Planning Policy Framework (NPPF), these need to clearly outweigh the harm caused to the Green Belt which we believe will be detrimentally affected by the total redevelopment of the site, affecting both the visual and landscape characteristics of the area.
11. The very special circumstances identified relate primarily to the provision of housing of various types, highway and environmental provision, and economic benefits, all of which would be anticipated from any similar development of this size and nature. We believe

	<p>that very special circumstances should be related to the specific conditions of the site and surrounding area.</p> <p>12. We support local community concerns relating to local services, facilities and the gradual deterioration of the farm and buildings due in part to unauthorised development over a period of years. A significant development south of the A41 and well outside the built-up area of Berkhamsted would comprise a significant encroachment into the Green Belt, and we urge the Council to refuse permission for this unsustainable and inappropriate proposal.</p>
<p>Minerals And Waste Planning Policy (HCC)</p>	<p>I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters.</p> <p><b>Minerals</b></p> <p>In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 - 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire.</p> <p>Whilst the site falls within the Sand and Gravel Belt, British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.</p> <p><b>Waste</b></p> <p>Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.</p> <p>The National Planning Policy for Waste (October 2014) sets out the following:</p> <p>'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:</p> <ul style="list-style-type: none"> <li>- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;</li> <li>- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local</li> </ul>

landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

The policies in the adopted Waste Core Strategy and Development Management Policies DPD (2012) that relate to this proposal, and which must be considered by the Local Planning Authority in determining the application, include Policy 1: Strategy for the Provision for Waste Management Facilities (namely the penultimate paragraph of the policy) and Policy 12: Sustainable Design, Construction and Demolition.

Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

The Waste Planning Authority would expect to see a SWMP prepared to support this application. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the project. The SWMP must be implemented throughout the duration of the project, from initial site preparation works to final completion of the construction phase.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

As a minimum, the SWMP should include the following:

#### Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the



	<p>requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991) Estimating Waste</p> <ul style="list-style-type: none"> <li>- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)</li> <li>- Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)</li> <li>- Space for Later Recordings</li> <li>- Space for the recording of actual figures against the estimated figures</li> <li>- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to</li> <li>- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates</li> </ul> <p>If a SWMP is not produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application:</p> <p>Condition:</p> <p>No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.</p> <p>Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).</p>
<p>Strategic Planning &amp; Regeneration (DBC)</p>	<p>Please refer to our previous pre app comments on this scheme. Hopefully, these continue to remain relevant and are sufficiently detailed.</p> <p>PRE-APP RESPONSE 08/09/23:</p> <p>1. Introduction</p> <p>This pre application relates to a sizeable previously developed site of nearly 12ha in the Green Belt. The site is located on the outskirts of the town boundary in open countryside to the south of the A41. Access to the land is via White Hill Road.</p>

The site comprises of a large footprint of buildings which are currently used for a mix of uses including equestrian activities, industry and storage, and outside storage. The land also includes two dwellings which will be retained as part of the scheme. The proposal seeks to redevelop the bulk of these existing buildings for a mix of housing sizes and tenure. It will effectively create a small hamlet of houses in this location.

The applicant is also suggesting that the open land surrounding the site could be offered as a potential SANG.

## 2. Planning policy context

### (i) National Planning Policy Framework (NPPF)

The NPPF makes clear that the Government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence (para. 137). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 147).

'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 (para. 148).

The NPPF sees the construction of new buildings as inappropriate in the Green Belt, but sets out a number of exceptions (para. 149) including:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development; or

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Other matters of wider relevance include:

Paragraph 11 on the presumption in favour of sustainable development.

Paragraph 12: where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

Paragraph 74: local planning authorities should identify a minimum of five years' worth of housing - against their local housing need where the strategic policies are more than five years old.

Paragraph 93: planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services.

Paragraph 105: significant development should be focused on locations

which are or can be made sustainable.

(ii) Dacorum Core Strategy (September 2013)

The site is in the Green Belt (see Policy CS5) and therefore the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. Point (e) in this policy allows for the redevelopment of previously developed sites.

While there is a substantial amount of employment floorspace connected with the site, the land itself is not formally designated as a General Employment Area in the Green Belt.

(iii) Dacorum's Emerging Local Plan (November 2020)

The Emerging Local Plan proposed to meet local housing need (922 homes a year at the time) between 2020 and 2038. To accommodate this level of growth, substantial Green Belt housing development was proposed.

The current application site was not proposed for development, although it is located beyond the settlement edge.

Generally, the development strategy to the Emerging Local Plan has ruled out standalone settlements (and significant expansion of existing villages) as an option for meeting our local housing need. Basically, these are seen as being challenging to deliver because of their scale, the need for long lead-in times, landscape impact, the difficulties of land assembly and finding a suitable location for them, etc. In addition, at the time of preparing the Plan, there was no such scheme being promoted by developers/landowners.

However, we would note that this proposal is at the much smaller end of this form of development compared to the options being considered at the time.

For further information, see the Development Strategy Topic Paper and Site Assessment Study:

[topic-paper---development-strategy--november-2020.pdf](#)  
(dacorum.gov.uk)

The Site Assessment Study to inform the Emerging Local Plan did not look specifically at the application site.

For further information, see the Site Selection Topic Paper and Site Assessment Study:

<https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/technical-work-for-the-early-partial-review>

We still intend to undertake another round of (Reg.18) consultation on the Local Plan over the early autumn period, although this will focus on a revised growth strategy.

Given the above position, the new Local Plan still remains at an early

stage and only limited weight can be given to the November 2020 document (NPPF paragraph 48).

### 3. Key planning policy issues

Issue 1: Is the principle of redevelopment acceptable?

The scheme proposes residential development on the land occupied by the existing commercial, equestrian and residential uses.

The Planning Statement accompanying the applications states that according to their calculations, there would be a modest reduction in the building footprint and volumes and a significant decrease in the area of hardstanding. There would also be a sizeable gain in public open space. This is all welcome in terms of their impact on safeguarding the openness of the Green Belt.

The proposed development should be considered against Government guidance in NPPF paragraph 149 g) and the local planning policy context (see above in both cases).

Issue 2: Would the development harm the rural character of the area?

A development on the scale proposed would have a significant impact on the character of this chiefly rural part of the borough, so its acceptability in relation to Policy CS1 should be assessed.

However, we would acknowledge that this is an established mixed use site that is heavily built-up and urban in character. There may also be environmental benefits by replacing utilitarian structures with a better designed housing layout (the applicant makes reference to a farmstead style redevelopment), and removing outside storage with improved areas of open space and landscaping.

The wider landscape and environmental impact should also be taken into account. Policy CS25 (landscape character) is especially relevant in this respect.

Issue 3: Is the site in a sustainable location?

At present:

The site is located in a very rural area, accessed only by a narrow country lane.

There are no footways immediately surrounding the site.

Nearby employment opportunities are very limited once the existing commercial uses are redeveloped.

There are limited social and community facilities on the site or close by.

Berkhamsted town centre and the railway station are both over 1.6km away.

According to the applicant, the closest bus stop is 800 metres from the site with relatively limited frequency (1 bus every 1 ½ hours between 08:00 and 18:00).

The applicant acknowledges the limitations of this location. In response, they are suggesting securing a hub unit on the site that could include opportunities to hot desk, for it to be used as a community facility, and for electric bicycles to be provided (possibly including a shared electric

vehicle). This is welcomed in principle.

Our concern is that the hub will be modest in scale and it is unclear if it is practically deliverable and viable in the long-term, given the overall small size of the development that it would serve (c.240 residents). Furthermore, it is likely that the scheme would remain predominantly car-dependent as new residents would still have to travel a distance to access the majority of higher-order services. A very high proportion of trips would inevitably be made by the private car.

We conclude that the location of the site is very isolated and not very sustainable. Major improvements to the site's sustainability would be required to make the development more sustainable in transport terms and to encourage greater levels of cycling and walking.

Issue 5: Are the affordable housing proposals acceptable?

The provision of a mix of homes and tenure types is welcomed in principle.

The applicant's Planning Statement indicates that the development would provide 35% affordable housing (as per Core Strategy Policy CS19). These would be a mix of sizes (from 1 to 4-bed properties). We would stress the importance of encouraging the developers to deliver social rent / genuinely affordable housing.

It is not clear what the detailed mix of affordable housing would be provided at this early stage. We would assume this includes 25% of First Homes (to comply with the 'First Homes' Planning Practice Guidance). The mix should include housing for rent, although the provision of social housing would be very welcome. Our main concern is that the affordable housing for rent should be genuinely affordable, which means that rents should be about 60% of open market rents.

It should also be noted that NPPF paragraph 65 requires that at least 10% of the total number of homes should be for affordable home ownership (in this case 10 homes). If 35% affordable housing is provided and 25% of the affordable homes are First Homes (i.e. 8.75 homes), there will be a small shortfall against NPPF paragraph 65. Our preference is for the provision to be made up of shared ownership homes, rather than more First Homes.

We recommend that you seek detailed advice on the affordable housing proposals from the Housing Strategy & Investment team.

Issue 6: Does the lack of a five year supply of housing land provide justification for granting permission?

As the Core Strategy is over five years old, the Council must base its housing land supply calculations on local housing need (LHN) (NPPF paragraph 74). The LHN represents a substantial increase over the Core Strategy housing target. Current monitoring indicates that the Council is unable to achieve this level of supply. This means that Dacorum does not currently have a five years' supply of housing land.

Furthermore, in the short-term and outside of preparing the new Local Plan, we are unlikely to be able to demonstrate such an uplift in supply. Therefore, for the purposes of determining this application we would have to accept a continuing shortfall measured against the five years' land supply.

Based on the recent assessment of our housing supply position for the purposes of the Land East of Tring appeal inquiry, we have 2.19 years' of supply. Therefore, for the purposes of determining this application we would have to accept a continuing shortfall measured against the five year land supply.

We note that the application of the presumption in favour of sustainable development under paragraph 11d)i) will need to be tempered by the fact that the site falls within a protected area (i.e. the Green Belt) for the purposes of footnote 7.

However, we would accept that the proposal would make a reasonable contribution to the 5YHLS position. We would also acknowledge that the proposal will make effective use of urban land.

Issue 7: Should the existing employment be retained?

We believe that there is a case for exploring the retention/redevelopment of the existing employment uses associated with the site for a number of reasons:

This is already an established mixed commercial site.  
The site likely provides small and affordable units for local companies.

The site is not particularly well suited for residential use in sustainability terms (see above comments).  
It would retain the compact nature of the buildings on the site.  
Redevelopment would still offer opportunities for environmental improvements.

The Emerging Local Plan and the South West Hertfordshire Economic Study Update (September 2019) point to other reasons for potentially retaining the employment use:

[https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-economic-study-update---september-2019.pdf?sfvrsn=3594099e\\_6](https://www.dacorum.gov.uk/docs/default-source/strategic-planning/south-west-herts-economic-study-update---september-2019.pdf?sfvrsn=3594099e_6)

The Economic Study identified a substantial shortage of industrial space in Dacorum. The Study also gave high priority to medium and small sized businesses in new employment development.

Work is now in progress on the South West Hertfordshire Economic Study Review, which will replace the 2019 study and form an important part of the evidence base for the new Local Plan. Initial conclusions from the consultants confirm:

There is a severe shortage of industrial space in South West

Hertfordshire and very limited opportunities for new industrial development.  
The types of industrial development in short supply include small and medium sized units.

Issue 8: What are the implications of this proposal on the Chilterns Beechwoods Special Area of Conservation (SAC)

The applicant has acknowledged their responsibilities under the Habitats Regulations to secure Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) contributions for all qualifying development proposed by the scheme. In principle, we welcome their commitment to deliver a bespoke SANG solution in relation to land surrounding the site bearing in mind that there are no other solutions available in the Berkhamsted area.

However, we are not comfortable with this position as the details provided at this early stage by the applicant are very limited and they still need to formally secure this arrangement with the SANG landowner(s)/provider for an in-perpetuity period (80+years). The applicant should share fuller details about any arrangements with the responsible authorities (both Competent Authorities and Natural England as the appropriate Conservation Body). For example, would the application be reliant on a separate SANG application being positively determined (this could be a complex matter)? Ultimately, we need certainty that the SANG scheme will be on the ground and open by the time of first occupation of this development.

We require a detailed breakdown on qualifying development to be able to better understand how much SANG and SAMM 'spaces' would be necessary for this proposal i.e. as a per LPA area breakdown. This will allow us to establish an 'equivalent number of homes total'.

The applicant should commit to SANG provision that is an appropriate quantum, specification and distance from the application site to meet the criteria contained within the Council(s) Mitigation Strategy: Chilterns Beechwoods Special Area of Conservation (SAC) - Mitigation Strategy ([dacorum.gov.uk](http://dacorum.gov.uk)) and Natural England's SANG Guidance available at:

<https://www.bracknell-forest.gov.uk/sites/default/files/2021-11/natural-england-sang-quality-guidance.pdf>.

We are mindful that this scheme currently provides no certainty that the SANG is achievable, deliverable, timely (i.e. on the ground before occupation of the development) or acceptable as third party SANG.

In its own right, the SANG site may well require planning permission to secure its delivery before there is the certainty that we require to determine this application positively from a HRA perspective. It will almost undoubtedly need implementation to SANG standards or some form of upgrades/long term management and maintenance.

The securing of a landowner/manager will also be critical. For information, the Mitigation Strategy would normally be agreed and fully

costed and a contract between the SANG provider and the qualifying development landowner/developer entered into before planning permission is issued. The developer should provide the LPAs with a Letter of Comfort (LoC) in support of their SANG offer. This will seek to confirm that the necessary SANG mitigation will be delivered in line with the Habitats Regulations requirements.

We would expect the LoC to cover the following broad matters:

The proposal/development address.

The proposal title.

The planning application number or appeal reference.

What the SANG site name is i.e. where the SANG spaces are being offered?

Is the SANG agreed by Natural England and that its quality meets their Guidance?

Where SANG catchment is relevant (i.e. for schemes of 10 homes or more) that the scheme is within the defined SANG catchment distance (see our mitigation strategy for details).

What the number of homes (or number of home equivalents) is being offered from the SANG.

The detail calculation carried out for home equivalents being offered (if not pre-agreed with the Council in advance) i.e. what baseline use deductions may have been made - unique / unusual use applications get complicated (see tables in our detailed FAQs document and Mitigation Strategy for qualifying development).

What is the in perpetuity period being offered (80 or 125 years or something else)?

When the site is commenced.

Any important caveats which may affect our decision:

clarification if there is any offer withdrawn after any specific dates i.e. if a decision is not made by X or commenced by Y, etc.

if a permission is not implemented by X date - what happens after 3 years when the permission has lapsed, etc.?

Sign off by someone with 'decent level' of responsibility/authority in the Trust/organisation, ideally CEO or chairman maybe.

The applicant's approach seems to rely on the need for a Grampian condition approach which the Council is not in favour of.

The SAMM needs to be secured by a legal agreement either a Unilateral Undertaking (UU) or S106 agreement with the Council.



	<p>To engage with the Council on Habitats Regulations matters, please contact SAC@dacorum.gov.uk.</p> <p>4. Conclusion</p> <p>We accept that this does offer an opportunity to reuse previously developed land for housing. There would also be potential benefits in terms of improvements to the openness of the Green Belt over the existing commercial properties, the securing of a higher quality of design of buildings and layout of the site, removal of outside storage/tip area, and it would lead to environmental improvements including additional areas of open space.</p> <p>However, we would raise a number of concerns with the proposal. The development could harm the rural character of the area, contrary to Policy CS1 (distribution of development). However, we would acknowledge that the existing commercial uses already have an adverse impact on its setting.</p> <p>The location of the site is very isolated and highly unsustainable. The proposed development offers very little to improve the sustainability credentials of the site bearing in mind Policies CS8 (sustainable transport) and CS23 (social infrastructure).</p> <p>We also remain concerned with the applicant's proposed bespoke SANG solution and the need for greater clarity and certainty over its deliverability and acceptability. Habitats Regulations matters do not form part of the 'planning balance', and so the Council will be unable to resolve anything other than a refusal for this scheme unless adequate levels of both SANG and SAMM is secured.</p>
Trees & Woodlands	<p>I've looked through all relevant documentation for this app and have to give a slightly reluctant recommendation for approval. All necessary documentation has been included in respect of trees; Arb Report, Tree Survey, Arb Impact Assessment, Arb Method Statement. My reluctance comes from the scheme's design and its impact on existing trees, but there's not enough 'non-compliance' (best word I can come up with) to warrant a refusal or redesign.</p> <p>Proposed removals that are due to the actual poor condition of individual trees get no objection. We can't ask for these trees to be retained.</p> <p>Proposed removals due to the impact of the development can be accepted for Cat C (poor quality) trees, but it is regrettable that the T1 Atlas Cedar (Cat B, moderate quality) is included in this category. Interestingly, it is noted in documentation that the Cedar is a 'lower' Cat B tree when this sub-category does not exist. However, it is accepted that a significant part of the scheme would have to be redesigned to accommodate the retention of T1.</p> <p>There are a lot of existing trees that are due to be retained but that really shouldn't be due to the future impact of Ash Dieback; all of the following noted Ash trees should be removed - T2, T4, part of G2, all of G3, all of G4, all of G5. There is no long-term viable future for Ash (<i>Fraxinus</i></p>

	<p>excelsior) trees across Dacorum and it is assumed that the whole country is going to lose 80 - 90% of all Ash (F. excelsior) trees. It's therefore better to enforce tree removal and replacement now whilst DBC has an element of control through the planning application process.</p> <p>It is realistic to expect a level of tree damage to be caused by demolition and construction activity, regardless of the agreed protection measures that should be installed on site. Removing all Ash prior to demolition/construction would provide more space in which to carry out site activity and may therefore afford more protection indirectly to retained trees.</p> <p>It's worth noting that with tree removals that have been proposed, removals that should also occur and a small amount of pre-development pruning, all individual trees (T) and tree groups (G) within the tree survey schedule will be affected in some way by the proposed development. This is highly unusual.</p> <p>It is obvious that with additional tree removal being required, submitted plans should be updated to reflect this and that more new planting should be incorporated in a revised landscaping plan. When appropriate, a plan should be submitted showing all new planting locations with information about proposed species, planting sizes and maintenance regimes.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>Site context</p> <p>Set within the semi-rural landscape, the application site is located to the south of the A41, beyond which lies the southernmost edge of Berkhamsted town. The site is accessed via a semi-rural track, White Hill which currently serves the application site and a limited number of residential dwellings before connecting into Whelpley Hill.</p> <p>The application site is within close proximity of an area of Ancient Woodland, located to the east of the site. The north-eastern corner of the site is bound by Berkhamsted FP 041 [Public Right of Way], which crosses the north-eastern corner of the application site, leading north to Berkhamsted, passing under the A41 towards the town Centre Land surrounding the site is subject of a planning application referenced 23/02508/MFA for the change of use from agricultural land to a Suitable Alternative Natural Greenspace [SANG].</p> <p>The existing site comprises a mix of existing built structures associated with historic farm and commercial uses, two residential dwellings, an equestrian centre with stables, ancillary agricultural facilities, two temporary structures and various containers and storage facilities across the site. Some of the existing buildings on the site have been determined to be of historic interest and have place making values that need to be considered as part of this pre-application discussion. These comments relate to the northern buildings fronting the primary vehicular access. The qualities of these buildings are discussed in the following sections.</p> <p>Site history:</p>

The application site has been subject of a recent pre-application referenced 23/01837/PRDE in which a collaborative approach between the applicants and DBC was taken to ensure a high-quality development of the scheme. During the process, a number of initial design concerns were raised, which have been positively addressed through the application progression.

The scheme subject of this application has also been through an extensive consultation with the local community, town council and a Community Review Panel.

Recommendation:

This response is based on the application received in February 2024.

We welcome the collaborative approach to the scheme, and believe the resultant submission reflects a high-quality, responsive and considerate application that responds to the rural setting in the Green Belt, the forthcoming SANG, and the communities aspirations. There are some minor concerns regarding the final design details that are laid out below. We recommend these are responded to and incorporated into the scheme prior to a decision being issued.

Comment:

The remaining comments in this document respond to the design of the submitted scheme, these relate in principal to urban design including: character, landscape, layout, movement and appearance. We recommend that the below recommendations are incorporated or responded to prior to taking forward to ensure high-quality design is delivered on this site. These relate to the following aspects of the scheme:

Character:

The vision states that the development will incorporate characteristics of a farmstead, responding to local character, that feels like a natural evolution, framing what could be a potentially high-quality development. Overall the approach to character across the site is a positive one, and the strategy is welcomed, reflecting the local context and architectural character. Similarly, the design principles represent the historic farmsteads characteristics and distinctive features. It is rare to see a development of this scale include character areas, however the scheme includes a comprehensive approach to character which is welcomed, generating a high-quality scheme.

Following extensive conversations regarding the gateway buildings and their importance in the local context from a design and heritage perspective, the resultant design and recreation of the existing farmstead frontage has been done to a high-standard, sensitively reflecting the strong characteristics of the historic farmstead charm. The design of plots 1-3 and 86-83 embeds the development in the local character and forms a scheme that has evolved from the historic usage and character.

Layout:

The layout of the proposed scheme is considered to be high-quality from a design perspective. The approach to the east-west landscape corridor is a major asset to the scheme and creates a unique environment that will be distinctive, and quite special to inhabit whether it is the new residents or visitors passing through the site. In addition, we applaud the approach to the design of safer places. It is evident that the scheme has been designed to ensure natural surveillance of public spaces, courtyards and movement networks.

Scale and massing: Generally, we consider the proposed massing strategy across the site to be appropriate. The proposed heights sit well in the wider context and would not have a negative impact on the natural setting any more than the existing buildings and structures on site. There is an appropriate distribution of height and variety across the scheme, ensuring a balanced massing within the overall development and within the context as well as providing interesting street scape. Focused areas of increased height create a strong and positive gateway features, with massing utilised as wayfinding and landmark mechanisms.

Previously we have raised concerns regarding the mass of plots 7-14, in particular the width of the flank elevation and visibility from the SANG. Whilst it remains a concern, we do appreciate that there is an amenity area proposed adjacent which is indicatively surround by tree planting. This natural screening of this elevation will be crucial, and ensure the strategy includes evergreen species. We recommend this is conditioned with any decision.

Building appearance and materiality:

Overall, the appearance and materiality across the scheme represents a high-quality design. The applicants have responded to previous concerns raised regarding specific building materiality in key transition spaces.

Generally, the residential units are well designed, providing generous layouts that are suitable for a diverse mix of occupiers and future proof. There is an appropriate amount of internal storage and flexibility within the typologies to allow adaptations and growth. Furthermore, the affordable units are designed to an equally high-standard, integrated and generous in layout.

The architectural detailing is of a high-quality and where there are modern styles, they have been designed sympathetically to ensure they are not jarring in the street scene.

Despite some of the units being quite large, the buildings are articulated well, creating buildings that are attractive and do not appear bulky. Across the scheme a number of buildings include secondary and tertiary massing which works well in the street scene, bringing the buildings down to a human scale, reflecting the farmstead character. The application of materials also contributes to this and represent high-quality design.

There is enough variety to ensure the development will not feel repetitious or monotonous, whilst creating strong character areas across the scheme that are clearly distinguishable from one another. Similarly, the diversity within the buildings appearance creates an atmosphere of a residential development that evolved over time, rather than a new building.

Specific plot commentary:

Plot 43: the allocated parking associated with Plot 43 is some distance from the primary entrance to the unit. Whilst we appreciate a pedestrian route is provided to the rear of plot 42, the entrance is still off the front of the unit. We would recommend rearranging the parking so that the allocated spaces are in close proximity to the associated units. In addition, Plot 43 would benefit from a utility room accessed from the rear garden that could act as a 'backdoor' for residents entering from the parking court.

Plot 49:

The semi-detached unit is currently accessed from the front elevation. However, the parking is located within a parking court to the side of the dwelling. Could this unit be rearrange to allow for a side access from the parking court to accommodate easier access to the dwelling from the allocated parking as well as an active edge onto the parking court?

Plot 50:

Introduction of windows on the side elevation in the 'bonus room' on the upper levels, would be welcomed, this could provide natural surveillance of the parking court.

Plots 83-85: similar to previous discussions, if rear accessed is proposed from the parking associated with plots 83-85, the layouts should accommodate a secondary entrance to the rear that is not bi-fold doors through the lounge or dining room.

Community hub:

The overall design of the community facility is considered to be acceptable from a design perspective. The unique and distinctive design will create a high-quality feature within the residential development.

Whilst we welcome the introduction of the community facility, a comprehensive management plan will be required to ensure positive and active use of the space for residents. Similarly, if there is the opportunity and demand to widen the reach of the community facility and bring outside people into the site, this should be monitored.

Movement: It is evident that the movement strategy has been carefully considered in its development as the resultant scheme benefits from a pedestrian movement network that is comprehensive and embedded in the wider context.

There are some concerns over the impact of this scheme on the

existing movement network and public transport. The proposed introduction of 86 dwellings and potentially 223+ cars, in this location will result in significant pressure on White Hill. Whilst the proposed pedestrian network within the site is considered to be appropriate, the overall sustainability of the site in the wider context of the town is not considered to be walkable with local bus stops greater than one kilometre from the southernmost edge of the development. Furthermore the train station is not considered to be suitably walkable. Whilst we welcome the inclusion of electric bikes for hire, we would encourage the applicants to seek solutions regarding connectivity to the town centre and local shops. The scheme should consider improvements to the wider cycle network towards Berkhamsted, as an alternative route to White Hill, offering off-road walking and wheeling access towards the town centre.

**Parking strategy:**

The parking strategy across the site is appreciated. The approach to rear access courtyards and a range of parking solutions is welcomed. It is evident that where possible parking has been removed from the street scene and screened from key routes through the site, minimising the visual impact of car parking on the development. There will be a requirement to manage and monitor the parking on site, ensuring that the dedicated parking areas are being used, overflow parking is avoided and future strategies for when parking demand drops to repurpose those spaces.

The parking spaces under Plots 66-73 do not correlate to the dwellings above. Whilst we appreciate that this is to ensure minimised walking distances to units 58-65 however we would recommend that the spaces in the covered parking areas are related to units 66-73.

**Landscape:**

The proposed landscaping strategy has seamlessly integrated the residential development with the proposed SANG, embedding the natural environment in the wider context and rural setting. As with the approach to the residential character areas, we welcome the landscape strategy that ensures variety and interest across the scheme. As well as offering a variety of spaces for different uses, alternative routes etc. The inclusion of play-on-the-way features, integrated SUDs, sensory planting and attractive accessible green space creates a positive setting for the residential development.

The attenuation basin provides an opportunity to create a unique and interesting feature within the scheme, not a sterile environment leftover in the landscape. We welcome the incorporation of board walks, reed planting and other water species, and the overall design of the attenuation basin. It is apparent that the space surrounding the attenuation basin could become a central 'heart' within the development, creating a destination for existing residents from around the local area as well as new residents of the scheme.

It remains that the introduction of 86 residential units and associated amenity spaces will have an impact on the proposed adjacent SANG

	<p>[subject of application referenced 23/02508/MFA]. Whilst amendments to the scheme and landscaping strategy have been incorporated during the pre-application process, the following design concerns remain and will need a prescribed management strategy in order to protect and enhance the design, layout and landscaping strategy respond sensitively to the setting of the SANG, with Natural England's requirements met:</p> <ul style="list-style-type: none"> <li>- Private rear gardens backing onto the SANG: There is very little control over rear back gardens, in particular the outdoor and indoor lighting that will negatively impact on the SANG and its setting.</li> <li>- Provide a vegetated buffer on the north-eastern and south-eastern edges that are in very close proximity to the SANG. An advanced planting strategy will be needed identifying edges that will need significant planting buffers.</li> <li>- The proximity of residential development and urbanised edges to the SANG.</li> </ul> <p>In order to accurately assess the impact of the development, it would be useful to see the outline of the proposed development on the Baseline viewpoints within the Landscape and Visual Impact Assessment. We request that these images are shared prior to a decision.</p> <p>Conclusion:</p> <p>Generally, we consider this to be a high-quality development that has responded well to the pre-application process and adopted a positive collaboration with the council. The recommendations discussed above are considered to be minor amendments to the scheme and should be taken into consideration and responded to.</p>
EDF Energy	<p>To whom it concerns - Dacorum Borough Council - Planning - James Gardner</p> <p>We refer to the Planning Application for the above. While we have no objections, please can the below points be noted:</p> <p>We may have Electrical equipment within the boundaries including underground cables. All works should be undertaken with due regard to Health &amp; Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.</p> <p>Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.</p>
Hertfordshire Fire & Rescue (HCC)	<p>With reference to the above Town &amp; Country (T&amp;C) planning application, please be aware that there is a process within Hertfordshire that was agreed with all districts some years ago. The following procedure was agreed:</p>

All T&C planning applications should be sent directly from the local district planning department to Hertfordshire Highways, who will then review the application for Hertfordshire Fire & Rescue Service (HFRS) against our 'Access & facilities for the fire service' requirements. If Highways then feel there may be an issue, or require further clarification, they will forward the application to HFRS highlighting their specific concerns. HFRS will review the application before replying to the relevant district planning dept with our comments.

We trust this explanation of the process makes sense. Should you require any further clarification about this process, please contact [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk) who will pass your query to the relevant officer. Please forward all future planning applications to Hertfordshire Highways.

Following your letter from Dacorum Planning department dated 6th March, enclosing a link to the above planning application, we make the following comments at this pre planning stage to comply with the building regulations 2010.

(From the drawings accurate measurements are unable to be ascertained)

#### ACCESS AND FACILITIES

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) vol 1, section B5, sub-section 13.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes & be a minimum of 3.7m wide.
3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of diagram 13.4 in section B5.
4. Access should be provided for a pumping appliance to within 18m of any fire main inlet connection point. Inlets should be on the face of the building
5. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 90m of the fire main inlets.
6. For single family dwelling houses, block of flats or maisonettes there should be vehicle access for a pumping appliance to within 45 m of all points within the dwelling measured on a route suitable for laying hose. Where sprinklers in accordance with BS 9251:2014 or BS EN 12845 are fitted throughout a house or block of flats the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level). Fire mains should be installed in buildings where any floor is higher than 18 m above ground level or where



	<p>a fire main is required as a compensatory feature for the lack of fire appliance access.</p> <p><b>WATER SUPPLIES</b></p> <p>1. Fire hydrants will be required in order to ensure new developments are adequately served in the event of fire. For information on water supplies for firefighting (Fire hydrants) please contact Hertfordshire Fire &amp; Rescue Services Water Officer on 01992 507507 or <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a></p> <p>The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 24/00330/MFA, Proposal: Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement.</p> <p>Address: Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU.</p> <p>I have reviewed the documents carefully and I do have some concerns regarding this application. I would ask that the entire development is built to the police security standard Secured by Design, however the layout would not meet the gold or silver standard.</p> <p>In the Design and Access statement (5, 5.13 Safer Places) it states "The site layout and houses have been carefully designed to create a safe environment, incorporating natural surveillance overlooking movement networks and public spaces and a well-lit public realm. Blank frontages facing the public realm have been avoided to enhance safety".</p> <p>Whilst it is good to see adequate parking and the houses do face the pathways there are many other areas where surveillance is very poor especially the parking courts to the North and West of the site. Over the years we have been trying to move away from parking courts (similar to the old garage blocks that are now being in filled with dwellings) as they become anti-social behaviour hot spots for drug use etc. Also, with the huge rise in vehicle crime we are finding that people do not use the hidden parking areas but park on the road in front of their houses. With this type of development with large houses security and crime prevention should be considered.</p> <p>In relation to security and crime prevention I would ask that the houses are built to the Secured by Design standard and the parking court arrangement re considered.</p>
<p>Thames Water</p>	<p><b>Waste Comments</b></p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed</p>

	<p>development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>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>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>I am satisfied by the Air Quality report and assessment and have no further comments from that perspective.</p> <p>In relation to noise, while I note internal levels being met with appropriate glazing and insulation; it is inappropriate and unreasonable for the applicants to assess the external amenity levels as acceptable, in areas where the upper guideline value of BS8233 is potentially being exceeded. This appears to be due to the A41, and the report hopes that by using the potential road noise propagation from another applicant to mitigate this potential impact, this should be acceptable.</p> <p>I would expect the applicant to be considering their own acoustic fences/bunding etc., for the avoidance of doubt and ensuring that they are appropriately preventing any detrimental impact on occupants themselves; as opposed to relying on a development that may not exist at the point of first occupation.</p> <p>I don't believe this is a sufficient reason to suggest refusal, however I would suggest a condition requiring a scheme for achieving the levels</p>

set out in BS8233 across all of site (including internal and external areas), to be provided for discharge prior to commencement, and ensuring that the applicant themselves are responsible for putting these in place and maintaining them.

In addition to this the below informative comments be applied please:

#### 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.

#### Waste Management Informative

Under no circumstances should waste produced from the development 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. 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

	<p>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 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-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
Sport England	<p>The proposed development does not fall within our statutory remit as set out in the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015. Therefore, Sport England has not provided a detailed response in this case, but general advice is set out below to aid the assessment of the application.</p> <p>Sport England's Planning for Sport Guidance provides general advice which can be accessed at Planning for Sport.</p> <p>Although Sport England is not in a position to provide a detailed response on this occasion, where relevant you may wish to consider advice provided by recognised sport National Governing Bodies (NGBs), a list of which is available at Recognised Sports.</p> <p>The relevant NGB(s) may be able to provide advice on specific matters such as the need for the new/enhanced facility, the design and layout of the new/enhanced facility or the impact of the development proposal on the current facility.</p> <p>In the case of equestrian facilities, the recognised National Governing Body is the British Equestrian Federation. Should the Local Planning Authority wish to consult British Equestrian Federation, the relevant contact details are at <a href="https://www.britishequestrian.org.uk/contact-us">https://www.britishequestrian.org.uk/contact-us</a>. The British Horse Society (BHS), one of the British Equestrian Federation's member bodies may also be able to provide advice</p>

	<a href="https://www.bhs.org.uk/about-us/contact-us/">https://www.bhs.org.uk/about-us/contact-us/</a>																																										
<p>Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead hp2 7ba</p>	<p>Houses will require space to store 3 x wheeled bins and a curb side caddy. They will require space to present them outside the boundary on collection day.</p> <p>Flats will need a storage space for 1 x 1100ltr container for residual waste, 1 x 1100ltr container for comingled recycling and 1 x wheeled bin for food waste per 6 flats in a block.</p> <p>Commercial properties will require space for at least 1 x 1100ltr container for residual waste and 1 x 1100ltr container for comingled recycling.</p> <p>Commercial waste should be stored separately to domestic. Where there are containers there should be no steps between the storage area.</p> <p>The collection vehicles are typically a 26t rigid freighters and reversing should be kept to the minimum.</p>																																										
<p>Education (HCC)</p>	<p><u>23/04/24</u></p> <p>This response represents an update to Hertfordshire County Council's (HCC's) previous formal response to the planning application (DATE).</p> <p>Since the previous response, HCC have been provided with an updated development mix which has been used to re-calculate the contributions required to mitigate the development.</p> <table border="1" data-bbox="512 1205 1142 1518"> <thead> <tr> <th colspan="3"><b>HOUSES</b></th> </tr> <tr> <th>Number of Bedrooms</th> <th>A) Open Market &amp; Shared Ownership</th> <th>B) Affordable Rent</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td>2</td> <td>6</td> <td>4</td> </tr> <tr> <td>3</td> <td>34</td> <td>4</td> </tr> <tr> <td>4+</td> <td>19</td> <td>1</td> </tr> <tr> <td><b>Total</b></td> <td><b>59</b></td> <td><b>9</b></td> </tr> </tbody> </table> <table border="1" data-bbox="512 1585 1142 1899"> <thead> <tr> <th colspan="3"><b>FLATS</b></th> </tr> <tr> <th>Number of Bedrooms</th> <th>A) Open Market &amp; Shared Ownership</th> <th>B) Affordable Rent</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>9</td> <td>4</td> </tr> <tr> <td>2</td> <td>1</td> <td>4</td> </tr> <tr> <td>3</td> <td>0</td> <td>0</td> </tr> <tr> <td>4+</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Total</b></td> <td><b>10</b></td> <td><b>8</b></td> </tr> </tbody> </table> <p>PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought Secondary Education Contribution towards the expansion of Ashlyns</p>	<b>HOUSES</b>			Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	1	0	0	2	6	4	3	34	4	4+	19	1	<b>Total</b>	<b>59</b>	<b>9</b>	<b>FLATS</b>			Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	1	9	4	2	1	4	3	0	0	4+	0	0	<b>Total</b>	<b>10</b>	<b>8</b>
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Secondary School and/or provision serving the development (£833,791 index linked to BCIS 1Q2022).

Special Educational Needs and Disabilities (SEND) Contribution towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£100,277 index linked to BCIS 1Q2022).

Youth Service Contribution towards providing outreach and detached Youthwork to young people within the vicinity of the development in order for them to access existing Young People's Centres. (£14,592 index linked to BCIS 1Q2022).

Monitoring Fees - HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

#### Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire](#)

County Council

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."

The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

(ii) Directly related to the development.

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

(iii) Fairly and reasonably related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

PLEASE NOTE THE FOLLOWING:

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly.

If your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions.

Should you require any further information please contact the Growth & Infrastructure Unit.

Education (HCC)

13/03/24

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community.

Hertfordshire County Council (HCC) recognises that the site falls within the borough council's CIL zone 1 charging area and reserves the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure to meet the needs arising from the development through the appropriate channels.

However, to mitigate the impact of the development, it is considered that the development of 86 dwellings on this site requires additional financial contributions towards local infrastructure within a Section 106 agreement.

In order to estimate the level of contributions that HCC wishes to seek, we have modelled the proposed development. This is currently assessed using the Hertfordshire Demographic Model, which projects the average number of service users likely to emerge from different types, sizes and tenures over time. This is further outlined in the county council's adopted Guide to Developer Infrastructure Contributions.

We have utilised the development mix provided within the application form and the accompanying Planning Statement.

<b>HOUSES</b>		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	9	4
2	2	13
3	38	0
4+	20	0
Total	69	17

<b>FLATS</b>		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0
2	0	0
3	0	0
4+	0	0
Total	0	0

PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought Secondary Education Contribution towards the expansion of Ashlyns Secondary School and/or provision serving the development (£972,668 index



linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the delivery of additional Severe Learning Difficulty (SLD) special school places (WEST), through the relocation and expansion of Breakspeare School and/or provision serving the development (£120,897 index linked to BCIS 1Q2022)

Youth Service Contribution Towards providing outreach and detached Youthwork to young people within the vicinity of the development in order for them to access existing Young People's Centres. (£14,350 index linked to BCIS 1Q2022)

Monitoring Fees - HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

#### Justification

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

	<p>(i) Necessary to make the development acceptable in planning terms.</p> <p>Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."</p> <p>The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.</p> <p>(ii) Directly related to the development.</p> <p>The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.</p> <p>(iii) Fairly and reasonably related in scale and kind to the development.</p> <p>The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).</p> <p>PLEASE NOTE THE FOLLOWING: Consult the Hertfordshire Fire and Rescue Service Water Officer directly at <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a>, who may request the provision of fire hydrants through a planning condition.</p> <p>I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions.</p>
<p>Historic Environment (HCC)</p>	<p>Thank you for consulting us on the above application.</p> <p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>Haresfoot Farm, formerly known as Fridaystreet Farm [Historic Environment Record no 16091] is a former farmstead. Historic mapping (dating from 1812 onwards) shows an assemblage of farm buildings around a rectangular yard, with the farm house on the south west side and open-fronted sheds extending to the north east along a track. Most</p>

of them have been demolished and replaced by 20th century farm buildings, although a line of buildings along the track partly survives. While no archaeological finds are recorded from the site, metal detector finds have been made in the fields to the south and west of the former farm. While these are largely of post-medieval date, they include two coins of medieval and Roman date.

An Archaeological Desk Based Assessment (Abrams, J., Haresfoot Farm, Whitehill, Berkhamsted, Hertfordshire HP4 2SU (December 2023)) has been submitted with this application. It concludes that given that the farm was mapped in 1812, it is highly likely it existed in the 18th century, and had post-medieval origins. It also notes that the surviving pre-20th century standing buildings are of archaeological interest and that these may require historic building recording. Photographs included in the desk based assessment indicate that at least one building may pre-date the 19th century, and that they include a fine example of a dovecote. The assessment also notes that below ground archaeological remains associated with other buildings removed in the 20th century may survive, and that 'If there are other, as yet unknown, archaeological remains within the areas where building work is proposed then these would also be subject to impact by groundworks associated with a housing development of this type.' (8.6.5)

I consider that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. the Level 3 archaeological building recording of the pre-20th century standing buildings at the site in their current state, prior to any demolition or development commencing;
2. the archaeological field evaluation of the proposed development area, via trial trenching, further to the demolition of the existing buildings at the site, but prior to the commencement of development;
3. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
  - a) the preservation of any remains in situ, if warranted,
  - b) the appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - c) the archaeological monitoring of the groundworks of the development, such as all ground reduction, underpinning (if required), service trenches, and all landscaping impacts, etc., as appropriate (also including a contingency for the preservation or further investigation of any remains then encountered),
  - d) such other provisions as may be necessary to protect the archaeological interests of the site;
4. the analysis of the results of the archaeological work with

provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

5. such other provisions as may be necessary to protect the archaeological interests of the site

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 211, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

#### Condition A

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

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

#### Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to

	<p>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>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	40	2	14	24

### Neighbour Responses

Address	Comments
<p>The Farmhouse Bottom Farm Swing Gate Lane Berkhamsted Hertfordshire HP4 2RP</p>	<p>My primary objection to this development is that it conflicts with the local plan for the area, where Green Belt land on the opposite side of the A41 from Berkhamsted is restricted from development. This has been the main reason for many planning refusals in the past. Any change in that sets a precedent for further development on this side of the A41 which would be catastrophic to the local environment and character of this area.</p> <p>The application for the development of Haresfoot Farm seems to rest on the idea that it is a brown field site within the Green Belt. I would argue that this is a deliberately manufactured state by the current and previous landowners to develop this land for significant profit. If you examine historical satellite and aerial images, easily available on Google Earth, you can see that a beautiful farm from images in 1945 was left very much unchanged until March 2017 with only the addition of a couple of barns and an equestrian centre; all in keeping with the local area. Images from 2020 to 2022 show a different picture with the systematic destruction of the land, waste and landfill covering an extended area and the total disregard for planning and retrospective permissions being applied for. The farmhouse and original farm buildings have been left to rot and fall down. The local community has been badly let down by Dacorum's planning enforcement team and most of the worst of this seemed to happen over the COVID lockdown period. There should be a public enquiry about how this was allowed to happen.</p> <p>To grant planning permission for a residential development, would only serve to let the current and previous landowners off the hook for their actions. It would serve as a precedent for other developers looking to despoil green belt land to then develop it for significant profit. They should be required to return the land to its previous state and abide by the rules, like others are required to do so in this situation.</p>

A number of local businesses have already been impacted or closed down due the current landowner clearing the site to improve their chances of the planning application. Jobs have been lost and families impacted, not to mention the loss of local sporting facilities from the closure of the longstanding equestrian centre. Property developers do not care about such things when huge profit beckons.

The footprint of the proposed residential development is also enlarged and excessive because of this largely unpermitted development has significantly grown the farm's existing footprint of buildings; which the developers no doubt see as a precedent. This means the proposed development is of a totally unsuitable scale for the local area. To make matters worse, the developers have applied for a truly shocking number of dwellings (86) to be built which are so small and densely packed as to be out of keeping with the local area. You could perhaps fit a maximum of 10 houses on this plot with gardens of a similar size to those on this side of the A41. There is very little green space inside this development.

The traffic situation is even worse. With plans for more than 200 car parking spaces, it's likely that residents of this development will need to drive everywhere (despite the truly laughable traffic plan which is part of the application - it may be 2.57km to the nearest supermarket but it's a very steep hill back up with your shopping which almost nobody would attempt either walking or cycling! Not to mention a fast and dangerous road crossing across the busy Chesham roundabout. There are definitely not 16 buses an hour nearby! This report is deeply flawed and shows no local knowledge). In the morning, motorists will face significant traffic congestion as there are regularly long queues to join/leave the A41; it could take 10 minutes of more to get out of the junction at rush hour it could take 30-40 minutes to get into Berkhamsted. It will be a traffic nightmare! Adding another 200 cars a day to this is just insane.

More broadly Berkhamsted's infrastructure is already hugely overloaded with significant development in recent years. There are no places at the local schools, GP surgeries, even the sewage works; and it is increasing difficult to park in Berkhamsted with long queues at peak times on the High Street; 20-30 minutes or more. Berkhamsted is frankly just full, without huge infrastructure development that would ruin the town.

As neighbours, we are very concerned about the impact on the local ecology from further development. We are particularly concerned about flooding downstream from Haresfoot. The huge increase in hardstanding and concrete areas and reduced drainage is already being felt downstream. The Bourne Gutter is in full flow this year with significant flooding of farm land in the valley and this has been happening far more regularly than the past (we've been here for 25 years). This is a feature of the changes in the water table in the hills above and should be investigated properly before more development is allowed. With no access to public sewage and drainage facilities, the proposed residential development risks pollution and ecological damage from such a dense and high impact development, not to mention the pollution from waste dumping and landfill at the site

	previously. We are very concerned.
<p>Whelpley Hill Farm Whelpley Hill Berkhamsted HP4 2SY</p>	<p>I strongly object to this planning application. The land is agricultural land in the Green belt. It is being described as a 'Brown field site' but this is purely because of many buildings having been erected without the correct planning permissions over the past few years. Some of these even have demolition orders on them. Surely illegal development cannot be allowed to be re developed?</p> <p>The site is on a single track lane with very few passing places - it cannot cope with more traffic. The lane is in a terrible state of repair as neither Dacorum/Herts CC nor Bucks CC bother to carry out any maintenance. I live in the very narrow, single track part of the lane and I frequently find my front garden invaded by cars, vans and even recently a double decker bus trying to get past each other. This causes damage to my drive and lawn which I have to repair at my own expense. I do not need an escalation of this invasion.</p> <p>The lane is used by dog walkers, joggers and horse riders - an increase of traffic will make these rural pastimes more dangerous. There is a bridleway that exits onto the bend of the lane near Haresfoot Farm. This was a replacement route put in at the time of the A41 development. The safe passage of horse/riders, many of whom are children, must not be jeopardised.</p> <p>There are already considerable amounts of land on the town side of the A41 that are not developed - some of which I believe do have PP. Why allow the town to expand into the countryside before this land is developed? It sets a very dangerous precedent.</p> <p>Haresfoot Farm is part of the old Haresfoot Estate - we should not allow our heritage to be destroyed.</p>
<p>Traps Cottage Whelpley Hill Chesham HP5 3RL</p>	<p>I object to this application (24/00330/MFA) on the following grounds:</p> <p>Increase in traffic &amp; highways issues</p> <p>The junction of White Hill lane with the A416 is already dangerous during rush hour. It's very difficult to turn right towards Berkhamsted, and having done a school run for many years, many people turn left and double back round the roundabout. Traffic coming from the right is typically travelling fast. There is already an increase in traffic at this junction due to the Berkhamsted/Haresfoot school exit that was installed several years ago on the White Hill lane. The lane and junction configuration is not designed for the capacity a new housing estate would bring.</p> <p>The lane heading towards Whelpley Hill is single track, very narrow in places and regularly sees unsuitable vehicles stuck and having to be extricated.</p> <p>Whelpley Hill is a rural hamlet with no pavements. The full length of the lane up to the A416 is used by dog walkers, cyclists, people walking to the pub, horseriders, and ramblers (including Duke of Edinburgh award students) - note that the Chiltern Heritage trail runs directly through</p>

	<p>Whelpley Hill. The lane is NOT suitable as a "rat run".</p> <p>Turning right from White Hill lane on to the bridleway (parallel with A41) coming from the Whelpley Hill direction is already hazardous for horseriders and cyclists as it's a blind bend with no visibility of what is coming in the opposite direction. An increase in traffic would make this more dangerous, and were the bend straightened out, the speed of traffic would likely increase, creating another issue.</p> <p>Urbanisation of a rural area / out of keeping with character of the area: the proposed development would increase lighting and pollution levels which is harmful to wildlife, the biodiversity and ecology of the area. I've personally seen fallow deer, muntjac, badgers, birds of prey, owls, bats, foxes and more in this area.</p> <p>Some inappropriate and unapproved development may have occurred on the site at some point, however this does not entitle developers to exploit this. It was/is a farm and farmland.</p> <p>Strain on existing community facilities - the local infrastructure is already overstretched.</p> <p>I trust the council consider all aspects of this highly inappropriate application and reject it.</p>
<p>Haresfoot Grange Chesham Road Berkhamsted Hertfordshire HP4 2SU</p>	<p>Haresfoot Park is a rural hamlet in the Green Belt consisting of 7 properties separated from Berkhamsted by the A41 bypass. To anyone reading this application, however, you would have thought that only the two properties owned by Griggs Home (the applicant) are affected. In doing so, Griggs Homes have failed to acknowledge the long-standing residents of Haresfoot Park who will be significantly affected by this proposal.</p> <p>The proposal is essentially to urbanise this rural hamlet in the Green Belt with 86 dwellings, pavements, street lighting, traffic calming, pedestrian crossings and bus stops.</p> <p>We strongly object to this application on the grounds that it goes against Dacorum's Planning Policy for the Green Belt, that it will significantly and irrevocably harm the openness of the Green Belt, significantly harm the character and appearance of Haresfoot Park. It will also substantially affect long-standing residents and drive away local wildlife.</p> <p>Against Policy CS5 &amp; CS7 - Green Belt, Dacorum Core Strategy (page 49).</p> <p>In our opinion, this proposal goes against the intent of these policies in that a) this proposal is not 'small-scale', b) there is an impact in the character and appearance of the countryside; and c) it doesn't support the rural economy (we believe in fact that the intent to site housing has actually been detrimental to the rural economy) and the conservation of the wider countryside.</p> <p>The above is a summary of CS5 &amp; CS7, Dacorum's key Green Belt</p>



policies featured on Page 49 of the Dacorum Adopted Core Strategy 2006-2031.

a) Small-scale: In no stretch of the imagination can 86 new dwellings + amenity space + community hub + hire centre for electric bikes + associated parking + cycle storage + bin storage + significant highway improvements + lighting + pavements be described as 'small- scale'.

The proposal is significantly larger than all the precedents that are quoted in the Planning Statement; Pix Farm Lane (56 dwellings), Bobsleigh Inn (50 dwellings, hotel to dwellings), South Medburn Farm (45 dwellings), Bucks Avenue Equestrian Centre (27 dwellings), Patchetts Equestrian Centre (46 dwellings) and Lymm, Warrington (64 dwellings, given on appeal). It should be noted that all of these applications sit within other housing and have no highway improvements that impact on the character of the area.

b) Impact in the character and appearance of the countryside. Dacorum's Core Strategy (Page 47, 8.23) also states "[The countryside] is an area where primarily open uses such as farming and forestry should flourish. It is home and workplace to a diverse community in whose care the long-term future of the countryside rests. Development must be controlled to secure that future and prevent damage to the intrinsic quality and purpose of the countryside".

This proposal is NOT in or on the edge of Berkhamsted (the A41 is between the development site and the town of Berkhamsted) - it is actually in a tiny rural hamlet known as Haresfoot Park with only 7 properties plus Berkhamsted junior school there currently. The level of urbanisation (dwellings, car parking, lighting, roads and pavements etc) proposed in this application is unprecedented in the immediate area.

It will without question change the character of a rural hamlet into an urban suburb of Berkhamsted.

Figure 3: Site photograph on Page 11 of the Planning Statement illustrates this point. If you notice in this picture, there is not a single other property visible - yet, here we are proposing the building of 86 dwellings in unspoiled, wide-open Green Belt countryside.

c) Doesn't support the rural economy and the maintenance of the wider countryside.

The Planning Statement makes the bold claim (with no supporting evidence) that "[the new] residents will deliver economic benefits by supporting local businesses" but unfortunately local knowledge suggests that the applicants have in fact given a number of successful rural businesses notice on their tenancy at the farm.

The suggestion that the site can't work as a viable rural business are also not to be taken at face-value. A number of local farmers and residents bid very substantial sums for Haresfoot Farm but couldn't beat the above market offer made by Griggs Homes. It is the view of the local residents that it is was always the intention of Griggs Homes to turn the site into housing - that is the only way that the 'maths could

work' in terms of the monies paid for the site.

Against the concept of 'openness' in the Green Belt.

The Government's NPPF document offers substantial protection to the Green Belt in relation to the concept of openness. The application claims that the built area and impact of the 86 proposed new dwelling is less than the farm buildings there currently. This however doesn't stand up to scrutiny.

Griggs Homes state in their Design & Access Statement (Page 12, 2.3) that they have

"...ensured that the site complies with the appropriate planning permissions and enforcement notices" however this is not correct given that the "other (illegal) buildings" and spoil should have been removed from the site. This is being used to support the application as having less impact. However, if one looks beyond the obfuscation, the proposal actually significantly increases the area of built form by, we believe, 50%.

The Planning Statement also suggests that somehow the housing development will "relieve the eyes and the spirit" from the prospect of "unrelenting urban sprawl" but in truth this is exactly what is being proposed. Figures 25 & 26 (CGI) on Page 38 are just that - unrelenting urban sprawl.

The application also doesn't take into consideration everything else that will affect the openness and the "eyes and the spirit" that comes from this type of development such parked cars, fences, street and house lighting, garden pots and paraphernalia etc.

No coherent 'Very Special Circumstances' put forward.

The Very Special Circumstances given at the end of the Planning Statement are generic and not at all "special" in relation to the site, context or the application. They also appear to lay the blame at the Council's door in relation to the current housing allocation.

Against Hertfordshire County Council's LTP4 policies and totally disregard the safety and environmental character of a small country lane known as White Hill.

The proposal will wreak extensive and immeasurable damage on the character and safety of the small country lane known as White Hill. The small country lane has already suffered as a result of the building of the A41 and the increase of traffic on the A416.

The proposal is clearly in direct contradiction to HHC's LTP4 (Transport Planning) Policy 5 (g); "Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way..."

The accompanying document states: "Hertfordshire is a largely rural

county...[and] where new development occurs, the related transport infrastructure should be designed and implemented with the aim of maintaining the existing character of an area...and maintaining residential and rural characters" (Page 52, Hertfordshire's Local Transport Plan 2018).

As well as Saved Policy 51 (Development and Transport Impacts) which states: "In villages and countryside areas special regard will be paid to the effect on the safety and environmental character of country lanes."

The application proposes the installation of two alternate priority traffic calming features at already acknowledged 'pinch points'. It stands to reason that 'calming measures' wouldn't be required at 'acknowledged pinch points' unless there was already too much traffic on the lane.

Evidence from the SANG application showed that White Hill is already coping with 900+ vehicles movements per day. Any suggestion that 86 dwellings is going to reduce traffic numbers is just totally fanciful.

There is also no inclusion of the impact of the coming and going of delivery vehicles for the likes of Amazon, DPD, Yodel, Evri etc which in today's modern digital world is going to be extensive. Nor any visitors, other services and / or utility vehicles that will be driving to and from 86 dwellings.

The Transport Assessment implies that cycling, public transport, walking and residents working from the community hub is going to mitigate the huge increase in vehicle movements from the new development which is not realistic given today's reliance on cars as the chief mode of family transport.

There is no mention of the car park proposed for the SANG. In fact, the Transport Assessment for the application only mentions the SANG when it suits its own arguments. There is no plan showing the combined impact of this proposal and the SANG on the small country lane.

Together, they will totally change the character of the lane to something unrecognisable to what is there today.

Introduction of light pollution, noise pollution and other impacts that will substantially affect the existing community and the wildlife.

A "well-lit public realm" is the description given about the application on Page 36 of the Planning Statement making it very clear that there will be substantial light and noise in this area of the countryside.

The noise from the construction and the occupants and their associated celebrations (fireworks, BBQs etc) and comings-and-going is going to chase away any remaining wildlife that have called Haresfoot Park home for hundreds of years.

There is also no consideration given in the application to the immediate neighbors, of which we are one. The proposal risks greatly affecting our

	<p>property and horses (stallion, mares and youngstock). This type of intense urbanisation brings with it the potential for trespass, fire (our property constitutes a significant amount of ancient woodland), litter, noise, and overall impact on the enjoyment of our property.</p> <p>In summary</p> <p>There is a strong implication in the application that the 86 dwellings are somehow an improvement to what is there currently (the Planning Statement even uses the wholly incorrect statement of the "removal of a non-confirming use in the Green Belt").</p> <p>In fact, Haresfoot Farm has been on that site since the 1890 and hence it has been the site of a rural business(es) for over 130 years. We, and other residents of Haresfoot Park, believe that it has the potential to be returned to a successful rural business under the correct guidance and ownership.</p> <p>The first 'planning wrong' that has happened on the site is the lack of follow-up in terms of enforcement for the removal of the illegal buildings and spoil that remains to this day. This must be actioned and the site must be returned to its correct state.</p> <p>The second 'planning wrong' would be to allow the building of 86 dwellings. We strongly urge the Berkhamsted Town Council and the Dacorum Town Council to refuse this application. Two planning wrongs won't make a right in this instance.</p> <p>Haresfoot Farm must remain a rural business within a wholly rural environment.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This development is suitable for the inclusion of integrated Swift bricks within the walls of the new buildings.</p> <p>NPPF parage 186(d) states: "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"</p> <p>At present the Ecological Impact Assessment proposed 22 tree mounted boxes. Frankly, such boxes are of limited ecological benefit as they will only be used by the most common species of birds. Instead, integrated Swift bricks should be required. Integrated bricks have the advantage of lasting the lifetime of the building and requiring no maintenance. Unlike externally fitted boxes, they cannot become dislodged or be replaced.</p> <p>Swift bricks are universal nest bricks and so no other types of box are required to be installed on buildings. This is because they conform to the British Standard for integrated nest boxes, BS42021:2022, and in doing so provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling, making inclusion a real biodiversity enhancement for the site.</p>

	<p>Bearing in mind the scale of the development, please consider securing 44 Swift bricks by way of a specific condition, which could alternatively be a condition of a LEMP. This number will mean that at least one in every two houses has a Swift brick, far less than the recommended ratio of 1:1</p> <p>The condition should be worded: "no development shall take place until written details are approved by the LPA of the model and location of 44 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p>
<p>3 Candlefield Close Hemel Hempstead Herts HP3 9UP</p>	<p><b>I wish to support the planning application for Haresfoot Farm (24/00330/MFA). The development of this Brownfield site responds to the changing needs of the community and should be encouraged . Having attended the consultation event, I understand the building is now empty and was used for film set storage, which appears to be a strange location for such a use. Residential would be a more appropriate use in the location. Many of the greenfield schemes discussed on the local Facebook groups have been in the Green Belt, and this proposal has been much better received. The proposed houses appear to be of good quality and appropriate for the edge of the settlement.</b></p>
<p>75 Waterhouse Street Hemel Hempstead Herts HP1 1ED</p>	<p><b>I am writing to you in order to support this planning application. It is good to see new homes aimed at the entire community coming to the area. There is a lack of good quality family homes close to schools. The proposed scheme will increase supply of these types of properties – rather than flats which tend to be more common in the area. I believe it is important that housing for the families is prioritised in Dacorum – especially when it includes open space and community facilities – allowing families and communities to stay closer together. I urge you to approve this application.</b></p>
<p>2 Pinetree Gardens Hemel Hempstead Herts HP3 9BW</p>	<p><b>I am writing to you to give my full support to the above planning application. The development of Brownfield Sites is essential to create modern, family homes in the area – and the proposed 40% Affordable Housing within this site will be of huge benefit to the local community. It's developments like this that need approving!</b></p>
<p>12 The Mallards Nash Mills Hemel Hempstead Herts HP3 9DP</p>	<p><b>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</b></p>
<p>6 Trevalga Way Grovehill Hemel Hempstead</p>	<p><b>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an</b></p>

<p>Herts HP2 6NW</p>	<p>eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>73 Ivegah Court Alexandra Road Hemel Hempstead Herts</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>6 Trealga Way Hemel Hempstead Herts HP2 6NW</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>Thoslet 3 Widmore Drive Hemel Hempstead Herts HP2 5JJ</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>50 Dunlin Road Grove Hill West Hemel Hempstead Herts HP2 6LY</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it</p>

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<p>12 Bayford Close Woodhall Farm Hemel Hempstead Herts HP2 7TS</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>2 Eastwick Row Hemel Hempstead Herts HP2 4JF</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>21 Lyne Way Hemel Hempstead Herts HP1 3PL</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
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<p>6 Trevalga Way Hemel Hempstead Herts HP2 6NW</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>13 Poynders Hill Leverstock Green Hemel Hempstead Herts HP2 4PG</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>13 Poynders Hill Leverstock Green Hemel Hempstead Herts HP2 4PQ</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces,</p>



	<p>and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>2 Eastwick Row Adeyfield Hemel Hempstead Herts HP2 4JF</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>22 Aspen Court Apsley Hemel Hempstead Herts HP3 9HP</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>4 Juniper Square Maylands Avenue Hemel Hempstead Herts</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such improvements will help residents locally.</p>
<p>15 Coulser Close Hemel Hempstead Herts HP1 3NU</p>	<p>As a group we wish to support the planning application for Haresfoot Farm, Berkhamsted, Herts. HP4 2SU (24/00330/MFA). After attending the consultation event, we support the proposals for the redevelopment of the former Haresfoot Farm. The site is an eyesore and looks redundant and the planning application would improve the appearance of the area. We have often looked at it and thought as a brownfield site within the greenbelt it would be sensible for housing and reduce the need for using greenfield sites like next to Ashlyns. The proposed scheme will provide new housing, affordable homes within Berkhamsted, open spaces, and a community facility, which is much needed in the area. It will improve the bus stop, which is unusable at the moment, and such</p>

	<b>improvements will help residents locally.</b>
<p>Chiltern Society White Hill Centre White Hill Chesham HP5 1AG</p>	<p>The Chiltern Society does not object in principle to the development. Whilst in a rural green belt area residential development is not acceptable, here it is a brownfield site at present with unattractive commercial buildings.</p> <p>There are however a number of areas of concern:</p> <ol style="list-style-type: none"> <li>1. There is an over development of the site with little green or amenity space and the development is fairly urban in design despite attempts to be more rural.</li> <li>2. The number of dwellings and requirements for parking spaces creates a lot of hard standing and some of this is set out in courts, which means some is a distance from the property it is provided for.</li> <li>3. We respectfully suggest that the Transport Assessment is unrealistic, as most journeys will be by car. Walking and cycling needs to be considered in this context. Berkhamsted is 2.75km away and Hemel Hempstead 8km. There is the A41 to cross and Berkhamsted is down/up hill.</li> </ol> <p>The 354 bus referred to is one per hour each way with no service beyond 630 pm and no service on sundays and bank holidays.</p> <p>If there is to be substantial traffic generated on White Hill, is this a sufficient access to the site?</p> <ol style="list-style-type: none"> <li>4. No reference is made to the proposed SANG which is the subject of a separate application 23/02508. However, there seems to be an assumption that this will be granted looking at other comments made by council depts.</li> <li>5. If the SANG application is granted is the presumption that this development can take advantage of that to satisfy the need for a SANG for such a large development?</li> <li>6. Any community facility provided should be funded and funds guaranteed for maintenance and running costs</li> </ol>
<p>The Base 15B Middle Road Berkhamsted Hertfordshire HP4 3EQ</p>	<p>Quite simply the development is in the wrong place. A 98 house hamlet well away from either Berkhamsted or Chesham (Bucks) with no infrastructure simply assaults the countryside and creates a great deal of traffic on narrow country lanes.</p> <p>The envelope of Berkhamsted should be kept north and east of the A41.</p> <p>Whether Affinity Water can supply enough water without over-abstraction from the aquifer, let alone Thames Water supplying adequate sewerage is an important consideration.</p>

<p>Spring Meadow Farm Whelpley Hill Berkhamsted HP4 2SX</p>	<p>I am a land worker on one of the farms in Whelpley Hill. Having a big housing project in this area is not good for anyone, as lorries get stuck on the lane and there will be long delays sometimes for hours. Also large combines and tractors regularly use the lane tending their fields.</p> <p>Building on the green belt isn't good either, for environment and would mean certain habitats would be destroyed.</p>
<p>Lavender Cottage Chapel Street Hemel Hempstead HP2 5AE</p>	<p>Please see Neighbour Letter with description 'Lavender Cottage Comments'</p>
<p>89 Chapel Street Hemel Hempstead Hertfordshire HP2 5AE</p>	<p>Please see Neighbour letter under description '89 Chapel Street Comments'</p>
<p>22 Hazel Road Berkhamsted Hertfordshire HP4 2JN</p>	<p>I have lived in Berkhamsted all my life (as have my most of my family - siblings, parents, aunts, uncles, cousins, grandparents etc), yet I cannot afford to buy a home for me and my young family in this community that I love. I welcome this development as it offers the opportunity for affordable housing which would give me, and people in the same situation as me, the prospect of buying a home here.</p> <p>The site on which the development is proposed to be built on, is under-utilised/derelict brownfield site and therefore is not a precious greenfield/nature space so I feel this isn't encroaching on our beautiful countryside.</p>
<p>86 Whelpley Hill Park Whelpley Hill Chesham HP5 3RJ</p>	<p>Exiting right from the development leads to a junction with the A416 which is a 60mph limit with restricted views to the right. This could be the cause of serious road traffic incidents.</p> <p>Exiting left would take the driver along a very narrow lane with limited passing places and a very poor road surface. Most people in Whelpley Hill avoid this road (White Hill) due to the very real possibility of vehicular damage. If anyone were brave enough to chance that, it would increase vehicle movements through a very quiet rural village.</p> <p>There are very limited public transport facilities nearby. Public services such as doctors and dentists are already stretched in Berkhamsted.</p> <p>The development is inappropriate in size for this situation. I urge the Council to refuse this application.</p>
<p>Spring Meadow Farm Whelpley Hill Berkhamsted HP4 2SX</p>	<p>My comments in order of importance are:</p> <p>1. The application for housing is made on the basis of the site being commercially unviable - however the application does not sufficiently prove this to be the case and there is a body of evidence to suggest this is in fact not true. As a primary issue the applicant should be required to provide better evidence to support their position.</p>

2. The demolition of the existing farm buildings and building of new dwellings amounts to " new building in the Green Belt" - and cannot be justified. The site itself may not be green belt but the given the location of the surrounding acres of fields and very few dwellings nearby - it is manifestly new building in the green belt.

The demolition would sanction the loss of historic, vernacular farm buildings and the new buildings would be out of keeping with rural character of the countryside.

3. HCC's LTP4 Policy 2 does not support development that is remote from existing local facilities - which the proposed site most certainly is. Whilst it is clear the applicants have tried to introduce many incentives for sustainable transport, walking, cycling, use of public transport - I do not believe that these measures are sufficient justification for ignoring the above policy. After all, whilst new homeowners may be encouraged to walk or cycle so often the quick easy option is to travel by car anyway.

4. Were this application approved I believe the scale of it must be reduced to be in proportion to the surrounding infrastructure. This may include provision of work, essential health and education services. However I will confine these comments to the road infrastructure only, and White Hill Lane in particular.

The single roadway from the proposed site to the A416 is already under stress from existing two way traffic, which was added to with the Berkhamsted School exit. The proposal adds another 186 cars into the mix - while introducing with two " traffic calming features " - at Point 5.5 of the Transport assessment. At the same time increasing the traffic and cutting the flow is entirely unrealistic and unworkable.

Furthermore, in response to one of the 14 road safety points raised at 6.8 of the Transport Assessment, the traffic calming features are to have an established priority for traffic travelling towards the A416. Just visualise the situation between 3 and 4pm when say the traffic from the Berkhamsted School exit GOING ONE WAY meets, approximately 35 cars ( One fifth of the 186 cars for the new development ) GOING THE OTHER WAY , returning home. This would be a DISASTROUS SCENARIO.

Further, this scenario does not factor in passing traffic from existing residents down the lane ( of which I am one ) - or the eventuality of road works causing the restricted traffic flow or closure of Box Lane in Hemel or Chesham Road in Ashley Green ( as at present ) and resultant extra traffic down White Hill for access.

Also, there are countless other measures introduced on White Hill and the A416, street lighting, pelican crossing, reduced speed limit, expanding traffic island, to name a few; all of which are deleterious to the appearance of this rural area and and an unjustifiable imposition solely for the development of a housing project.

We commend these points to the Councillors for their consideration , while registering our deep objection to the application.

<p>The Redwoods Haresfoot Park Berkhamsted HP4 2SU</p>	<p>The following information is missing from drawing SK02 White Hill Proposed Improvements. (TRANSPORT_ASSESSMENT_STATEMENT_PAGES_81-150-1473 451.pdf, p31,p56.), and other locations in the documentation that refer to this.</p> <p>Drive and accesses onto White Hill from The Redwoods comprising:</p> <p>one 4.7m approx. gate at the northern end of the property, one 3.7m approx. gate towards the southern part of the property, one 1m approx. pedestrian gate just to the north of this second gate.</p> <p>Also access to the field neighbouring The Redwoods comprising: one 3.2m gate just to the north of The Redwoods and a larger gate adjacent to the exit drive from the school at Haresfoot.</p> <p>Utilities</p> <p>It is proposed to disconnect the water supply to Haresfoot Farm before the commencement of groundworks. (Utilities Statement 3.2). The water main that supplies Haresfoot Farm also supplies several other, unrelated, properties in the area and it is essential that the supplies to these properties are NOT disconnected. If any alteration in the means of supply is found to be necessary this should be at no cost to these properties.</p> <p>I object to this proposed development on the following grounds:</p> <p>Transport Assessment</p> <p>I object most strongly to the traffic calming proposed for White Hill. Particularly the Alternate Priority located at N on drawing SK02 "White Hill Proposed Improvements" .pdf-p56. while my house, "The Redwoods", is shown on the drawing the drive and gates, access points, are not.</p> <p>My property has two points of access onto White Hill. The proposed Alternate priority Traffic Calming would be on the opposite side of the lane directly opposite the gates to my house. This would make entering and exiting by vehicle extremely difficult and dangerous. It would cause severe conflict with other vehicles. At present I need to pull up on the verge opposite in order to get out and open the gate before driving, or reversing, in. This would be made difficult with the proposed foot path and kerb, necessitating stopping fully on the carriageway in the middle of a traffic calming feature.</p> <p>The problem is worse at the top, northern, gate to my house. Here the kerb build-out would be almost directly opposite my access onto the lane. Entering or exiting from or to the Berkhamsted direction would be extremely difficult, if not impossible. Again there would be no where to pull up in order to get out and open the gate without blocking the road completely. These difficulties are even worse in the case of larger vehicles, for example, a Land-rover and trailer or a heavy goods vehicle, which require the full width of the road to manoeuvre, particularly when reversing in. This gate was constructed especially to</p>
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allow larger vehicles to be able to enter or exit and therefore not remain on the road in order, for example, to make a delivery. There is also the case where a vehicle needs to stop in the road to make a delivery, such as the postman or other similar delivery driver.

In addition to this there is also the gate to the field next to my property, to the north, This needs to be kept clear as it is required for access by the Electricity company for maintenance of the 11kV pole and transformer and installation of a generator at times of power failure. These generators are usually transported by a large HGV with a trailer which has to park at the edge of the road opposite this gate.

The proposed traffic calming, with its associated kerb build-out and footpath would make this practically impossible; effectively building an obstruction to this access.

In short, this proposal for traffic calming measures would be impractical, highly dangerous, and cause undue conflict with other road users and should be abandoned forthwith.

In general the traffic calming proposed would likely cause problems with congestion, or even driver frustration, especially early morning and evening when the A416 is particularly congested. At these times cars on White Hill can be queueing right round the bend and as far as my house. In these conditions the traffic calming serves no purpose whatsoever, but exacerbates the situation with respect to vehicles coming the other way or ones without priority.

Given that speed surveys have shown a typical speed of circa 20 mph (Transport Assessment Statement pages 1-80, 5.16, pdf-p26), and that "...the road is very quiet and suitable for cycling..." (ibid. 3.23), then why is traffic calming needed at all? White Hill is fairly quiet most of the time.

It should be emphasised that White Hill lane also serves the houses, farms, fields and the village of Whelpley Hill further down the lane. There is farm traffic, cars and lorries that go to and from these places which would also be adversely affected by these proposals.

The figures given for the number of car journeys is predicated on a rather idealistic and optimistic view of a lifestyle where people walk or cycle everywhere. In practice this does not work; it may take 20m to walk down to Berkhamsted, but it takes somewhat longer to walk back up the hill with, for example, two heavy bags of shopping. It then makes sense to take the car; it's quicker, you can carry heavy items and you do not arrive home in such a tired state. I anticipate that the number of car journey along White Hill would be a lot higher than is predicted in the Transport Assessment.

General - Green Belt

When the A41 Berkhamsted by-pass was built it was assumed that it would form a natural boundary beyond which no further development would occur. This planning application for 86 houses at Haresfoot Farm and the proposed highway alterations forms the first major threat to this assumption and raise the possibility that other planning permissions

will be sought elsewhere on this side of the A41 Berkhamsted bypass.

This housing development would be in the Green Belt, in the rural, agricultural area outside the town. Not only would there be 86 houses in this landscape but there would be other ramifications. The applicants want to make alterations to our lane, White Hill, which would turn it from a quiet country lane to something resembling a suburban road complete with kerbs, foot paths, street lighting, and other 'street furniture'. They also want to make changes to our other roads such as the A416. Some of these alterations may be beneficial, however, the pelican crossing would come with its associated lights and road markings, there would be more road signs and extra bus stop infrastructure. This would push the whole appearance of the approach to the ancient town of Berkhamsted towards being more urban, hard and busy. The removal of the grass verges in order to widen the footpaths, as proposed for Chesham Road, also replaces the soft with the hard feel to the area and is not really necessary.

#### Heritage

Haresfoot home Farm, as it was sometimes known, was part of the Haresfoot Estate, home of the 19th C agricultural improver Lt. Colonel Robert Dorrien (Archaeological assessment Pt1, 6.1.6, pdf-p22; Heritage Statement, pdf-p11 P2).

The range of white farm buildings along the northern side of the farm, with the dovecot and slightly Mediterranean appearance are a link to that age of agriculture. They form a characteristic part of the view across the fields and have featured in the works of some members of Berkhamsted Arts society over the years. It is recognised that they are of archaeological interest. (Archaeological Assessment Pt1, 8.6.4, pdf-p35.)

The demolition of these buildings would be a great loss and they should be incorporated, as far as possible, in any future plans for the farm.

Further consideration could be given to other uses for Haresfoot Farm.

It currently has planning permission for storage of film and TV props; a use which the present owners think is not viable. However, the problems in the film industry are now over and in his recent Budget speech the Chancellor said "We have become Europe's largest film and TV production centre" and "Studio space in the UK has doubled in the last three years". So this is one possible use, provided that it does not generate unsightly waste. Other long term storage or businesses that have minimal need for vehicle movements may also work. None of these would require any alteration or "improvements" to White Hill and could provide employment opportunities.

#### Climate Change

Many of the buildings at Haresfoot Farm have only been built in the last six years and should have decades of life left in them. A lot of concrete and other materials has been used in their construction. The production of these materials, in particular concrete, produces a high output of

	<p>CO2. It is therefore detrimental to the environment to destroy what has been built after such a short time only to build something else in its place with all the CO2 emissions associated with the production of the materials necessary. We should be very careful about what we build in the first place and what we do with it thereafter.</p>
<p>Harriotts End Farm House Chesham Road Berkhamsted Hertfordshire HP4 2SU</p>	<p>One of the arguments for this development is that the running of the farm is not viable, which in my opinion is simply not true. In fact, I made a bid to acquire the farm with the purpose of keeping it as it is and preserve the character of the area and improving the existing buildings but it was sold at a price which was more than double of my offer.</p> <p>I think Haresfoot can easily be run as a farm: keeping the Equestrian Centre (at least 10 people have lost their job as the new owners decided to close it down); keeping the small businesses such as the Carpenters, Garages, Warehousing, etc. All of these businesses are closing and more people are losing their jobs.</p> <p>The country lane (White Hill) is too small to support the traffic this development will bring, it will have to be made wider losing the character of the countryside (Green Belt) and making it look like any other road in the middle of a City. Furthermore, more lampposts will be in place pushing away the current fauna and biodiversity of the area.</p> <p>The developer's argument is based on the existing building and current footprint, but these buildings were built without any authorisation and should be demolished anyway. Urbanisation of the countryside is simply wrong and unacceptable.</p> <p>It would be a big mistake not keeping this side of the A41 as it is, it will open a door for more and more development losing completely what we have at the moment, a beautiful English Countryside.</p>
<p>Harratts Chesham Road Berkhamsted Hertfordshire HP4 2SU</p>	<p>The application states on page 26, 'A Pre-application was submitted to explore the possibility of redeveloping the site for 100 residential dwellings following the downturn in the film storage demand.'</p> <p>There is no downturn in the need for space for film storage and film prop recycling. The industry and this area in the UK is expanding massively. Having worked in Pinewood studio and seeing the constant requests to update and expand and simple news searches prove this.</p> <p>Planning the essential information resource for town planning professionals in the UK, just stated:</p> <p>"The ever-growing demand for film studio sites, particularly in London and the wider southeast, is likely to continue, commentators say, but the lack of site allocations, the scale of such development will present challenges for councils and developers."</p> <p>Last year, the UK film and TV industry earned a record six billion. This site is ideally located to be a thriving business hub for the film industry, being located in the A1 M1 corridor, connected to Bovingdon new film site, and with access to world famous Pinewood. The film industry is desperate to find a solution for recycling its props, and Berkhamsted</p>



	<p>could encourage the new owners of this site to become a hub of future business activities.</p> <p>This site is a very economically viable business hub with slight modifications and enforcing the broken planning errors of the previous owners. Even if the rent of the various units at levels of similar facilities in Luton and Hemel, the rental income would easily be around £600,000 per year. This would cover the real value of the facility, rated at £4,700,000 by property experts in 2023. Now the area around the farm site has been sold to different property developers, the value of this site could be even lower.</p> <p>Griggs Homes seems like a great family business in its third generation, but they specialise in building houses and developing land, not running businesses in commercial centres, so I think any suggestion that they could not make the site profitable would be based on a false premise.</p> <p>I do accept that a housemaker could make lots more money in a short space of time by building houses and selling them each at a £300,000 profit, but that does not mean that a long-term sustainable business centre could not be developed in the same space as an alternative.</p> <p>A low-cost modernising, repairing and upgrading for some of the units would be needed but nothing that a long-term investor would be worried about. With additional businesses working in a community environment, supported by the council and the local community, I think that 50 to 70 permanent jobs could be located at the business centre and that a very viable centre could be made with owners who are not focused on redeveloping sites into houses. As a medium-sized business owner based in Hendon in London, I know how sites like this are so rare, and 100s of great British businesses would love to set up facilities just outside a wonderful family town like Berkhamsted and that the business rates and jobs that would bring could be of great benefit to the council.</p> <p>I think having a good, affordable house is essential for growing towns like Berkhamsted, but the infrastructure also needs to be considered. If no one can work locally, as all available business sites have been turned into housing, this would seem like an error.</p>
<p>2 Old School Cottages Whelpley Hill Nr. Chesham HP5 3RS</p>	<p>I wish my objection to this planning application to be noted, mainly on the grounds on how such a large development in this position could affect the hamlet/small village of Whelpley Hill. The access road from Whelpley Hill to Haresfoot Farm is an extremely narrow lane, not at all suitable for 'rat run' traffic. Our hamlet is a quiet, unlit, idyllic 'oasis'! We want to keep it that way!</p>
<p>28 Lombardy Drive Berkhamsted Hertfordshire HP4 2LG</p>	<p>Let's remember that this was a dairy farm in the middle of the countryside until fairly recently. Building on farms and farmland should be a thing of the past by now with the biodiversity crisis and rising food security concerns. That is why it is discouraged by the EU taxonomy guiding principle of: 'Do No Significant Harm' (DNSH).</p> <p>This is yet another example of proposed over development and</p>

	<p>encroachment into the countryside, adversely impacting biodiversity and putting an even greater strain on existing community facilities.</p> <p>In addition, because of the distance of the site from Berkhamsted town, new resident car traffic will inevitably significantly increase on a country lane. Residents could have over 200 cars between them plus their deliveries. No one is going to walk to school or go shopping from there. It's too far, too dangerous, as well as adding to noise, light and air pollution, impacting on local wildlife. Worse still, not only could this proposed development encourage precedents for other similar schemes, no doubt after a lull, applications to build more homes would wish to expand further to the north, south, east and west, if they can get away with that too.</p> <p>Approval of this scheme would establish a small (for now) New Town. In conclusion, the best way to treat the site is to control and retain the present use as an ex-farmhouse and storage sheds.</p>
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**Item: 5b**

<b>23/02805/FUL</b>	<b>Proposed Electric Vehicle (EV) Charging Station and Cafe</b>	
<b>Site Address:</b>	<b>Land opposite The Eagle Public House, Hempstead Road, Kings Langley</b>	
<b>Applicant/Agent</b>	<b>The Park Garage Group Plc/Simply Planning Ltd</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Kings Langley</b>	<b>Kings Langley</b>
<b>Referral to Committee:</b>	<p>This application has been referred to the Development Management Committee given the objections of Kings Langley Parish Council to the application and given the previous refusal of a planning application for an EV Charging Station at this site by the Development Management Committee. Kings Langley Parish Council consider the proposals to be inappropriate development in the Green Belt in view of its scale and nature.</p>	

**1. RECOMMENDATION**

- 1.1 That planning permission be **GRANTED**

**2. SUMMARY**

- 2.1 The application would involve the construction of an EV Charging hub within the Green Belt. Although the infrastructure to charge vehicles would not constitute inappropriate development in the Green Belt, as defined by paragraph 155 (c) of the National Planning Policy Framework (NPPF) (December 2023), the building associated with the EV charging hub would not comprise local transport infrastructure and as such would be inappropriate development in the Green Belt as set out in the (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The building would result in moderate harm to the open character and appearance of the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy. The proposals are otherwise acceptable in accordance with Policies CS8, CS12, CS26, CS27 and CS29 of the Core Strategy.
- 2.3 The need for EV charging facilities together with the economic and environmental benefits associated with the development would constitute Very Special Circumstances and would outweigh the harm to the Green Belt in this case.

**3. SITE DESCRIPTION**

- 3.1 The application site comprises a triangular plot of land located on the eastern side of the A4251 (Hempstead Road) and to the south of the Texaco petrol filling station, Kings Langley. The site is located between the A4251 (Hempstead Road) and the mainline railway between London Euston and Birmingham.
- 3.2 At the northern end of the site is an existing Texaco petrol filling station incorporating a car wash and 24 hour convenience store and beyond this site is a small commercial premises formerly occupied by Chiswell Pools. The site is opposite the grade II listed former Eagle public house and hotel and there are a number of detached residential properties to both the south and west of the site.

- 3.3 The site is accessible from two vehicular access points from Hempstead Road including those serving the existing petrol filling station. An area of hard standing at the northern end of the site is also accessible from Hempstead Road and is understood to have been unlawfully utilised by the former pub opposite the site as car parking for its patrons. This has long ceased to be used for this purpose.

#### **4. BACKGROUND**

- 4.1 The application follows the earlier submission of a request for pre-application advice in relation to the site (20/04034/PREB) Under this pre-application officers were asked to consider the planning merits of a scheme for an EV Charging hub and café providing 22 charging points and 20 affordable housing units.

- 4.2 A planning application (22/00353/MFA) was submitted in February 2022 and included the provision of a scheme for 10 residential units in addition to the proposed EV Charging hub. The residential elements of the scheme were removed given the clear conflict with Green Belt policy and other planning concerns with the proposal.

- 4.3 This application was subsequently refused contrary to the recommendation of the case officer at the Development Management Committee of the 17<sup>th</sup> November 2022 for the following reason:

“The proposed development would comprise inappropriate development within the Green Belt and would result in harm to the open character and appearance thereto. This harm is not clearly outweighed by the economic and social benefits put forward as very special circumstances in this case. The applicants have not adequately demonstrated that there are not alternative locations for the development outside of the Green Belt. For these reasons the proposals would be contrary to paragraphs 149 and 150 of the National Planning Policy Framework and Policy CS5 of the Dacorum Borough Core Strategy”

- 4.4 The Decision Notice was issued on the 23<sup>rd</sup> November 2022.

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

- 5.1 Planning permission has previously been refused for the use of the hard standing opposite the Eagle public house for the stationing of a fast food van, hand car wash and sale of motor vehicles (4/00722/15/FUL) The officer in this case concluded that the mix of land uses constituted inappropriate development in the Green Belt and also resulted in a significant loss in open character thereto. There was little information in relation to access to the site and no Very Special Circumstances submitted in support of the development.

#### **6. PROPOSALS**

- 6.1 The applicants submitted a new proposal for the construction of an EV Charging Hub at the site on the 1<sup>st</sup> December 2023 having considered how to address the reasons for refusal provided by the Development Management Committee.

- 6.2 The proposed EV Charging Station would provide 28 EV charging spaces, charging facilities for electric bikes and a new building incorporating a café, ancillary retail and toilet facilities.

- 6.3 A very different approach has been undertaken to the design of the hub building from that previously submitted. The hub building now takes its form from a more traditional agricultural style building that draws on local vernacular and historic farmsteads to integrate with the wider landscape. The roof profile, height, form and palette of materials

are a stark contrast with the light weight and extensively glazed building previously refused planning permission.

- 6.4 The hub building would be constructed and finished in vertical timber cladding with aluminium framed windows. Vertical timber brise soleil will provide solar shading and help to articulate the facades. The building would extend to some 5.6m in height at clerestory level but would have a general ridge line of some 5.3m. The eaves line of the building would be some 4.1m in height commensurate with the previous proposals before dropping down in height at its southern and eastern ends. The lower building would have an eaves line of some 2.5m in height and would have a ridge level some 3.7m above ground level; the step back and down providing a break in the mass and visual impact of the proposals. A central lounge within the building would be supported on either side by ancillary spaces such as the café service area and toilets. The café space would have its store and plant served by a delivery bay at the western end of the building. Its central lounge would be more heavily glazed.
- 6.5 The footprint of the proposed building has been significantly reduced from previous submissions. Further amendments to the proposals during the application have further reduced the footprint of the gross internal floor area of the proposals to some 230.5m<sup>2</sup> with the sales area being reduced from 112.4m<sup>2</sup> to some 97.4m<sup>2</sup>. The length of the proposed building has been reduced through a compression of the ancillary facilities resulting in a reduction in the length of building by around 4.5m. Amendments to the proposals have also seen the substation and bike store integrated within the main building.
- 6.6 The building would utilise sustainable technologies to minimise the use of power and water as a result of its ancillary facilities. On site renewable energy would be provided by the provision of solar panels and air source heat pumps.
- 6.7 Vehicular access and egress to the site will be taken from Hempstead Road as per the existing service station with the crossovers altered/upgraded to reflect the intended use of the site.
- 6.8 The submitted application also clarifies that the existing petrol filling station (Texaco) adjacent to the development is in separate land ownership and comprises a viable business. The applicant is not in a position to replace or extend the adjacent service station and does not consider that the replacement of a petrol filling station should be a material consideration in this case. The EV facility seeks to sit alongside the petrol station.
- 6.9 The application also includes further information regarding an assessment of alternative locations for the EV facility with a view to addressing concerns raised at previous meetings of the Development Management Committee.

## **7. REPRESENTATIONS**

### Consultation responses

- 7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

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  
CS14 – Economic Development  
CS16 – Shops and Commerce  
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  
Kings Langley Place Strategy  
CS35 – Infrastructure and Developer Contributions.

Kings Langley Neighbourhood Plan

KL1 – Location of Development  
KL3 – Character of Development  
KL4 – Design of Development  
KL5 – Energy Efficiency and Design  
KL9 – High Speed Broadband  
KL10 – Conserving and Enhancing the Network of Green and Blue Infrastructure  
KL12 – Managing the Environmental Impact of Development  
KL16 – Protection and enhancement of key movement routes

Saved Policies

Policy 51 – Development and Transport Impacts  
Policy 56 – Roadside Services  
Policy 62 – Cyclists  
Policy 99 – Preservation of Trees, Hedgerows and Woodland

Supplementary Planning Guidance/Documents:

Dacorum Electric Vehicle Strategy  
Car Parking Standards SPD (November 2020)  
Hertfordshire County Council Electric Vehicle Charging Strategy (September 2023)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## 8 CONSIDERATIONS

### Policy and Principle

- 8.1 The application site is located in the Green Belt where the local authority should regard the construction of new buildings as inappropriate development in accordance with paragraph 154 of the National Planning Policy Framework (NPPF), Policy CS5 of the Core Strategy and Policy KL1 of the Kings Langley Neighbourhood Plan (KLNP). There are a limited number of exceptions made at paragraphs 154 and 155 of the NPPF. The applicant's submission highlights that the following exceptions are supportive of the proposals: paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land which would: - not have a greater impact on the openness of the Green Belt or not cause substantial harm to the openness of the Green Belt and paragraph 155 c) local transport infrastructure that can demonstrate a requirement for a Green Belt location.
- 8.2 With regard to the exception at paragraph 154 g), it is noted that the land subject to this application comprises land which has historically been used as a hard standing and overflow parking area by the Eagle public house on the opposite side of Hempstead Road. There were however, a number of planning enforcement cases regarding this use. The area of hard standing appears to have been provided without planning permission and measures to restore the site to its original condition have been, to some extent, implemented. In this context, I do not consider a large proportion of the site comprises previously developed land as set out in Annex 2 of the NPPF. Furthermore, the proposals would introduce an element of built form upon the site and as such cannot be considered as having a lesser impact on the more open character and appearance of the Green Belt in this location. For these reasons, the proposals would not be an exception under paragraph 154 g) of the NPPF.
- 8.3 Paragraph 155 of the NPPF also indicates that other forms of development maybe considered acceptable if they preserve the open character and appearance of the Green Belt and do not conflict with the purposes of Green Belt Policy. One such example is local transport infrastructure which can demonstrate a requirement for a Green Belt location<sup>1</sup>
- 8.4 Although there is no definition of 'local transport Infrastructure' within the NPPF there appears to be a coherent argument to conclude that the EV charging facilities would fall within the scope of 'local transport Infrastructure' given the increased reliance on EV and zero carbon forms of transport and the overriding sustainability objectives of the Government. However, the additional facilities such as the associated café/hub would not fall within the definition of local transport infrastructure and given the implications for the openness of the Green Belt, this must be considered to be inappropriate development in the Green Belt. It is evident that such development may only be approved in Very Special Circumstances and these will not exist unless the substantial weight afforded to the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other material planning considerations.

### The Need for EV Charging Stations and their role as Local Transport Infrastructure

- 8.5 The Government published "Taking Charge: the electric vehicle infrastructure strategy" in March 2022 and within it set out a number of challenges to address in relation to the role that road transport has in reducing carbon emissions. This report identified that EV infrastructure was the biggest challenge to the decarbonisation of transport and provided a commitment to remove charging infrastructure as both a perceived and a real barrier to the adoption of electric vehicles by 2030.

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<sup>1</sup> Paragraph 150 c) of the National Planning Policy Framework (2023)

- 8.6 The national EV Infrastructure Strategy sets out that local authorities have a significant role to play in the delivery of a network of EV charging facilities both through the use of their own infrastructure, the application of planning policies and alterations to street furniture.
- 8.7 This strategy builds upon the statements in 'The Road to Zero; Next steps towards cleaner road transport and delivering our Industrial Strategy' (2018) in which a key objectives of Government was to support the development of "one of the best electric vehicle infrastructure networks in the world" 'According to 'The Road to Zero' transport is the largest sector for greenhouse gas emissions in the UK (27%) of which road transport accounts for over 90%. The Government subsequent to this document supported this transition through a number of funding schemes to accelerate the delivery of supporting infrastructure including the Local Electric Vehicle Infrastructure (LEVI) fund, the On-Street Residential Charge point Scheme (ORCS), Workplace Charging Scheme (WCS) and Rapid Charging Fund.
- 8.8 The UK government has committed to reducing greenhouse gas emissions by 28% by 2035 and to move to Net Zero by 2050. Transitioning from petrol and diesel cars to electric vehicles is key to reducing emissions and meeting Net Zero. The sale of new petrol and diesel cars will cease from 2035 (formerly 2030) with the intention that all new cars and vans will have zero emissions at the tailpipe in due course. For this to happen it is essential that there is a comprehensive and competitive EV charging network that people can trust and are confident using. It is estimated that nationally around 300,000 public chargers are required. The need for infrastructure is acute and pressing as illustrated by the slippage in ceasing petrol and diesel from 2030 to 2035 to allow infrastructure to "catch up". Although petrol filling stations continue to play an important role in the short to medium term, it is evident that the transition should enable choice for those utilising other vehicles.
- 8.9 Since the provision of an EV Charging Hub in this location was initially considered by the Council, the County Council has produced an Electric Vehicle Charging Strategy (September 2023) setting out how they will support the delivery of publicly available EV charge points both in the short term and up to 2030. The successful implementation of this strategy will require the cooperation of key stakeholders including the District and Borough Councils, power suppliers and charge point operators.
- 8.10 The Hertfordshire Electric Vehicle Charging Strategy indicates that by 2030 there will be an estimated need for around 6,800 publicly available charging points in Hertfordshire. This represents a six fold increase against current levels. Higher estimates of need are provided by CENEX, who suggest that this figure could be increased to some 8,980. The County Council anticipates that they will be able to meet their predictions regarding the demand for EV Charging points through the existing funding secured by individual authorities for 2025 and through additional investment through the Local Electric Vehicle Infrastructure (LEVI) funding. LEVI funding will be utilised to expand the network between 2025 and 2030. It appears likely that greater private sector provision would be needed to meet the CENEX target.
- 8.11 LEVI funding has been secured to roll out charging infrastructure in Hertfordshire and good progress is already being made by the County Council and individual local authorities through the prioritisation of off-street charging hubs in Council owned car parks and other public land.
- 8.12 Dacorum's Electric Vehicle Strategy identifies that one of the key challenges for transitioning to EV's is the availability of charging infrastructure. It acknowledges that the provision of charging points has failed to keep pace with the number of electric cars and that only around 7% of households were within a 5 minute walk of a public charger.



- 8.13 The Council identifies a need for around 700 publicly available charging points by 2030 to meet demand in the Borough. Whilst the Council can provide some EV charging points within public car parks and on public land this would not provide an effective network of chargers given their siting and coverage. The Strategy recognises that there is a need for hubs to be provided close to main arterial roads (M1, A41 and A414) to support a transition to EV.

#### The Siting of EV Charging Facilities

- 8.14 The provision of EV charging hubs is now mapped on the County Council website<sup>2</sup>. This mapping of public EV charging hubs shows clear gaps in coverage, including extensive areas of Dacorum. It is evident that there are limited public charging facilities between Apsley and the M25 and serving regular users of the A4241/M25 corridors.
- 8.15 Paragraph 155 of the NPPF requires a sequential approach to the selection of sites for local transport infrastructure. These will only be acceptable forms of development in the Green Belt, if there are no other suitable non-Green Belt locations.
- 8.16 It is considered that the selection of sites for EV charging hubs should consider the accessibility of a site to the strategic road transport network. Whilst it is accepted that this is not strictly necessary for this facility to be located in the Green Belt, it is inevitable if a strong EV charging network is to be established that it follows the key transport corridors in the Borough. This approach appears to be endorsed in Saved Policy 56 of the Dacorum Borough Local Plan 1991-2011 which identifies that essential roadside services (fuel, basic refreshments and parking) may be permitted outside of towns and large villages. The application site is well located in relation to the strategic highway network being on the A4251 (Hempstead Road) and within relative close proximity to both the M25 and M1. It is located on an established commuter route between nearby settlements and London, St. Albans and Watford and well placed to serve local residents, commuters and visitors.
- 8.17 It is also appreciated that there are substantial difficulties in acquiring urban locations given the strong policy preference for residential developments and the relative viability and benchmark values to such land uses.

#### Impact on the Green Belt

- 8.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt being their openness and permanence as set out in paragraph 142 of the NPPF and Policy CS5 of the Core Strategy.
- 8.19 The Green Belt also serves the five purposes as set out in paragraph 143 of the NPPF.

These purposes are:

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

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<sup>2</sup> The HCC website takes you to an external mapping site (Zap Map) showing the location of plotted facilities. This can be filtered by type and availability

- 8.20 Openness, as set out in *Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466*, is open-textured such that a number of factors are capable of being relevant to the concept of openness. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications.
- 8.21 The application site is fairly urban in nature comprising a number of hard standing areas adjacent to the existing petrol filling station and opposite Nos 129 and 129a Hempstead Road and the Eagle public house. The site is a gap in a ribbon of development extending from the junction with Rucklers Lane and Red Lion Lane and including on its eastern side 118 and 120 Hempstead Road to the south of the site. There is a cluster of commercial buildings to the north of the site and opposite Abbots Rise<sup>3</sup> adjacent to which the hub building would be located. This area of open land is constrained by built development to the north and by important transport corridors to the east and west including the elevated mainline railway to the rear (west) of the site. The existing area of hard standing has a limited impact on the open character of the green belt in both visual and spatial terms.
- 8.22 In contrast the proposals would introduce a new building on an area of open land adjacent to the existing Texaco petrol filling station. The introduction of a building in an area that is currently open (except for hard standing) will clearly reduce the spatial characteristic of openness in this location. It will also have an adverse impact on the visual amenity of the Green Belt, even if the harm to the visual amenities of the Green Belt is limited as a result of the scale and siting of the building, its use of materials and its context. The proposed building would be viewed against the backdrop of the elevated railway line and in the context of neighbouring buildings. The building itself would be located below the level of the adjacent highway sunk into the landscape and with the roof form falling away from the road towards the rear of the property. There would be limited wider views of the site from the surrounding countryside.
- 8.23 The harm to the aims and objectives of Green Belt policy is limited. In respect of paragraph 143 a) with the proposed development, to some extent, infilling a gap in a ribbon of development extending from the junction of Rucklers Lane and Red Lion Lane and 118-120 Hempstead Road to the south of the site. It is not considered to result in sprawl per se and efforts have been made to consolidate the built form central to the site and amongst landscaping. The land is part of a wider land parcel separating the town of Hemel Hempstead from Kings Langley. The majority of the open land beyond this area would be retained and the proposals would not significantly intrude on the strategic open space between built development at Abbots Rise/Barnes Rise and the Eagle public house and Coniston Road at the edge of Kings Langley village. The proposals do not undermine the ability of Green Belt land to prevent the coalescence of the settlements of Kings Langley and Hemel Hempstead nor the setting of these towns under paragraph 143 b) or d) only limited harm to objective c) of the Green Belt purposes as a result of the development can be identified.
- 8.24 It is not considered that the proposals would undermine the regeneration of urban land. Such sites are unlikely to be available to the applicant on the open market nor viable for the intended use. Furthermore, the scale of commercial use proposed is unlikely to impact on viability of other commercial operations in urban locations and as such is not considered to prejudice the use of urban sites.

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<sup>3</sup> Subject to proposals for redevelopment for residential and other purposes.

### The Hub

- 8.25 The provision of a café, lounge and retail area associated with the EV Charging Station would not fit neatly within a narrow definition of local transport infrastructure, however it is clear that such facilities might be necessary in order to successfully operate the EV facility in this location. In these circumstances, it has been necessary for the applicants to demonstrate that Very Special Circumstances exist to outweigh the harm to the Green Belt in this case.
- 8.26 The Research report '*Public Electric Vehicle Charging Infrastructure – Deliberate and quantitative research for drivers without access to off-street parking*' (February 2022)<sup>4</sup> indicated that both non EV drivers and those with Battery Electric Vehicles (BEV) have difficulties with the speed of charging at destinations (such as supermarkets) with most assuming that they would need to spend a considerable amount of time to fully charge the vehicle. Even if rapid chargers were available, the time taken to charge would be significantly longer than undertaking a visit to the petrol filling station and is considered to be an inconvenience and barrier to EV use. The option of a faster 'top up' was rarely considered by respondents to this research despite such visits being commonplace at the petrol alternative; primarily given a lack of knowledge in relation to EV/BEV and/or concerns with availability of EV charging stations. It is therefore likely that visitors to the proposed EV charging facility would spend between 20 to 60 minutes at the site.
- 8.27 The Hub building is considered fundamental to the functioning of the EV Charging hub, providing a space for users to dwell for a significant period of time whilst vehicles are charging. The need for such facilities are recognised in Saved Policy 56 of the Dacorum Borough Local Plan 1991-2011 which identifies that essential roadside services (fuel, basic refreshments and parking) may be permitted outside of towns and large villages. It should provide a community facility and be provided with High Speed Broadband in accordance with Policy KL9 of the KLNP
- 8.28 It is considered that the building would be a catalyst to the use of the EV Charging facility allaying concerns with regards to the inconvenience of vehicle charging and supporting the movement towards the use of EV. The hub would encourage the use of alternative means of transport to the petrol vehicular transport, supporting the sustainable transport agenda.

### Very Special Circumstances

- 8.29 The applicant's case for Very Special Circumstances identifies the following benefits to the proposed development:
- The need for EV Charging Stations to achieve decarbonisation and address the current barrier to EV uptake;
  - Local need for charging and the failure of the Development Plan to provide a strategy for the delivery of an EV network;
  - The siting of the development alongside the Strategic Road Network;
  - The benefits of co-location and familiarity;
  - The importance of ancillary facilities to act as a catalyst to EV take up;
  - The economic benefits of employment associated with the EV Charging hub and
  - The environmental and social benefits through challenging climate change and resource depletion.

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<sup>4</sup> This report was produced by Britainthinks and the Department for Transport.

There is no need for Very Special Circumstances to be unique and no reason why a number of seemingly ordinary circumstances might combine to be considered as Very Special Circumstances. The weight to be applied to these circumstances individually and collectively is a matter of planning judgement.

- 8.30 The applicants highlight that the rollout of charging infrastructure is too slow to meet demand, citing evidence that only around 600 charge points were added to the public network in 2021. If this trend continues we will fall woefully short of the target of 300,000 chargers required nationwide. They highlight an issue regards the accessibility of charging infrastructure and reliability stating that a number of public chargers are regularly found to be broken. This fuels uncertainty amongst potential user groups.
- 8.31 The applicants highlight that the emerging “Revised Strategy for Growth (2024-2040) makes no provision for on-route charging facilities through proposed allocations; nor does it include any dedicated policy for EV Charging infrastructure” As such they contend that in the absence of plan led provision, there are Very Special Circumstances in which to promote development of this Green Belt location to meet the need for EV Charging facilities.
- 8.32 It is considered that substantial weight should be attributed, to the need to establish an EV charging network, the locational benefits of the site and the absence of available, appropriate and viable alternative sites
- 8.33 The proposals will support economic growth in accordance with Policies CS14 and CS16 of the Core Strategy both through the creation of construction jobs and through the provision of new jobs by the end user. It will also support and sustain the economic well-being of those employed in the supply chain. The applicant estimates that 2 f/t jobs and 8 p/t jobs will be created for local residents to staff the café/retail hub. The lounge space would also support a number of remote workers whilst vehicles are charging and between appointments/on-going travel requirements. It is considered that the scheme would deliver some modest economic benefits in the locality and have therefore been given moderate weight in forming the recommendation. There is support for such small business in Policy KL7 of the KLNP providing that there is no adverse impact on the character and nature of the surrounding area and accessibility.
- 8.33 The importance of tackling transport emissions is a fundamental objective of the NPPF and Core Strategy and the Council’s responsibilities to address a Climate Emergency. Measures to encourage sustainable transport alternatives are embedded in Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD (2020) whilst measures to reduce carbon emissions, tackle climate change and address air quality and other environmental/social issues are necessary under Policies CS28, CS29 and CS32 of the Core Strategy. The EV charging station has a fundamental role to play in addressing the need to reduce carbon emissions and reduce pollution associated with transport. The environmental benefits and social benefits (for example improvements to air quality and public health for example) would add substantial weight in favour of the proposed development.
- 8.34 It is evident that there are a number of Very Special Circumstances which, considered collectively would weigh heavily in favour of development. These matters are considered sufficient to out-weigh the limited harm identified to the Green Belt in the paragraphs above.

### Layout and Design

- 8.35 The proposed development is considered to be acceptable in terms of its layout, design, bulk, scale, site coverage, height and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. It is considered to provide high quality design in accordance with Policy KL4 of the KLNP; particularly in respect of the landscape and heritage and accessibility requirements thereto.
- 8.36 The hub building takes its form from the historic agricultural context of the wider area. It is designed to appear as an agricultural building set in substantial landscaped grounds. These landscaped areas are designed to counter the dominance of car parking areas associated with this use; with the majority of the EV spaces located to the rear of the property and between the building and the railway embankment.
- 8.37 The built development comprises two narrow span, timber clad buildings constructed either side of a glazed lounge and with simple gable roofs. A simple silhouette is extruded working with the slope in the landscape. An asymmetrical central roof section allows a lower building to be set back from the frontage of the property reducing the bulk and the perceived scale of the overall building from Hempstead Road. The roof form creates a clerestory space in the café, exposing the timber roof frame and providing a dramatic interior space. This also allows the roof pitch of the building to fall away from the Hempstead Road frontage with the topography of the site.
- 8.38 The footprint of the proposed building has been reduced since the earlier submission and has been further reduced during the consideration of the application. The amendments to the footprint of the building have reduced the length of the south western (Hempstead Road) elevation by some 4.5m whilst reducing the scale and volume of development in line with the suggestions of the urban design officer. The amended plans incorporate the substation and E-Bike facility within the main building resulting in the removal of a separate building from the frontage to the application site. This allows for further landscaping of the site frontage and improvements to public realm thereto.
- 8.39 Further details of the appearance of the property including samples of materials, any timber cladding patterns and location of signage should be secured by a planning condition

### Impact on Heritage Assets

- 8.40 The Planning (Listed Building and Conservation Areas Act 1990, Sections 16 and 66 require LPAs to have special regard to the desirability of preserving historic buildings and their settings. Special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving (i.e. keeping from harm) listed buildings and their setting.
- 8.41 Policy CS27 of the Dacorum Core Strategy seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas. Policy KL3 of the KLNP requires development proposals affecting heritage assets to conserve and where possible enhance the significance and setting of the asset.
- 8.42 The application site is located on the opposite side of the road to the grade II listed, Eagle Public House. Although hard standing on the application site, has historically been utilised by the pub for car parking, it has no historical connection with the pub and does not form part of its historic curtilage. The proposed building, given its scale and juxtaposition to the public house, and use of the site is likely to have a negligible impact on the historic setting,

character and appearance of this building in accordance with the NPPF, Policy CS27 of the Core Strategy and Policy KL3 of the KLNP. It is of particular note that the building would be located below the level of the Hempstead Road given the topography of the site and amendments thereto and in this context would have little impact on protected neighbourhood view under Policy KL15 of the KLNP.

#### Residential Amenity

- 8.43 The proposed development is not considered to be detrimental to the residential amenities of nearby properties given its siting and design in accordance with Policy CS12 and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.44 The proposed building would be located on the opposite side of Hempstead Road to nearby residential properties and a significant distance from the front elevations to these properties. The proposed development will not therefore cause harm to the amenity of neighbouring residents by virtue of any loss of privacy, general disturbance or noise. The provision of landscaping includes the planting of a mature native hedge and a number of semi-mature species of tree to western boundary of the site and separation distances between residents and the hub building should preserve privacy of neighbours..
- 8.45 The EV charging stations themselves are understood, from previous assessment submitted in support of an EV facility, to generate limited noise and this is unlikely to be perceived against the background noise of the A4251 (Hempstead Road) and the mainline railway. In the absence of a noise assessment in respect of this small proposed EV facility it is considered to be appropriate to condition a further assessment of noise and potential mitigation measures via a planning condition.

#### Access and Parking

- 8.46 The application is accompanied by a Transport Assessment by Aval Consulting Group providing a full assessment of highways and parking considerations. The content of this document has been reviewed by Hertfordshire County Council as highway authority and their comments are included in the representations at Appendix A of this report.
- 8.47 The highway authority raise no fundamental objections to the proposed development and its impact on the surrounding highway network, which they consider to be acceptable under Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 54 of the Local Plan and Car Parking Standards SPD (2020)
- 8.48 The proposals would utilise existing vehicle accesses from the highway to the petrol filling station with improvements being undertaken to the southern crossover to allow direct access to the EV Charging Facility. The submitted Transport Assessment identifies that the visibility from these access points is considered to be sufficient to provide safe access and egress to the site including access for service vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) and as such there would be no fundamental concern with regards to highways safety. Vehicle tracking diagrams within this document demonstrate acceptable arrangements for larger vehicles. Appropriate signage and markings will need to be provided to ensure that there are limited opportunities for vehicle conflict between users of the petrol filling station and users of the EV Charging facilities as set out in the highway authority response.
- 8.49 There is no set standard for off-street parking associated with the development of an EV Charging facility within the Car Parking Standards SPD (2020) given the nature of the proposals and limited information on trip generation associated with these uses. The traffic generated by the scheme is considered to be limited using comparable TRICS data from

roadside facilities and café and as such the vehicle movements associated with the scheme are not considered to generate significant traffic and congestion.

- 8.50 The provision of 28 EV spaces and 10 E-Cycle chargers at the application premises is considered to be sufficient for a retail/café use in this location, particularly given the primary purpose of the site is to provide EV charging spaces for which the café/retail would be incidental and considering the parking standards for other similar uses of land. A potential four parking spaces are also indicated on the site layout plan for staff parking.
- 8.51 It is considered that the use of parking facilities associated with the EV Charging Station and the hub should be restricted to use by Electric Vehicles or staff vehicles to ensure that the building does not become a destination in its own right and that the function of the premises remains incidental to its use of the site for the charging of vehicles.

### Other Material Planning Considerations

#### *Contamination*

- 8.52 Given the planning history of the site and nature of end user, the Council's scientific officer does not require the submission of further information or surveys in respect of ground contamination nor the submission of a remediation strategy at this stage. Should contaminative material be encountered during construction then development should cease and advice sought in respect of this matter.

#### *Drainage*

- 8.53 A drainage strategy for the site has been submitted by Patrick Parsons on behalf of the Park Garage Group Plc dated November 2023. The site is not at risk of flooding and is not of such scale which might risk the flooding of neighbouring land.
- 8.54 The Drainage strategy sets out that surface water drainage at the site will follow the Sustainable Drainage Systems (SuDS) management train discharging into the ground via infiltration. Permeable paving will be utilised for hard surfaced areas around the building and on individual parking bays within the scheme. A Detention basin will be provided to the south of the property with the intention for this to discharge to a deep borehole soakaway. Foul water will discharge to the existing public sewer at a controlled rate. This is considered to be a satisfactory approach to the drainage of the site.

#### *Retail Impact*

- 8.55 The proposed Hub building will contain an element of retail provision alongside the café and lounge areas. The retail element to the proposals is limited, inherently site specific and ancillary to the wider functions of the site. The proposals are not considered to be a retail destination in its own right and as such it is not considered necessary to undertake a specific retail impact assessment and apply sequential provisions therein. The scale of activity would not be detrimental to the retail functions of the town centre of Hemel Hempstead or the village of Kings Langley.

#### *Sustainability*

- 8.56 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.

- 8.57 The application is accompanied by an Energy and Sustainability Statement by Aval Consulting Group dated November 2023. This statement indicates that the hub building is designed to be energy efficient with good levels of natural daylight and ventilation provided to the public areas within the building. Renewable energy sources are utilised to offset the demand for the development in line with Policies CS28 and CS29 of the Core Strategy.

*Impact on Trees and Ecology*

- 8.58 The site contains a number of standing trees including Ash, Sycamore and White Elm and these will be retained in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.
- 8.59 A Preliminary Ecological Assessment (PEA) has been undertaken by Aval Consulting Ltd dated November 2023. The PEA indicates that the site comprises standing trees, improved grassland and ruderal scrub and hard standing and as such would be classified as having a low ecological value. The habitat is considered to generally have a low potential to support protected species and none were present in surveys of the site. However, development should still be undertaken carefully at the site having regard to the requirements under the Conservation of Habitat and Species Regulations 2017, The Wildlife and Countryside Act 1981 and The Countryside and Rights of Way Act 2000 etc. Any vegetation to be removed from the site should be closely inspected to ensure that it is free from protected species particularly if it is to be removed during the relevant breeding season. Accordingly, there would be no objections to the proposals under Policies cS12, CS25, CS26 and CS29 of the Core Strategy.

*Biodiversity Net Gain*

- 8.60 Policy KL10 of the KLNP provided a requirement for a 10% Biodiversity Net Gain before this was embedded in national planning policy. A Biodiversity Net Gain Assessment has been submitted with this application dated November 2023. This report identifies an increase in the biodiversity value of the site of some 32.13% as a result of the development including native hedge planting, shrub beds, native shrubs, amenity grassland, tree planting, the provision of a pond and wildflower meadow.
- 8.61 The biodiversity net gain associated with the development is acceptable and meets the requirements of national and local planning policy. Accordingly there would be no objection to the development on this basis.

Chiltern Beechwood Special Area of Conservation (SAC)

- 8.62 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. The proposed development given its nature would not increase recreational pressure at the CBSAC and as such there would be no conflict with Policy CS26 in relation to this matter.

Conclusion

- 8.63 Although the proposals would comprise inappropriate development in the Green Belt and result in a loss of openness thereto, the benefits associated with the establishment of an EV Charging Station and hub in this location would clearly outweigh the limited harm to the character, appearance and openness of the Green Belt. No additional harm resulting from



the proposals has been identified. For these reasons, it is found that there are very special circumstances and that these very special circumstances would justify the approval of these proposals.

## **9. RECOMMENDATION.**

9.1 That planning permission be **GRANTED** subject to the conditions below:

### **Conditions:**

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

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

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

**E001 Issue 0 (Site Location Plan)  
P100 Issue 2 (Proposed Site Layout)  
P101 Issue 1 (Proposed Landscaping)  
P200 Issue 2 (Floor Plans)  
P400 Issue 0 (Proposed Sections)  
P450 Issue 2 (Elevations)**

**Biodiversity Net Gain Assessment by Aval Consulting Group dated November 2023  
Design and Access Statement by Paper Architecture  
Drainage Strategy by Patrick Parsons dated November 2023  
Energy and Sustainability Statement by Aval Consulting Group dated November 2023  
Planning Statement by simplyplanning dated November 2023  
Preliminary Ecology Appraisal Revision C by Aval Consulting Group dated November 2023  
Transport Assessment by Aval Consulting Group dated November 2023**

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

- 3. No development of the superstructure shall take place until full details and samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. These details shall include details of any variation to the spacing and arrangement of cladding upon the principle elevations of the building hereby approved. 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 development shall take place, until full details of hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

**- details of the location and nature of tree any tree protection measures,**

- all external hard surfaces within the site,
- all means of enclosure to the site,
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs,
- cross sectional details and planting plans or the proposed pond,
- minor artefacts and structures and
- a detailed landscape and ecological maintenance and management plan.

All planting shall be completed within one planting season of the first use of the development.

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

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

5. **The development, hereby permitted, shall not be brought into use until a lighting strategy including lux diagrams showing the extent of coverage of external lighting shall be submitted to and approved in writing. The building shall only be illuminated in accordance with the approved lighting strategy.**

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

6. **No development shall take place, until full details of the Electric Vehicle chargers have been submitted to and approved in writing by the local planning authority. These technical specifications shall provide for the rapid charging of Electric Vehicles. The charging infrastructure shall be provided fully in accordance with the approved details and shall thereafter be permanently maintained.**

Reason: To ensure construction of a satisfactory development in accordance with Policies CS8, CS12 and CS29 of the Core Strategy.

7. **No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**
  - a) **Clarification as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site and**
  - b) **measures given to giving priority to vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.**
  - c) **signage and associated highway markings.**

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).

8. **The proposed access shall not be used until such time as the measures approved in accordance with condition 7 have been provided fully in accordance with the approved details. Prior to the first use of the development hereby permitted the**

**proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

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

**9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- **construction vehicle numbers, type and routing;**
- **traffic management requirements;**
- **construction and storage compounds (including areas designated for car parking);**
- **siting and details of wheel washing facilities;**
- **cleaning of site entrances, site tracks and the adjacent public highway;**
- **timing of construction activities (to avoid school pick up/drop off times);**
- **provision of sufficient on-site parking prior to commencement of construction activities;**
- **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- **construction or demolition hours of operation; and**
- **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

**10 The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement by Aval Consulting Group dated November 2023 unless otherwise agreed in writing with the Local Planning Authority.**

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

**11 The development hereby approved shall not be occupied until the measures identified for the drainage of foul and surface water have been provided in accordance with the details in the Drainage Strategy by Patrick Parsons dated November 2023.**

Reason: To ensure that appropriate provision for drainage of the site in accordance with Policies CS31 and CS32 of the Core Strategy.

**12. The development hereby permitted shall not be brought into use until a Parking Plan, showing the location of parking spaces for employees, has been submitted and approved by the Local Planning Authority. Employee vehicles shall thereafter only park in the approved employee parking spaces. The remaining parking spaces shall only be occupied by Electric Vehicles.**

Reason: This development is inappropriate development and has only been granted due to the very special circumstance of providing electric vehicle charging points and associated linked facilities. As such this condition is required to ensure that the use of the associated hub remains ancillary to the use of the charging facilities hereby permitted in the interests of the openness and visual amenity of the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.

- 13. Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved. Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved**

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

## **INFORMATIVE**

Planning permission has been granted for this proposal. The applicants have provided amendments to the planning submission in accordance with officer advice and this has resulted in an acceptable form of development. The Council has therefore acted pro-actively in line with the requirements of the Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

### Birds

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

### Contamination

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.

### Environmental Health

#### 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>

#### 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.

### Highways

#### 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)

#### Agreement with Highway Authority:

The applicant is advised that in order to comply with any planning 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>

### Protected Species

It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or a suitably qualified ecological consultant.

## Rail Infrastructure

### BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works should take place until Network Rail are involved and approve works. Future works please use the Link to ASPRO ACE Portal for all new enquiries ASPRO Network Rail Implementation ([oraclecloud.com](http://oraclecloud.com))

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

### **APPENDIX A: CONSULTEE RESPONSES<sup>5</sup>**

<b>Consultee</b>	<b>Comments</b>
Kings Langley Parish Council	<p>Kings Langley Parish Council objects to this planning application, as it would represent inappropriate development in the Green Belt.</p> <p>The proposal includes a large building which would be prominent in the landscape and materially harm the openness of the Green Belt.</p> <p>Moreover, the sustainability benefit does not outweigh the harm to the Green Belt separating Hemel Hempstead &amp; Kings Langley, when irrespective of ownership, there is an adjacent existing petrol station that could be converted to an EV charging station, and EV charging facilities are already being provided in the local area, e.g. at Sainsburys Apsley Mills.</p>
Hertfordshire County Council – Growth and 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. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.</p> <p>PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at <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>

<sup>5</sup>These comments are made in relation to the original submitted plans unless stated.

<p>Hertfordshire County Council – Highways Section.</p>	<p>Recommendation</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 have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <p>a. Clarification as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site. Consideration should be given to giving priority to vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.</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. Provision of Internal Access Roads, Parking &amp; Servicing Areas</p> <p>Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan 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>3. Construction Management</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 Plan shall include details of:</p> <p>a. Construction vehicle numbers, type, routing;</p> <p>b. Any traffic management requirements;</p> <p>c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</p> <p>d. Siting and details of wheel washing facilities;</p> <p>e. Cleaning of site entrances, site tracks and the adjacent public highway;</p> <p>f. Timing of construction activities to avoid school pick up/drop off times;</p> <p>g. Provision of sufficient on-site parking prior to commencement of construction activities;</p> <p>h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including</p>
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extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

#### Comments / Analysis

The proposals comprise of the construction of an electric vehicle charging (EVC) hub facility with accompanying café and lounge space on land at Hempstead Road, Kings Langley. Hempstead Road is designated as a classified A main distributor road, subject to a speed limit of 30 to 40mph (the speed limit changes adjacent to the site) and is highway maintainable at public expense.

A Transport Assessment (TA) has been submitted as part of the application.

#### Access

The application site is accessed via Hempstead Road. There is existing pedestrian footway on either side of the road. The proposals utilise existing vehicle accesses from the highway rather than a new vehicle access, which is in accordance with LTP4 Policy 5f, which states that HCC as HA will "Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals". The proposed site layout and access are shown on submitted drawing number P100 01.

The proposed EVC Hub would utilize the access arrangement for the petrol station, which is located adjacent to the proposed EVC Hub.

Following consideration of the location and details of the accesses to be utilised, HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility as illustrated on drawing number AVAL/92687/0000/001 in either direction along Hempstead Road are acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets.

HCC as Highways would recommend that consideration be made to the fact that if any parts of the internal access roads act as a shared access for vehicles, cyclists and pedestrians , appropriate lighting and surfaces would be recommended to reflect this (please refer to section 7.2.15 of Manual for Streets).

Swept path analysis / tracking plans have been submitted to illustrate that a refuse vehicle, box van and large would be able to use the proposed site layout, turn around and egress to the highway in forward gear. Clarification and details would be required as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site. Consideration should be given to giving priority to



vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.

HCC as Highway Authority has not identified any specific issues in relation to access for emergency vehicles. Nevertheless following consideration of the size / nature of the development, details of the proposals have been passed to Herts Fire & Rescue for attention and for any comments, recommendations or objections which they may have.

#### Level of Parking

The proposal includes the provision of 28 car parking spaces for the EVC hub in addition to 4 employee parking spaces and 10 EVC cycle spaces, which HCC as Highway Authority would be supportive of. DBC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of parking.

#### Trip Generation & Distribution

A trip generation assessment for the proposed use has been included as part of the TA (section 5), the details of which have been based on trip rate information from the TRICS database.

Following consideration of the nature of the development and the points raised in the TA as to the unique type of development, this overall approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed combined EVC hub / cafe are estimated to be 8 two-way vehicle movements in the AM peak (0800-0900) and 12 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would be considered to be acceptable and not a severe or significant enough reason to recommend refusal from a highways perspective

#### Sustainable travel options

The application site is located on the northern edge of Kings Langley, with the remainder of the settlement of Kings Langley to the south and Aplesey to the north. The nearest bus stops and available bus services to the site are located on Hempstead Road, approximately 200m to 300m from the site and therefore within the normally recommended accessibility criteria of 400m. The nearest railway station is Aplesey Railway Station, which is located approximately 1km north of the site and therefore within an easy cycling distance and acceptable walking distance for some.

#### Drainage Strategy

A drainage strategy has been submitted as part of the application. HCC as the Lead Local Flood Authority would need to be consulted on the proposed drainage strategy at:

	<p><a href="mailto:FRMconsultations@hertfordshire.gov.uk">FRMconsultations@hertfordshire.gov.uk</a></p> <p>Conclusion</p> <p>HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. However further details would need to be submitted in relation to the internal layout of the site in respect to priority to vehicles to prevent any potential conflicts between vehicles using the new EV hub site and vehicles exiting the petrol station site. Therefore HCC would not wish to object to the proposals, subject to the inclusion of the above planning conditions and request for additional details.</p>
Urban Design Officer	<p>ORIGINAL COMMENTS</p> <p>General:</p> <ul style="list-style-type: none"> <li>- More details / clarification is required regarding the proposed wild flower meadow in the southern portion of the site [would this be accessible, does it form part of this application?];</li> <li>- There appears to be a slightly level change across the site, dropping towards the railway.</li> <li>- We request an extended section through the site, the proposed building, Hempstead Road and the Railway to understand the proposed levels.</li> </ul> <p>Design and layout:</p> <p>The chosen material palette is appreciated. It is evident that the proposed materials are of a high-quality and responsive to local vernacular. The proposed landscaping strategy represent high-quality design that has be carefully considered and is a welcomed approach.</p> <p>It is also appreciated that the design has drawn inspiration from the local farmstead character. However, the DAS describes how the spaces around the building a design to create farm courtyard, the definition of which is an area partly or completely surrounded by one or more buildings. At present the linear design of the built form does not represent the desired farm courtyard.</p> <p>We would also question if the proposed building is of a suitable size and scale in relation to the proposed use and provision of car parking spaces?</p> <p>Could the built form be rearranged to screen some of the parking from the road?</p> <p>In addition, by rearranging the built form there is the opportunity to better integrate the build element around the substation and eBike charging station, which currently does not sit well within the</p>

	<p>development and is considered to be in a prominent location within the scheme.</p> <p><b>WORKSHOP SUMMARY</b></p> <p>Following a recent design workshop on 5 March 2024 a number of the initial comments were discussed. It was surmised that the building required significant reduction, requested wider sections to understand the proposals siting in the topography and the overall massing to be condensed.</p> <p>The applicants agreed to produce further sections, and visuals and work to reduce the overall mass and footprint of the building.</p>
Environmental Health	<p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for a commercial land use on a site with a limited development history it is only considered necessary to recommend the inclusion of the following planning condition. This reflects the proximity of the site to a petrol filling station and the fact that considerable ground works will be expected in the event that permission is granted.</p> <p><b><u>Contaminated Land - Discovery Condition:</u></b></p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><b><u>Informative: Identifying Potentially Contaminated Material</u></b></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:

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.

With reference to the above planning application, please be advised the Environmental Health Pollution Team 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 and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

#### **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.

#### **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.

	<p><b>Waste Management Informative</b></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><b>Invasive and Injurious Weeds – Informative</b></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-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
British Association Pipeline	No objection
Canal and River Trust	<p>We are the charity who look after and bring to life 2000 miles of canals &amp; rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural, and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>Based on the information available our substantive response (as required by the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:</p> <p>The Trust encourage the use of our waterways and towpaths for leisure, recreation, and sporting activities as part of the natural health service, acting as blue gyms and supporting physical and healthy outdoor activity. The site is within close proximity to the canal corridor and the existing access to the canal towpath at Nash Mills Lane, which provides a free public resource for walking and cycling and provides access to green infrastructure, both of which can benefit the wellbeing of future employees.</p> <p>The identification and use of the towpath and waterspace network as a route for sustainable travel, leisure &amp; recreation, health &amp; wellbeing could be promoted to the future employees of the new development. We suggest that any travel plans and onsite signage could include references to the towpath routes and the access at Nash Mills Lane.</p>

	Wayfinding and signage are critical to users of sustainable travel networks, and necessary in order that their use is maximised and information available to identify route options, destinations etc and the ease of reaching them other than via the private car is beneficial.
Hertfordshire Constabulary	Unfortunately I can see no mention of crime prevention or security in the Design and Access Statement or other documents provided. I assume that the EV Charging Station would meet the required government standards however what security measures have been considered for the café.
Chiltern Society	<p>I note that this has previously been refused as it is an inappropriate development within the Green belt. The site is unquestionably green belt but it is an infill site with the Hempstead road to the front, West Coast mainline railway all along the rear and a Petrol Fuel station on one side. There is one open field on the other side (marked as blue) which infills between the proposed site and Kings Langley football stadium. The site is also in close proximity to M25 junction 20.</p> <p>Surely we should be supporting schemes such as this? This provides 28 rapid charging points plus an electric bike hub charger. There may be justifiable technical reasons to refuse permission but I think this is one example where Green Belt could be surrendered without any serious impact.</p>
Network Rail	<p>Network Rail is submitting some initial comments on the above proposal. Network Rail reserves the right to amend, update, withdraw or even object to proposals if fresh information comes to light.</p> <p>Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway &amp; its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure &amp; the applicant would be liable for any and all damages &amp; costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.</p> <p><b>BAPA (Basic Asset Protection Agreement)</b></p> <p>As the proposal includes works which could impact the existing</p>

operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the ***Asset Protection and Optimisation - Customer Portal***

Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

**No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.**

#### **Electro-Magnetic**

Details of proposed battery charging locations to be submitted to Network Rail for acceptance due to risk of electro-magnetic interference with Signalling equipment.

#### **Measurements to railway tracks and railway boundary**

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and **requests** conditions to protect the railway and its boundary.

#### **Obligations**

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

## **RAMS**

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be reassured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

## **Fencing**

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence is **REQUIRED** be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

## **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of



mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

### **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

### **Lighting**

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

### **Scaffolding**

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded

that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

### **Drainage proposals and Network Rail land**

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

- . Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.
- . Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3<sup>rd</sup> party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

**The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.**

**Excavation and Earthworks and Network Rail land:**

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the

support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

### **Boundary treatments**

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

### **3m Gap**

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the

	<p>applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.</p> <p><b>Parking / Hard Standing Area</b></p> <p>As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> hard standing areas</li> <li><input type="checkbox"/> turning circles</li> <li><input type="checkbox"/> roads, public highways to facilitate access and egress from developments</li> </ul> <p>Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).</p> <p>This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.</p>
Affinity Water	We have no comments to make on this proposal.
Thames Water	<p><b>WASTE:</b></p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy</p>

	<p>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>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>WATER:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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## APPENDIX B – NEIGHBOUR RESPONSES

Address	Comments
<b>Supporting Comments</b>	
119 Hempstead Road	I am supporting this scheme which would provide 28 rapid charging points plus an electric bike hub charger. The retail unit will create jobs in Kings Langley and provide local employment opportunities in the area.
<b>Objections</b>	
75 Hempstead Road	The proposed development would comprise inappropriate development within the Green Belt and would result in harm to the open character and appearance thereto. This harm is not clearly outweighed by the economic and social benefits put forward as very special circumstances in this case. The applicants have not adequately demonstrated that there are not alternative locations for the development outside of the Green Belt. For these reasons the proposals would be contrary to paragraphs 149 and 150 of the National Planning Policy Framework and Policy CS5 of the Dacorum Borough Core Strategy.

**ITEM NUMBER: 5c**

<b>23/02861/FUL</b>	<b>Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings.</b>	
<b>Site Address:</b>	<b>8 King Street Markyate St Albans Hertfordshire AL3 8JY</b>	
<b>Applicant/Agent:</b>	<b>Mr Gray</b>	<b>Mr Richard Collin</b>
<b>Case Officer:</b>	<b>James Gardner</b>	
<b>Parish/Ward:</b>	<b>Markyate Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

**1. RECOMMENDATION**

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

**2. SUMMARY**

2.1 The principle of residential development in this location is acceptable. The proposal comprises the demolition of an existing dwelling, to be replaced by a pair of semi-detached dwellings, which would optimise the use of available land within an established residential area. The design would sit comfortably within the surrounding area, noting that there is a variety of dwelling styles in the vicinity and that the dwelling to be replaced is of no architectural merit. The amenity space and parking provision are considered acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties.

2.2 The proposal is therefore in accordance with Policies CS4, CS10, CS11 and CS12 of the Core Strategy Saved Appendix 3 of the Dacorum Borough Local Plan and the NPPF.

**3. SITE DESCRIPTION**

3.1 The application site is located on the southwest side of George Street in Markyate. The site comprises a two-storey detached dwelling situated to the rear of 28 and 32 George Street. Immediately to the rear of the site is an area of open playing fields and associated children’s play park. The site is located in an established residential area of Markyate and is predominantly characterised by terraced properties, although there are some examples of semi-detached dwellings and flats, including the adjoining Sursham Court.

**4. PROPOSAL**

4.1 The application seeks full planning permission for the demolition of the existing detached dwelling and garage and its replacement with a pair of semi-detached dwellings. Each dwelling would comprise three bedrooms and would have off-street parking for two vehicles (four spaces in total) along with private outdoor amenity space to the rear.

**5. PLANNING HISTORY**

Planning Applications:

23/01999/FUL - Demolition of existing detached dwelling and garage and construction of 2 No. four bedroom detached dwellings  
*WITHDRAWN - 19th November 2023*

## 6. CONSTRAINTS

CIL Zone: CIL3

Former Land Use (Risk Zone):

Large Village: Markyate

Parish: Markyate CP

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 (December 2023)

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

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

Relevant Policies:

### *Dacorum Borough Core Strategy:*

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS26 - Green Infrastructure

CS27 – Quality of Historic Environment

CS29 - Sustainable Design and Construction

CS32 - Air, Soil and Water Quality

### *Dacorum Borough Local Plan:*

Policy 10 - Optimising the Use of Urban Land

Policy 99 - Preservation of Trees, Hedgerows and Woodlands 245

Policy 100 - Tree and Woodland Planting

Policy 129 - Storage and Recycling of Waste on Development Sites

Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)



## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- Principle of Development
- Quality of Design / Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

### Principle of Development

9.2 Core Strategy Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF there is heavy emphasis on the planning system's responsibility to make effective use of land (section 11). Paragraph 123 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. This is supported by Saved Policy 10 of the Dacorum Borough Local Plan, which seeks to optimise the use of available land within urban areas.

9.3 Taking all of the above into account, the proposal is acceptable in principle and would be located in a sustainable location that would seek to optimise the use of urban land. The proposal is in accordance with policies CS1 and CS4 of the Core Strategy, Saved Policy 10 of the Dacorum Borough Local Plan and the NPPF.

### Quality of Design / Impact on Visual Amenity

9.4 Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and paragraph 135 of the NPPF seek to ensure that new developments are visually attractive and integrate with the surrounding area in terms of layout, design, scale and materials.

9.5 The application site is located within an historic part of Markyate village, with mostly Victorian terraced properties to the north on George Street and more modern development to the southeast. The site is relatively well-screened from public view due to its position to the rear of 28 and 32 George Street. Material finishes in the vicinity mainly comprise facing brickwork, however there are limited examples of painted render.

9.6 The proposed development comprises a pair of two-storey semi-detached dwellings with a gable-end roof, front gable projections, single storey rear projections and rear-facing dormer windows. The dwellings would be finished in facing brickwork and would comprise a parking area to the frontage with space for four vehicles.

9.7 It is considered that the proposed dwellings will not have a detrimental impact upon the character and appearance of the surrounding area. The proposed development would be relatively well-screened and it is considered that the dwellings would integrate with properties in the surrounding area in terms of layout, design, scale and materials. The proposal therefore complies with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Appendix 3 of the Local Plan and the NPPF.

### Impact on Residential Amenity

9.8 Policy CS12 of the Core Strategy states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Local Plan states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings. Paragraph 135 f) of the NPPF seeks to ensure that planning decisions create places with a high standard of amenity for existing and future users.

9.9 In terms of existing occupiers, there are no significant concerns in terms of impact on privacy, light provision, or being visually overbearing. In relation to no. 28 and 32 George Street, the proposed scheme would result in an increase in built form that would be visible from the rear windows and garden of this neighbouring property, however the front-to-back separation distance of 29m exceeds the minimum requirement set out in Saved Appendix 3. It is noted that there is a difference in levels, with the proposed dwellings being situated at around 1.7 higher than 28 George Street, however the proposed dwellings would nonetheless clear the 25-degree rule of thumb test (BRE Site Layout Planning for Daylight and Sunlight).

9.10 In relation to the two existing bungalows to the southeast of the site, nos. 6 and 7 Sursham Court, the proposed southeast flank elevation would comprise a two storey gable-end, however the overall height of the proposed roof would be lower than the existing dwelling on the site by 0.64m. Moreover, the proposed roof form, when viewed from 6 and 7 Sursham Court, would have less of a visual impact than the existing roof form. There would be one side-facing window at first floor level, however this would serve a bathroom and a condition would be added to ensure that it is obscure-glazed.

9.11 In terms of future occupiers, it is considered that the proposed dwellings would have an acceptable amount of outdoor amenity space and the internal layout of the dwellings would provide a high standard of living space. Externally, the dwellings would have split-level private gardens due to the increase in topography towards the rear of the site.

9.12 Overall, it is considered that the proposed development would provide a high standard of amenity for existing and future users, to accord with the above-mentioned policies.

### Impact on Highway Safety and Parking

9.13 The NPPF, Policies CS8 and CS12 of the Core Strategy and the Parking Standards SPD all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.14 The parking requirement set out in the Parking Standards SPD states that within Accessibility Zone 3 a three-bedroom dwelling should provide 2.25 allocated or 1.8 unallocated off-street car parking spaces. This equates to a parking requirement of 4.5 allocated spaces or 3.6 unallocated spaces. The proposed scheme would provide 4 spaces to the front/side of the dwellings. It is not clear whether the spaces would be allocated or unallocated, however it is considered that the proposal would provide sufficient parking given that the site is located within a sustainable location, in the centre of Markyate and with good access to local amenities.

9.15 In terms of highway safety, the Highway Authority has been consulted and has raised no objection to the proposal. It is noted that the existing access is narrow and has poor visibility, however the proposed use of the site to access two dwellings, in comparison to the existing use of the site to access one dwelling, does not necessitate any changes to the access arrangements. The adjacent highway has a 30mph speed limit and there have not been any recent recorded accidents. Given that there is an existing access that has historically operated successfully, the Highway

Authority raises no concerns, subject to a construction management plan being secured by condition.

9.16 Taking all of the above into account, the proposal complies with the above-mentioned policies in terms of parking and highway safety.

### Other Material Planning Considerations

#### *Impact on Trees and Landscaping*

9.17 Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.18 There are no Tree Preservation Orders or otherwise protected trees within the application site, however a number of trees and dense shrubs would be removed to facilitate the development. Replacement tree planting has been indicated on the submitted site plan, as well as trees shown for retention. In order to ensure that replacement tree planting is appropriate and that retained trees are protected during construction works, a landscaping scheme and tree protection plan would be secured by condition, should permission be granted. The landscaping scheme would also ensure that appropriate boundary treatment and screening, hard surfacing and soft landscaping details are provided.

9.19 Subject to the above landscaping and tree protection conditions, the proposal is considered to accord with Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy.

#### *Waste Management*

9.20 Saved Policy 129 of the Dacorum Borough Local Plan seeks to ensure that developments have adequate storage for refuse and recycling. The submitted proposed site plan shows that there would be adequate space within the site, adjacent to the dwellings, to provide secure space to store wheelie bins. A wheelie bin collection point has also been indicated on the site plan that would be within 25m of the adjoining highway. It is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

#### *Contaminated Land*

9.21 Policy CS32 of the Core Strategy states that development will maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance. The site resides within an area of potentially contaminative former land use/s. The Council's Contaminated Land Officer has been consulted and raised no objection to the proposal, subject to the inclusion of a precautionary contaminated land discovery condition and informative notes. Subject to the recommended conditions, the proposal complies with Policy CS32.

#### *Ecology*

9.22 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, Core Strategy Policy CS26 seeks to conserve and restore habitats and species.

9.23 A Preliminary Roost Assessment (PRA) was submitted in support of the application, which found that both the existing main house and garage have negligible potential to support bat roosts. Furthermore, the internal and external inspections of the house and garage did not locate any

evidence of current or past bat occupancy. The PRA concluded that no further surveys are required prior to determination.

9.24 Additionally, the above-mentioned landscaping condition would secure tree planting as a form of biodiversity enhancement. Thus, it is considered that the proposed development complies with Policy CS26 and the NPPF in terms of biodiversity.

#### *Habitats Regulations Assessment – Chilterns Beechwoods SAC*

9.25 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.

9.26 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.27 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.28 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.29 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 for each new home built.

9.30 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.

9.31 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. 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.

9.32 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

#### Response to Neighbour Comments

9.33 An objection has been received from one of the neighbouring properties with concerns relating to design, highway safety, disruption during construction, loss of privacy and subsidence. These points have been addressed above other than disruption during construction and subsidence, which are not material planning considerations and cannot therefore be taken into account.

#### Community Infrastructure Levy (CIL)

9.34 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable and resides within CIL Zone 3.

### **10. CONCLUSION**

10.1 By virtue of its layout, design and scale the proposed dwellings will not cause harm to the character of the area nor will it adversely impact upon the residential amenity of neighbouring occupants. The proposal would make effective use of land and would meet the requirements in terms of parking provision. The proposal is therefore in accordance with Policies CS4, CS10, CS11 and CS12 of the Core Strategy Saved Appendix 3 of the Dacorum Borough Local Plan and the NPPF.

### **11. RECOMMENDATION**

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

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

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

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

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

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (December 2023).

- 3. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall**

**only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:**

- a. Construction vehicle numbers and type**
- b. Access arrangements to the site**
- c. Traffic management requirements**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas)**
- e. Siting and details of wheel washing facilities**
- f. Cleaning of site entrances, site tracks and the adjacent public highway**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times**
- h. Provision of sufficient on-site parking prior to commencement of construction activities.**

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 CS8 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices.**

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

Informative: Materials should be kept on site and arrangements made with the Planning Officer for inspection.

- 5. No development above slab level shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site**
- other surfacing materials**
- means of enclosure**
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

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

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local

Plan (2004) and Policies CS12 (e) and CS26 of the Dacorum Borough Council Core Strategy (2013).

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

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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

7. **The first floor windows of the dwellings hereby approved, as shown on side elevation (1) and (2) on drawing no. 07\_PL, shall be non-opening below a level of 1.7m above internal floor level and permanently fitted with obscured glass with a minimum privacy level of 3, and retained as such in perpetuity.**

Reason: In the interests of the residential amenities of the occupants of surrounding dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 f) of the National Planning Policy Framework (December 2023).

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

**06\_PL Rev A  
07\_PL  
08\_PL Rev A  
Preliminary Roost Assessment by Clive Herbert dated 2023 (received on 15 December 2023)**

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

#### **Informatives:**

1. Identifying Potentially Contaminated Material: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

2. Introduction of Soft Landscaped Garden or Amenity Areas: Any soils, whether imported or site-won, to be used in the provision of soft landscaped garden and amenity areas should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013

The above contaminated land condition and informatives are required because the existing buildings are to be demolished and the area of the existing gardens is being slightly altered.

3. 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.

4. 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.

5. 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.

6. Working Hours: 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.



7. Construction Dust: 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.
8. Waste Management: 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.
9. Air Quality: 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 NO<sub>x</sub> emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO<sub>x</sub>/Kwh or consideration of alternative heat sources.

10. 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>.
11. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>The Parish Council continues to support redevelopment of the site, and welcomes the change from 2 detached 4 bed houses to 2 semi detached 3 beds. However, the concerns expressed previously do not seem to be adequately addressed.</p> <p>6 bedrooms still likely means 8 cars at full occupancy, and there is inadequate provision for these. George Street cannot accommodate any further parking, many properties there do not have private parking.</p> <p>The Parish Council is also still concerned about the access for construction traffic, deliveries, refuse collection and emergency services. The access track is very narrow, an HGV certainly could not gain access to make deliveries. The PC supports the Highways conditions that no materials must be allowed to block the highway. Deliveries to the end of the track would not be acceptable as it would block the neighbouring properties access to their parking. The same is true of wheelie bins on collection day being brought to the end of the track.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for dwellings of a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition.</p> <p>Contaminated Land - Discovery Condition:</p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall</p>

	<p>subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material</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: 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>Informative: Introduction of Soft Landscaped Garden or Amenity Areas</p> <p>Any soils, whether imported or site-won, to be used in the provision of soft landscaped garden and amenity areas should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013</p> <p>The above condition and informatives are required because the existing buildings are to be demolished and the area of the existing gardens is being slightly altered.</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.</p>

	<p><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>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water would advise that with regard to 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>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p>
Hertfordshire Highways (HCC)	Recommendation

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:

1) Construction Management Plan / Statement

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;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).Highway Informatives

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

AN 1) 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-l>

licences.aspx or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The application is for the demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings at 8 King Street, Markyate, St Albans. King Street is a 30 mph unclassified local access route that is highway maintainable at public expense.

#### Highway Matters

There is an existing connection with George Street which serves as access for the existing dwelling. This access has poor visibility, however, it has no recorded accidents associated with it in the past 5 years. Therefore, the extra dwelling would not be considered sufficient reasoning to request changes to the existing access. Vehicles are not required to turn on site as per the classification of the adjacent road. We have conditioned a CMP owing to the narrow nature of the road and surrounding streets which ensure that during the construction phase construction traffic does not impact the surrounding highway network.

#### Refuse Collection

	<p>DBC refuse collection must be happy with the collection location of the bins. There is not enough space for bin lorries to drive down the private route.</p> <p>Emergency Vehicle Access</p> <p>The new dwellings will just be within the 45 metres from the highway network as per building regulations and therefore is deemed acceptable.</p> <p>Conclusion</p> <p>HCC Highways would not wish to restrict a grant of permission for this proposal subject to the inclusion of the CMP.</p>
<p>Natural England</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 31/08/2023, reference number 447901.</p> <p>The advice provided in our previous response applies equally to this consultation. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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,</p>

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

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

#### 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.

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



	<p>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 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>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
16	2	0	2	0

### Neighbour Responses

Address	Comments
32 George Street Markyate St Albans Hertfordshire AL3 8JX	XXX  21st December 2023  REF: Planning Application Ref 23/02861/FUL 8, King Street, Markyate, AL3 8JY

I am in receipt of a further planning application for the property detailed above.

In my view, there is very little change to the original plans, which I objected to previously-two semi-detached dwellings, occupying the same footprint, presenting identical issues to those originally highlighted, and objected to by myself and other affected neighbours.

This does appear to be a cynical attempt to get around previous planning objections, but realistically, there is nothing to indicate that those objections have been mitigated. Consequently, I will re-submit my original objections, on the grounds that nothing has materially changed in this version, and that fundamentally, our lives will be detrimentally impacted if this application was granted, against our wishes.

Please see my objections, as detailed below;

I live in the house immediately below 8 King St. and am therefore the most likely to experience any material planning issues, should planning be granted in it's current form

I understand that objections are unlikely to be considered based solely on certain criteria (as outlined in your letter dated 29/08/23), however, what I have detailed below, I believe, constitutes serious concerns that I would ask are considered with regards to this specific application, with a view to rejecting the current proposal.

1. The apparent design of these dwellings is completely out of context with the surrounding housing stock and add nothing in terms of aesthetic value to the area.

Additionally, there has only ever been a single dwelling on this site previously, and I do not believe that there is justification for squeezing two properties on the same site, unless the motive is purely profit.

2. The narrow road that is adjacent to my property, leads to both no 8 King Street (I have never heard it called King Street before!), as well as a driveway/garage that is shared with my immediate neighbour, at 36 George Street (our legally designated parking space). This access road is constantly used by both of us throughout the day/evening, especially as there is rarely anywhere to park in the road outside. The prospect of an additional four cars using this access road to turn, enter and exit will, in my opinion be chaotic, and will inevitably lead to bottlenecks and delays. Previously, there has only ever been a maximum of two cars, normally one parked outside 8 King Street.

It is also likely that there will be additional pressure on resident parking in George Street.

3. I run my psychotherapy/counselling business from home and see clients regularly on my premises. Currently I have an office in the back of my house, directly facing No 8 King Street. Furthermore, I will be installing a home office in my garden during October, where I intend to

	<p>see my clients in the future. Clearly the likely noise and disturbance caused by building vehicles and demolition work will cause considerable disruption to my ability to work effectively, and could result in a loss of earnings.</p> <p>4. As explained above, the access road (King Street) is quite narrow and is bordered by my external brick wall, wooden fence and mature conifer trees. Whenever large vehicles have entered this road, there is invariably damage caused to my wall, trees and fence. This scenario will only increase with the additional use of building and construction vehicles attempting to access 8 King Street.</p> <p>5. I am also concerned that my personal privacy, as well as that of my clients, will be detrimentally compromised by the proposed new building, as the design indicates that my rear, second floor will be overlooked.</p> <p>6. I am also concerned by the potential loss of light to my property due to the construction of two four-bedroom dwellings; this would detrimentally impact my garden and the continued, healthy upkeep of a considerably mature, well maintained and highly valued garden, as well the general quality of light that I currently enjoy.</p> <p>7. My understanding is that there is an old well at the foot of the access road (King Steet), there is already signs of subsidence, and this will be further compromised by an increase in building/construction vehicles.</p> <p>8. I am also unclear as to what is becoming of the wall that currently divides this property from my shared driveway.</p>
<p>Markyate Village Hall Cavendish Road Markyate St Albans Hertfordshire AL3 8PS</p>	<p>The Parish Council continues to support redevelopment of the site, and welcomes the change from 2 detached 4 bed houses to 2 semi detached 3 beds. However, the concerns expressed previously do not seem to be adequately addressed.</p> <p>6 bedrooms still likely means 8 cars at full occupancy, and there is inadequate provision for these. George Street cannot accommodate any further parking, many properties there do not have private parking.</p> <p>The Parish Council is also still concerned about the access for construction traffic, deliveries, refuse collection and emergency services. The access track is very narrow, an HGV certainly could not gain access to make deliveries. The PC supports the Highways conditions that no materials must be allowed to block the highway. Deliveries to the end of the track would not be acceptable as it would block the neighbouring properties access to their parking. The same is true of wheelie bins on collection day being brought to the end of the track.</p>

# Agenda Item 5d

## ITEM NUMBER: 5d

23/01583/FUL	Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.	
Site Address:	Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH	
Applicant/Agent:	East	Mr Greg Basmadjian
Case Officer:	Elspeth Palmer	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Due to contrary view of Tring Town Council	

### 1. RECOMMENDATION

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

### 2. BACKGROUND

- 2.1 This application was brought to the Development Management Committee meeting on 16<sup>th</sup> November, 2023. The Officer's Report for that Committee is attached as Appendix C and the Officer's recommendation, which matches the recommendation above, was agreed and Members resolved to grant the planning application.
- 2.2 During the course of the preparation of the Unilateral Undertaking – legal agreement – required under the Habitats Regulations it was discovered that the red line was incorrect.
- 2.3 It was also noted that there was a discrepancy between the first floor plan and the rear elevation in terms of number of windows.
- 2.4 A survey was undertaken by the applicant which revealed that the site is larger than originally shown on the plans.
- 2.5 The changes to the proposal since this approval include the following:
- An amended red line – a small portion of land in the south-eastern corner of the site has been removed from the site. This portion of land is a small piece of amenity land between the public footpath to the south of the site and the existing access to the site;
  - Removal of one of the first floor windows in the rear elevation and replacement with a rooflight in the roof slope serving a dressing room;
  - The amended proposed site plan now shows the site to be larger with a greater distance (a minimum of 3.18 metres) between the flank elevation of the proposed dwelling and the side/rear boundary with No. 40 and 38 Windmill Way.
- 2.6 Additional information provided includes:
- Scaled block plan showing the site and the proposed dwelling in relation to the No. 41 and their extension; and
  - Scaled plan showing the 25 degree test from the proposed scheme towards this extension.

2.7 None of these changes make a significant change to the scheme which was previously granted.

3.0 **Additional considerations raised by objectors since 6<sup>th</sup> February, 2024.**

Impact on Residential Amenity

3.1 The original Committee Report considers the impact on residential amenity for the nearest dwellings to the proposed new dwelling No. 40 and No. 38 Windmill Way which are located immediately to the north of the site.

3.2 The amended proposed site plan has increased the distance between the proposed dwelling and the rear fence of Nos. 40 and 38 Windmill Way from approximately 1.25 metres to at minimum 3.187 metres. The total distance between the single storey rear extension of No. 40 Windmill Way and the flank elevation of the proposed dwelling at minimum will be approximately 20.379 metres.

3.3 A 25 degree test has been carried out showing the correct distances between No. 40 and the proposed new dwelling. The proposed scheme passes the 25 degree test so it is considered that there will be no significant loss of sunlight and daylight for the windows in the rear elevation of No. 40 Windmill Way.

3.4 Visual intrusion is usually assessed by considering the scale and proximity of a scheme in relation to a neighbouring dwelling. The ridge of the proposed new dwelling will be approx. 7 metres high but most of the flank elevation facing No. 40 will be less than this due to the cat slide roof. The distance of approx. 20 metres between the single storey rear extension and the scale of the proposed scheme will ensure that the proposed dwelling will not be overbearing or cause visual intrusion for Nos. 38 or 40 Windmill Way.

3.5 Residents from Nos. 32 and 34 have requested that an assessment be made of the impacts on their residential amenity. A site visit took place on 11th March, 2024 between the Case Officer and these residents and an assessment follows.

Impact on No. 32 Windmill Way

3.6 No. 32 Windmill Way is approx. 37 metres away from the proposed new dwelling when measured from the nearest corner of this dwelling to the nearest corner of the proposed dwelling.

3.7 Any views of the proposed new dwelling from the ground floor and first floor rear windows will be extremely oblique and at a distance of a least 37 metres which is well in excess of the minimum standard of 23 metres to ensure privacy between dwellings.

3.8 The amenity space immediately to the rear of this dwelling will also be more than 23 metres away from the proposed new dwelling. The outbuilding to the rear of No. 32 Windmill Way is currently used as an office and gym. This building is also well in excess of the minimum 23 metre distance stated in the Local Plan.

Impact on No. 34 Windmill Way

3.9 No. 34 Windmill Way is approx. 27 metres away from the proposed new dwelling when measured from the nearest corner of this dwelling to the nearest corner of the proposed dwelling.

- 3.10 Any views of the proposed new dwelling from the ground floor and first floor rear windows will also be oblique and at a distance of at least 27 metres which is in excess of the minimum standard of 23 metres to ensure privacy between dwellings.
- 3.11 The amenity space immediately to the rear of this dwelling will be at least 27 metres away from the proposed new dwelling. The outbuilding to the rear of No. 32 Windmill Way is currently used for storage. This building is also in excess of the minimum 23 metre distance stated in the Local Plan.
- 3.12 There is screening between the site and Nos. 32 and 34 Windmill Way in the way of mature trees within the back garden of No. 36 Windmill Way. It is noted that these trees are on private property, not covered by a Tree Preservation Order and not within a Conservation Area so could be removed at any time.
- 3.13 In conclusion however it is considered that due to the separation distances and oblique views from Nos. 32 and 34 Windmill Way there will be no loss of privacy, no visual intrusion and no significant loss of sunlight and daylight as a result of the proposal.

#### Highways

- 3.14 An objector requested that the matter of highway safety and there being a bend in the road adjacent to the site be addressed.
- 3.15 HCC Highways responded to this concern as follows:

“Visibility splays are satisfactory in this location and there are no recorded accident in the past 5 years on this part of the road. Therefore, HCC Highways would not agree with the statement that “*There is a highway safety issue of there being a bend in the road.*”

#### Historical Refusals for planning permission

- 3.16 Two previous applications for a new dwelling on this site were refused on highway and amenity grounds in 1965 and 1989. Planning Policies change over time and the HCC Highways Officer has no objections to the scheme.

#### Perspective Views and Street Scene Plans

- 3.17 These plans were requested by the case officer as additional information only and have been removed from the approved plans condition.

#### Character of houses along Windmill Way

- 3.18 The point was raised that the houses along Windmill Way are large family houses that require different amenity considerations and pay higher Council Tax. There is no planning policy that links payment of Council Tax and amenity considerations.

#### Rear to side separations

- 3.19 The issue was raised that the Case Officer had stated there were no policies regarding side to rear separations, but in DBC's guidance "Development in Residential Areas", definition 2.7.15 makes it clear that the minimum 23m rule applies in this instance.
- 3.20 The Area Based Policies, May 2004 are planning guidance. The Dacorum Borough Local Plan (2004) states that the minimum distances of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy.

There will be no loss of privacy as a result of this scheme as the side windows will be obscure glazed and non-opening 1.7 metres up from the finished floor level.

Lack of consideration of objections by the previous meeting

- 3.21 The objections received for the previous application were in Appendix B of the report and members were able to read the reports in full prior to the meeting.
- 3.22 Please refer to Appendix C for full considerations on the matters raised prior to the last Development Management Committee.

#### **4.0 CONCLUSION**

- 4.1 The principle of a new dwelling in this location is acceptable.
- 4.2 The proposed development will integrate with the streetscape character and respect adjoining properties in terms of siting, layout, site coverage, design, scale, height, bulk and landscaping.
- 4.3 By nature of the above the proposed scheme would not have a detrimental impact on the character and appearance of the wider street scene and would be in compliance with policy CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 130.
- 4.4 It is considered that the proposed development would not harm the living conditions of the adjacent neighbours and would comply with the NPPF, Core Strategy Policy CS12 in this regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seeks to protect residential amenity.
- 4.5 The proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.
- 4.6 The proposal is therefore in compliance with Saved Policy 51, the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

#### **5.0 RECOMMENDATION**

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

#### **Condition(s):**

- 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:**

**Site Location Plan 100 Rev F**  
**Proposed Site Plan 400 Rev H**  
**Proposed Ground Floor and First Floor Plans 402 Rev F**  
**Proposed Basement and Roof Plans 403 Rev F**  
**Proposed Elevations 404 Rev F**

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

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

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

- 4. The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

Reason: To accord with the approved plans and for the avoidance of doubt.

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

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

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

- 6. Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the “low brick wall/picket fence” and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.**



Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2023).

7. **The window at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 (f) of the National Planning Policy Framework (2023).

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

- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure with specific reference to the boundary treatment between the house and the amenity land;**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

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

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

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

9. **Works must then be carried out according to the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March, 2023 by GHA Trees.**

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 180 of the National Planning Policy Framework (2023).

10. **Prior to the occupation of development hereby permitted, details of refuse storage for domestic refuse/recyclable materials and collection arrangements shall be submitted and approved in writing by the Local Planning Authority. Thereafter, all**

**refuse and recyclable materials associated with the development shall be stored within this dedicated refuse storage area as approved. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

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

**Schedule 2  
Part 1 Class A, B, D, E and F**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2023) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system.

12. **No construction of the superstructure shall take place until a sustainability checklist providing details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 159 and 162 of the National Planning Policy Framework (2023).

**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.
5. 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 overflows 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 website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
6. The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.
7. 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.

8. 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.
9. 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.
10. 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 NO<sub>x</sub> emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO<sub>x</sub>/Kwh or consideration of alternative heat sources.

11. 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>
12. 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

13. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.  
The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2023.

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

(Printed on 21.5.24)

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	The Council recommended REFUSAL of this application on the grounds of out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns. They do not believe that the current application meets the recommendations given by the planning officer in the pre-application advice.
Environmental And Community Protection (DBC)	<p>Having reviewed the documentation submitted with the above planning application and the previously consulted application response under reference R795476 23/00693/FUL provided by Vicky 6/4/23, having considered the information held the by ECP team I would like to re-iterate the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land:</p>

	<p>Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: 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</p> <p>Informative: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer. 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>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p>
Hertfordshire Highways (HCC)	<p>Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management</p>

Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

#### Highway Informatives

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

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

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

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

AN 3) 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.

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 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 website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 1234047.

#### Comments

The proposal is for the demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping. | Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense.

#### Highway Matters

The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.

There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.

#### Drainage

The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge



	<p>onto the highway. Surface water from the new driveway 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 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><u>Emergency Vehicle Access</u></p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p><u>Conclusion</u></p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.</p>
Conservation & Design (DBC)	No objection External materials subject to approval.
Trees & Woodlands	<p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p> <p>Hi Elspeth,</p> <p>As discussed yesterday, the development site is adjacent to a group of high amenity value TPO trees. The applicant has advised a 'no-dig' methodology is incorporated into the design of the driveway, which will alleviate much of the detrimental impacts below ground. However, the proximity of the trees to the parking area is such that continued conflict from above ground nuisance issues, e.g. honeydew, sap, leaf drop and branch drop, will place pressure on the trees being significantly pruned. Consequently, I cannot support the application owing to the impact to these high amenity value trees.</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</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> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>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.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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>

#### 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.

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.

	<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>Urban Design - Lucy Large (DBC)</p>	<p>The overall appearance, scale and massing of the proposed new dwelling is overly large and bulky. Whilst it is appreciated that some elements of the design have been incorporated in attempts to reduce the overall massing, it has resulted in a convoluted design that is overly complicated. It is evident that the roof form has been designed to replicate similar buildings within the local area that have the double height cat-slide roof design. However, the design does not directly correlate with the local examples as there is a secondary angle proposed within the cat-slide, which results in a shallower pitch and wide side elevation that is jarring in the local context. It is recommended that the cat-slide roof should directly replicate the design of the local examples which all follow the same structural rules: the ridge height meets the lowest eave height in a single line [as seen in below mark-up], creating a simple and cleaning roof form.</p> <p>In addition, the introduction of pitched dormers do not reflect the local character and architectural style of the building precedents. As such, it is recommended that the windows on the upper floor should all have flat roofs, to respond to and reflect the local character and architecture. Similarly, the windows on the upper floor should sit beneath the eave height of the upper eave level [as seen in below mark-up]. Finally, the half-hipped elements on the main roof structure should be omitted from the design, as this is not in keeping with the local vernacular.</p> <p>In summary the design of the dwellinghouse and the roof form, should be simplified and respond to the local architectural style, to ensure a cohesive, high-quality and appropriate design is delivered.</p>
<p>Urban Design - Lucy Large (DBC)</p>	<p>Having reviewed the revised scheme received on the 06th October, the changes are welcomed. The revised scheme has taken on board the previous comments resulting in a proposed dwelling that is sensitive to and responds to the local vernacular well. As such, we consider the</p>

	<p>proposed development to be of an acceptable standard and would be happy to support the application.</p>
<p>Bovingdon Parish Council</p>	<p>The Council recommended <b>STRONGLY REFUSING</b> this application on the following grounds:</p> <p>The impact on the safety of the public highway (Proposed parking provision not safe or sufficient)</p> <p>Inaccuracies in the new submitted plans, in particular the indicated size of trees</p> <p>Loss of privacy due to the overlooking of multiple properties.</p> <p>Overdevelopment, proposed property too large and too close to the road.</p> <p>Negative impact on the street scene.</p> <p>The impact on the mature healthy trees (creation of basement could affect the roots)</p> <p>The large new dwelling:</p> <p>i) would be much too close to neighbours (especially 40 Windmill Way);</p> <p>ii) would be overbearing and dominate their outlook;</p> <p>iii) would therefore negatively impact their privacy and residential amenity.</p>
<p>Conservation &amp; Design (DBC)</p>	<p>no additional comments</p> <p>We have no further comments or concerns.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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,</p>

	<p>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>(The following 4 Informatives were added with the details as per comments above)</p> <p>Construction Dust Informative  Waste Management Informative  Air Quality Informative.  Invasive and Injurious Weeds - Informative</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Proposal  <b>AMENDED PROPOSAL</b>  Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.  Recommendation  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.</p> <p>Highway Informatives  HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:  AN 1) Storage of materials:  AN 2) Obstruction of highway:  AN 3) Debris and deposits on the highway:  AN 4) The Public Right of Way(s)  Full details in comments above.  Comments  The proposal is for the demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.   Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense.  Highway Matters</p>

	<p>The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.</p> <p>There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.</p> <p>The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.</p> <p><b>Drainage</b></p> <p>The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p><b>Refuse / Waste Collection</b></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><b>Emergency Vehicle Access</b></p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010</p> <p><b>Conclusion</b></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.</p>
Natural England	<p>Thank you for your consultation.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 3rd July 2023 reference number 440248</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p>

	<p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
Bovingdon Parish Council	<p>The Council recommended REFUSAL to this application (on the same grounds as before i.e.: out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns. They do not believe that the current application meets the recommendations given by the planning officer in the pre-application advice.</p>
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time as we have already responded to this on 30th June 2023 so no further comments required.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Urban Design - Lucy Large (DBC)	<p>Thank you for the opportunity to comment on the re-consultation of application reference 23/01583/FUL, please see below comments on design.</p> <p>We welcome the recent work that has been undertaken with regards to providing additional views and sketch layouts. The supplementary information depicts the revised scheme in wider streetscene and within the setting of the local context. Having reviewed the additional information and the revised scheme it is evident that the proposal has taken on board all previous design comments resulting in a proposed dwelling that responds to the local vernacular. We believe that the incorporation of architectural features and the roof form follow patterns that can be found in the local area. The form of the dwellinghouse and the roof, has been appropriately simplified and responds to the local architectural style, creating a cohesive, high-quality and appropriate design.</p> <p>The general design of the new dwelling provides a generous layout that is functional and allows for family growth and longevity within the community. The overall appearance is considered to be sensitive to the setting and an appropriate form of residential development in this location.</p> <p>In summary, we consider the proposed development to be of an acceptable standard and would be happy to support the application. Please let me know if you need anything further from me or wish to discuss any of the above.</p>



<p>Environmental And Community Protection (DBC)</p>	<p>Please be advised the pollution team have no additional comments other than those submitted under reference R836207 for informatives only.</p> <p>Hi Elspeth,</p> <p>Having reviewed the documentation submitted with the above planning application, with particular consideration to and having considered the information held the by ECP team I have the following advice and recommendations in relation to land contamination.</p> <p>The development, if permitted, will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.</p> <p>As such, it is considered that the following contaminated land 'discovery' planning condition shall be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.</p> <p>Discovery Condition - Contaminated Land:</p> <p>Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: Identifying Potentially Contaminated Material Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:</p>
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	<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.</p> <p>Please let me know if you have any questions. Regards Ollie Saunders</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Recommendation 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. Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980: AN 1) Storage of materials: AN 2) Obstruction of highway: AN 3) Debris and deposits on the highway: AN 4) The Public Right of Way(s) Details in previous comments.</p> <p>Comments The proposal is for the demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping at Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense. Highway Matters The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.</p>

	<p>There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.</p> <p>The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.</p> <p><b>Drainage</b> The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p><b>Refuse / Waste Collection</b> 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><b>Emergency Vehicle Access</b> The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010</p> <p><b>Conclusion</b> HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative. Visibility splays are satisfactory in this location and there are no recorded accident in the past 5 years on this part of the road. Therefore, HCC Highways would not agree with the statement that "The highway safety issue of there being a bend in the road."</p> <p>Happy to keep our response as it is.</p>
Hertfordshire Ecology	<p>Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', and that this development represents a net gain in residential units, we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA). This is because we consider there is a credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in</p>

	<p>combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.</p> <p>If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.</p> <p>Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).</p> <p>As there is no indication within the application that this mitigation has been provided, it is our opinion that adverse effects cannot be ruled out. Consequently, this application cannot be determined until the LPA is satisfied that this matter is resolved. Natural England must be consulted on the outcome of the appropriate assessment.</p>
Natural England	<p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 3rd July 2023, reference number 440248.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
Bovingdon Parish Council	<p>The Council recommended <b>STRONGLY REFUSING</b> this application on the following grounds:</p> <p>The impact on the safety of the public highway (Proposed parking provision not safe or sufficient)</p> <p>Inaccuracies in the new submitted plans, in particular the indicated size of trees</p> <p>Loss of privacy due to the overlooking of multiple properties.</p> <p>Overdevelopment, proposed property too large and too close to the road.</p> <p>Negative impact on the street scene.</p> <p>The impact on the mature healthy trees (creation of basement could affect the roots)</p>
Thames Water	WASTE COMMENTS:

	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 &amp; 169 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/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design">https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design</a></p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://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>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> 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://www.thameswater.co.uk/buildingwater">thameswater.co.uk/buildingwater</a>.</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>
Hertfordshire Highways (HCC)	<p>Recommendation 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.</p>

Highway Informatives  
HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:  
AN 1) Storage of materials:  
AN 2) Obstruction of highway:  
AN 3) Debris and deposits on the highway:  
AN 4) The Public Right of Way(s)  
See details in previous comments above.

#### Comments

The proposal is for the demolition of existing single storey garage building. Construction of 1 no. detached four-bedroom family dwelling with associated car parking / landscaping at Land Rear Of 38-40 Windmill Way, Christchurch Road, Tring. Christchurch Road is a 20 mph unclassified local access route that is highway maintainable at public expense.

#### Highway Matters

The site has an existing dropped kerb which serves the existing garage on site. The grass verge adjacent the highway network is not considered to be highway maintainable at public expense, however, we recommend the applicant find who has ownership of the land before construction. The existing dropped kerb is considered to not be touched and therefore no highway works are required.

There is a rights of way route to the south of the site which should not be obstructed by the dwelling nor during the construction phase - please see informative 4 above. Vehicles are not required to turn on site owing to the classification of the adjacent highway network. Parking is a matter for the local planning authority and therefore any parking arrangements need to be agreed by them.

The site is 130 metres from the nearest bus stop which has links to the surrounding highway network.

#### Drainage

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

#### Refuse / Waste Collection

	<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 The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.</p>
Hertfordshire Ecology	<p>We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands.</p>
Natural England	<p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</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> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>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.</p>
Bovingdon Parish Council	<p>The Council recommended <b>STRONGLY REFUSING</b> this application on the following grounds:</p> <p>The impact on the safety of the public highway (Proposed parking provision not safe or sufficient)</p> <p>Inaccuracies in the new submitted plans, in particular the indicated size of trees</p> <p>Loss of privacy due to the overlooking of multiple properties.</p>

	<p>Overdevelopment, proposed property too large and too close to the road.</p> <p>Negative impact on the street scene.</p> <p>The impact on the mature healthy trees (creation of basement could affect the roots)</p> <p>The large new dwelling:</p> <p>i) would be much too close to neighbours (especially 40 Windmill Way);</p> <p>ii) would be overbearing and dominate their outlook;</p> <p>iii) would therefore negatively impact their privacy and residential amenity.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
108	42	0	36	6

### Neighbour Responses

Address	Comments
10 Gamnel Terrace Tringford Road Tring Hertfordshire HP23 4JH	<p>I have been a resident in Tring for 33years. The proposed development site has always been derelict aside from the garage that sits on it. However I can never recall seeing that garage in use. The proposed development has perfect access onto Christchurch road. The proposed development is and would be in keeping with the surrounding properties within that immediate area. As it stands at the moment the site is a mess and an eye saw! I regularly pass this piece of land as my partners parents are residents very close to the site. I think the proposed plan should be approved as it will make good use of a an area that is just going to waste.</p>
1 Windmill Way Tring Hertfordshire HP23 4HQ	<p>I would like to object to the proposed application for the property on the land at the rear of 38-40 Windwill Way, Tring - Case Reference 23/1583/FUL.</p> <p>I note that this is the latest in several application for developments on the same site, with all of the recent ones being either withdrawn or rejected. This one is very similar in nature to the last application, with many of the same issues.</p> <p>This property is far too large for the plot, which is the same issue to the previous proposal, only this time larger. The house has been positioned on the plot so that it is very close to boundary lines and would be very imposing for neighbouring properties. This will have an unfair impact on</p>



the quality of life for those residents, restricting both their light and their view.

In addition to this, due to the size and position of the proposed house, it will be out of character with most of the other houses in the local area. It is proposed to be situated closer to the road than any other substantial property in the local area, which is not in keeping with other properties, impacting on the spacious feeling of the area for residents, and passing members of the public.

The size of the proposed house, with the number of bedrooms, is likely to result in there being too little space to park vehicles on the site. The corner where the property is located offers little visibility to motorist. Parking vehicles on this bend is hazardous, pushing traffic out into the on-coming lane. This is already an issue when there are sporting events on at the local park, but this proposal may push that problem into the hours of night too.

I believe that this proposal is clearly over development of the land, out of character with the local area and likely to adversely impact on local residents. The previous proposals were rejected, but this one seems to be in a similar vein, with little or no concessions made. I am also concerned that the plans may not be accurately represented, as the size and shape of the protected beech trees are significantly smaller on this new plans, when compared against the last proposal. I am not sure whether this is an oversight or whether there is an intent to have work completed to cut them back to reduce their size.

The amendments to the proposed property at the rear of 38/40 Windmill Way have been noted. It seems that these amended plans have been submitted a very short notice, which has given local residents a very short period of time to consider the implications of the proposed development.

From reviewing the proposed plans, these are substantially larger than the previously agreed development for that piece of land (a chalet bungalow, where the existing garage currently stands), where the frontage/dimensions facing the Christchurch Road has remained the same.

The amended proposed dwelling remains too large for the plot and is over development of that piece of land. The positioning of the building on that plot, with it "butted up" closely to the land boundary with the rear of the houses on Windmill Way, is going to have a significant adverse effect on those living there. The building itself is imposing and will crowd those house / gardens. Due to the positioning of the sun throughout the day, it will impact on the light available to those properties.

The house is a out of character for other properties. The positioning of the property on the plot is a considerable way forward, towards to the pavement. This will impact on the spacious feeling of the street, which will also be imposing on a the pedestrian traffic.

The proposed development is located on a corner with limited visibility. Although the plans show that parking available for that house, the illustrative vehicles on the plan to show the parking space, demonstrate

that it is impractical and not realistically usable. This will no doubt mean that there will be additional parking of vehicles on the street, causing additional hazards to both pedestrians (as they always park across the pavement on that section), as well as vehicle traffic.

Please find below my continued objection to this application.

I understand that this application is back for review.

I request that you consider my objection on the same grounds as detailed below

I would like to object to the proposed application for the property on the land at the rear of 38-40 Windwill Way, Tring - Case Reference 23/1583/FUL.

I note that this is the latest in several application for developments on the same site, with all of the recent ones being either withdrawn or rejected. This one is very similar in nature to the last application, with many of the same issues.

This property is far too large for the plot, which is the same issue to the previous proposal, only this time larger. The house has been positioned on the plot so that it is very close to boundary lines and would be very imposing for neighbouring properties. This will have an unfair impact on the quality of life for those residents, restricting both their light and their view.

In addition to this, due to the size and position of the proposed house, it will be out of character with most of the other houses in the local area. It is proposed to be situated closer to the road than any other substantial property in the local area, which is not in keeping with other properties, impacting on the spacious feeling of the area for residents, and passing members of the public.

The size of the proposed house, with the number of bedrooms, is likely to result in there being too little space to park vehicles on the site. The corner where the property is located offers little visibility to motorist. Parking vehicles on this bend is hazardous, pushing traffic out into the on-coming lane. This is already an issue when there are sporting events on at the local park, but this proposal may push that problem into the hours of night too.

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\*\*\*These are the same objections as previously raised\*\*\*

I would like to object to the proposed application for the property on the land at the rear of 38-40 Windwill Way, Tring - Case Reference 23/1583/FUL.

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I would like to object to the proposed application for the property on the land at the rear of 38-40 Windwill Way, Tring - Case Reference 23/1583/FUL.

I understand that this application is back for review.

I request that you consider my objection on the same grounds as detailed below, with the addition consideration detailed below.

I request that there is consideration about the accuracy of the proposed plans. From looking at the recent applications, it appears that there has been an alteration to the scale of some of the features on the plans, but

not the entire plan. When looking at the neighbouring properties, their size has been adjusted, while the proposed property has remained the same size. This raises questions over the accuracy of the plans and site measurements, and therefore the ability to a truly informed and fair decision on the proposed development.

I note that this is the latest in several application for developments on the same site, with most of the recent ones being either withdrawn or rejected. This one is very similar in nature to the last application, with many of the same issues.

This property is far too large for the plot, which is the same issue to previous proposals, only this time larger. The house has been positioned on the plot so that it is very close to boundary lines and would be very imposing for neighbouring properties. This will have an unfair impact on the quality of life for those residents, restricting both their light and their view.

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<p>32 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We have been given 7 days to respond to this notice. Those without digital access have been given a few days only as lamppost notices were only posted yesterday evening.</p> <p>The proposed dwelling is massive, it totally overlooks our home and garden - we object to the proposal.</p> <p>If the house was built, those in it, would have a full view into every room in our home and garden at all times of day. This proposal is a massive intrusion.</p> <p>Whilst there are trees there now, our privacy would be removed totally, if the the trees were removed from neighbouring gardens.</p> <p>The rear windows on the upper storey of the planned house are higher than any other building in the neighbourhood - they exceed the height of the 2nd storey windows in Windmill Way houses. Not only that, at the rear of the proposed house. the windows are roofed in an uncharacteristic style, protruding extensively from the roof of the house and not in a way that is in keeping with the area.</p>

The building size is too big for the plot, and as previously stated, overly dominates the surrounding area. The dimensions of the property are sizeably larger than neighbouring properties. We are advised this is contrary to Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way.

The plans don't realistically reflect the tree canopy to the side of the plot (suggesting that these would be paired back,) - this cannot be allowed to happen- these are protected beech trees.

We aren't convinced that any provision for the trees would be made as the existing maintenance of the plot has been one of neglect, showing a disregard for public safety, access and unsafe waste disposal. - this has been timely and constant with successive planning applications!

In detail, the house design shows no consideration for sustainable energy such as solar panels. The provision of parking and garden is not considered either- sensibly, the design should allow for the garden and open space to be in places not overshadowed by trees.

The house design clearly incorporates a 2nd storey and contradicts previous advice. As the second story has been included, the roof slope is awkward and peculiar. The building is bulkier than the previous application (which was declined,) and the roof line is longer.

The proposed property is overbearing, overlooking and overshadowing. It's too big for the plot, it's unacceptably close to neighbouring houses and will be a massive intrusion for us.

Please consider the impact on the many people this will effect.

Whilst a previous application for planning may have been accepted, it is important to note this was for a much smaller dwelling. The permission is for a single height smaller dwelling only.

The road that the property faces onto is often a traffic and parking 'hotspot,' now requiring plenty of roadside & pavement parking on the bend of the road - this house build would create a hazard for all those using the road and the pavement, given the bend in the road and poor visibility as things are.

These issues are specifically and increasingly important considerations on weekends and weekdays when children's training and football fixtures take place at Miswell Park.

Given the traffic & parking considerations, in the short term, any build will prove hazardous to road users and pedestrians in this spot. It is on a bend in the road and busy.

Once again and at very short notice we are objecting to the now 'amended' application. NB we haven't seen any physical notices advising that an amendment has been submitted.

All of our previous remarks relating to this planning application still stand.

The so called 'amendment' hasn't addressed any of Tring Town Council's previous reasons for recommending refusal, nor has it addressed our own additional reasons to object.

The plans are a danger to all road users because of the size of the house - The parking configuration appears to be even more hazardous than the previous plan (which was unfeasible on the bend of the road.)

A house of this scale will totally overlook all of our garden and our neighbours' too and the back of our house. It will also overlook houses and gardens to the front aspect - (opposite on Christchurch Road, Little Hoo and Sandon Close) This is a massive infringement on the privacy of many residents and households in the area. The amendment is actually larger in all aspects than the original application.

Any development needs to be single story and in line with original planning permission.

Please also note the continued use of the land as a dump where dangerous building materials are left unguarded and accessible from the road.

The artistic impression of the street scene is unrealistic and not representative in scale at all. Forced perspective has been used in an attempt to make the property look significantly smaller than it will be - it is MISLEADING.

There appear to be additional amendments uploaded yesterday but we can't view them, the documents are corrupt. (This has been reported to the planning office and escalated internally.)

Is it right that so little notice is given in this way? It seems to make joke of the consultation process and has restricted the neighbourhood's ability to comment. As council tax paying residents, we have a right to be consulted properly. In this case, we haven't been.

The one document that we can view is of the aerial site plan.

This single development is still a concern to us for all reasons previously stated:

- an overdevelopment on a small plot
- will compromise the road safety of all road users and pedestrians
- will result in significant loss of privacy to many council tax paying neighbours (ourselves included.)
- will impede access to the shops

\*\*\*Neighbour comments received post-committee. Comments sent to Case Officer and Development Management Manager\*\*\*

The amendments to the planning application are still misleading.

As it stands, the decision made at the last meeting was based on incorrect facts in the original application;

The Planning officer's appraisal had cited very different retirement style houses as context and justification for aspects of this development. She had not considered Windmill Way houses are large family houses, that require different amenity/Council Tax band etc, and will be most impacted by this development.

The impact of this development on us as residents of Windmill Way will be significant, permanent and constant.

The plans give the impression that the house will be farther away from Windmill Way houses and gardens.

The house will run parallel to the garden fence lines of Windmill Way houses. The South West and Looking North street scenes give the impression the house will be angled differently and not perpendicular to the rear of the Windmill Way houses, numbers 38 to 30.

We are already overlooked to the rear of our house by houses running parallel to the rear elevation of our house. This house will be perpendicular to ours, as such we will be 'boxed in.' This seems out of keeping for local planning principles - typically if houses are overlooking each other, they are 'offset' to respect privacy. Whilst we will be screened from the trees in 36 Windmill Way, there is no guarantee these trees will always be there.

There will be a significant loss of privacy to us and Windmill Way Neighbours.

Our original objections to the planning application still stand. These are:

- 1) Too big and bulky for the plot. The house is 2 storey at the rear, it is very imposing on every property in the immediate area. It is a large 4 bedroom family house on a tiny plot.
- 2) Located on a busy road bend, the house will add more hazards to road users, pedestrians and school children. This will be exacerbated on match days, when players and parents park for games at Miswell Park.
- 3) The house will limit access to the shop too as road parking will become more limited.
- 4) The street scene will be adversely impacted as the house is so big.
- 5) This house has a basement and is very close to Protected trees. Whilst we know there is a penalty for damaging the trees; this is very small in comparison to the money the developer would make from the house.
- 6) Whilst the decision on this planning permission has not yet been published, groundwork has already started. The grass verge has been removed from the street scene, dangerously so. It has not been cordoned off in anyway either. The rear elevation of the proposed house runs parallel to the garden fence lines of houses along Windmill Way.

We didn't object to the application for a smaller dwelling on this plot - it's the fact that it far exceeds the footprint of the original permission



and that it is 2 storey at the rear which makes the application unacceptable.

Once again, our view remains steadfast, and our objection is as strong as ever.

As such, we want to remind you of the following points.

The proposed application will directly, negatively, and permanently impact the immediate area and the neighbouring residents of Windmill Way.

This development has no merits for the immediate community and will pose a serious road safety risk. Our objections to these plans have been detailed numerous times, and our previous objections are still relevant as the plans for this application have not changed.

The planned development is overbearing and is an overdevelopment for the plot in every direction. It will overlook us in our home, garden, rear bedrooms, kitchen, and dining area.

The planned house is on a bend in the road, which is often congested throughout the week. Inadequate parking provision on the plot will impede road safety for pedestrians, especially young children and those with mobility needs. The planned development will inhibit access to the park, the local shops, and the post box.

Furthermore, the planned development includes a subterranean storey, which will mean drilling into the ground next to trees with Tree Protection Orders. The penalty for damaging these trees is minor and provides little deterrent, so we cannot be assured the trees will be protected.

This two-storey development will dominate our sightline and result in extensive loss of privacy in every area of our garden and much of our home.

Please note that the illustrations used to depict this development in the application are visually misleading. They employ a 'forced perspective' and do not accurately show the size of the planned house and how it will dominate the street scene.

We have previously complained about misleading information and visuals being submitted for this application, which is being ignored. The minor amends to the latest drawings are so minimal and don't take away from the fact the proposed property is too large for the plot and the area -

We have supplied accurate photographs from our garden and home using a 35mm lens, which closely represents how the human eye interprets scale. Any other format, such as an iPhone on the standard camera setting, will misrepresent this development's impact on the surrounding neighbourhood.

This inaccuracy and poor image capture during the planning process were pointed out in writing to the planning officer, and their response did not adequately address this point. Furthermore, we learnt that the planning team does not follow documented guidelines when collecting photographic references, which we find astonishing.

The seemingly endless cycle of applications, with no substantial adjustments, is a source of great frustration. It appears that the widespread objection to this development and the realities of the situation are not being taken into account. Tring Council has strongly recommended that this development should not be approved.

If this were happening in your back garden, would you be happy for it to go ahead?

The proposed application will will have A DIRECT, NEGATIVE AND PERMANENT IMPACT ON THE IMMEDIATE AREA AND THE NEIGHBOURING RESIDENTS OF WINDMILL WAY.

This development has no merits whatsoever to the immediate community and will pose a serious road safety risk.

We have detailed objections to these plans on numerous occasions and our previous objections are still relevant, as the plans for this application have not changed.

These plans are for a larger house than the plans that were declined last year.

The planned development is overbearing and is an overdevelopment of the plot in every direction.

The planned house will overlook us in our home and garden everyday, in our bedrooms, kitchen and dining areas.

The planned house is on a bend in the road which is congested at times throughout the week. Inadaquete parking provision on the plot WILL IMPEDE ROAD SAFETY FOR PEDESTRIANS ESPECIALLY YOUNG CHILDREN AND THOSE WITH MOBILITY NEEDS.

The planned devlopemt will impede access to the park, the local shops and the post box.

The planned development includes a subterranean storey which will mean drilling into the ground next to tress with Tree Protection Orders. The penalty for damaging these tress is minor and provides little deterrent, so we cannot be assured the trees will be protected at all.

This is a 2 storey development to the rear elevation (3 including the underground room) which will dominate our sight line and result in extensive loss of privacy in every area of our garden and much of our home.

Please note the illustrations of this development in the application are visually misleading. They employ 'forced perspective,' and do not accurately show the size of the planned house and how it will dominate the street scene.

	<p>We have previously complained about misleading information and visuals being submitted for this application,, but it seems this is being ignored.</p> <p>We have supplied accurate photographs from our garden using a 35mm lens, which is a close representation to how the human eye interprets scale. Any other format (such as an iPhone on standard camera setting) will misrepresent the impact this development will have on us in our home and garden, everyday.</p> <p>The continued cycle of applications (seemingly with no real adjustments,) doesn't seem to have taken account of the widespread objection for this development, or show any consideration reality.</p> <p>Tring Council have strongly recommended this development should not be approved.</p> <p>If this was happening in your back garden, would you be happy for it to go ahead?</p>
<p>17 Chapel Meadow Tring Hertfordshire HP23 5HB</p>	<p>I write to give full support to the above planning application. The proposal would bring a derelict site back into positive use which would benefit the area. The removal of the existing buildings would improve the visual appearance of the area as the buildings are in significant disrepair.</p> <p>I can see no reason also why the proposed plan is not within keeping of the surrounding area.</p>
<p>5 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>I strongly object to this proposal. It is totally out of keeping with the area and will stick out like a sore thumb. The proposed plan will be too intimidating on the street scene as it is far forward on the plot. Also too large a building for this small plot. Furthermore, I believe it will create a safety problem in terms of traffic and parking. This is already a potentially dangerous spot with the shops and people parking for the park. Please reject this application. As stated many times before, the originally proposed bungalow would be far more in keeping with the area</p>
<p>73 Kingsley Walk Tring Hertfordshire HP23 5DR</p>	<p>Plans seem to be in keeping with the surrounding properties. Would be keen to see an improvement of the site as it currently is an eye saw and has been deserted for a long time. It is attracting rubbish and people can access the site which could be dangerous in the future.</p> <p>The land hasn't been of any significant use for a long time and would be positive to see it provide a suitable family home.</p> <p>I support the plans proposed.</p>
<p>2 Okeford Close Tring Hertfordshire HP23 4AJ</p>	<p>Dear Sir,</p> <p>I have added a comment online in objection to the above application.</p>

I don't understand why applicants aren't given a limit, that they can keep submitting inappropriate plans in the hope that those it effects give up the battle. Why isn't more done to protect the immediate neighbours and the wider neighbourhood from these profiteering, postage stamp, "back garden" developments? I can't even begin to imagine the mental stress it puts those through who are immediately adjacent.

All exactly the same reasons as before and in complete agreement with the, no doubt detailed, objection Mr & Mrs XXXX will have submitted, namely: too large, out of keeping and parking.

The ludicrous depiction on the new plan of the overhang of the lovely big copper beech trees on the adjacent land seems to sum this applicant's methods up; surely they can't be allowed to butcher them to suit their application?

Sirs,

We continue to object to the proposal - the changes to the plans do not address the reasons Tring Town Council refused it previously and would appear to increase the risk to the adjacent beech trees.

PLEASE do not submit to the applicant's clear objective which is to continue such tiny adjustments until our patience runs dry.

As I've said before, there really ought to be a "so many strikes and out" system to prevent such a waste of all of our time.

Here we go again.

We continue to object to the ludicrously large, out of place and out of character building application on Christchurch Road and would request that Tring Council recommends refusing it and that Dacorum Council listens to the local voice and rejects the application.

We agree with the sentiments put forward by Mr & Mrs Moore and hope that both Councils take into account the impact such a building will have on their (and their neighbours') outlook and residential amenity.

The copper beeches are still at risk as is the likelihood of permanent parking on that bend.

Again, please reject this application

We continue object to the planning application referred to above: it is far too large for the site and out of character for the area.

We agree with the points Mr & Mrs XXX raise and, like them, cannot understand why the developer can prolong this process ad infinitum and with each new application have the whip hand. Those whose lives would be affected for many years to come are having to defend the right to their current "local amenity" against the gamblers who are using this ludicrous system to achieve nothing but as large a profit as possible.

Is it OK just to say that we agree wholeheartedly with the comments, insights (and fears) of Mr and Mrs XXX and that we continue to object to the application

	<p>We continue object to the planning application referred to above: it is far too large for the site and out of character for the area.</p> <p>We agree with the points Mr &amp; Mrs XXX raise and, like them, cannot understand why the developer can prolong this process ad infinitum and with each new application have the whip hand. Those whose lives would be affected for many years to come are having to defend the right to their current "local amenity" against the gamblers who are using this ludicrous system to achieve nothing but as large a profit as possible.</p>
<p>31 Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>I would like to register my objection to this application.</p> <p>Having previously opposed a very similar application, I find it very surprising that the applicant has submitted another comparable application, which doesn't seem to take into account any of the reasons the previous application was refused. This seems like a waste of time on all sides.</p> <p>The main reasons for my objection are the sheer scale of the proposed property, which is not only out of keeping with other properties on Christchurch Road and neighbouring roads, but is also far too large for the site. In addition, the proposed build would have a hugely negative impact on the adjacent properties on Windmill Way, as well as other nearby properties on Christchurch Road and Osmington Place.</p> <p>The revised plans seem very similar to the previous plans, which were refused for a number of reasons. I also find it concerning that the drawing of the plot seems to have included the grass verge, which is currently part of the public footpath.</p> <p>One of my primary concerns relates to the increased traffic and access that will be required by the property, in a location near to a bend in the road, which is already overcrowded with cars on occasion. This is only likely to become more busy in the near future with the use of the adjacent park by a local football club. The fact that there are two schools on this road and therefore a high volume of school children using this footpath, only adds to the unsuitability of the proposal.</p> <p>I sincerely hope that the proposal is rejected once again, rather than wasting any more valuable council time. I would like to register my objection to my application.</p> <p>Having previously opposed a very similar application, I find it very surprising that the applicant has submitted another comparable application, which doesn't seem to take into account any of the reasons the previous application was refused. This seems like a waste of time on all sides.</p> <p>The main reasons for my objection are the sheer scale of the proposed property, which is not only out of keeping with other properties on Christchurch Road and neighbouring roads, but is also far too large for the site. In addition, the proposed build would have a hugely negative impact on the adjacent properties on Windmill Way, as well as other nearby properties on Christchurch Road and Osmington Place.</p>

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I sincerely hope that the proposal is rejected once again, rather than wasting any more valuable council time.

I would like to once again send my continuing Objection to planning application 23/01583/FUL. I understand that, despite previous approval of this application, this is once again under review following errors in the previous process, which is a concern in itself.

I am very concerned that this application continues to take up precious council time, despite the high number of objections to the proposal, which is entirely unsuitable and out of keeping for the site. The plans are still virtually unchanged and, for the reasons I cited previously, I would like my objection to be noted on the grounds that the style of the house is far too large, totally out of keeping with the local area and also poses a significant danger due to the proposed parking arrangements. This is already a dangerous bend in the road and adding a house to this location is only going to add to this risk. In addition, the proposed property would have a huge detrimental impact on the outlook and residential amenities, in particular to the property located at 40 Windmill Way.

I very much hope that this application is refused, particularly given the strength of local opinion against it.

Having objected to this planning application on a number of occasions, I would like to continue to register my OBJECTION to 23/01583/FUL.

I am unsure why local residents have been asked to comment on this application once again, when the recently submitted documents show little change to the existing proposal and fail to address the fundamental issue of the proposed development being far too large for the size of the plot, totally out of keeping with other properties in the area and located far too close to neighbouring properties (particularly 40 Windmill Way), whose quality of living will be severely impacted by this development.

Of particular concern is the parking on the road adjacent to the proposed property, which is already dangerous at times. Building a large dwelling on this site will only add to the level of traffic on a dangerous bend, where visibility can be very limited.

Following Tring Town Council's rejection of this proposal, the strength of local opposition and the failure by the developer to address the points

	<p>raised from previously rejected applications, I sincerely hope this planning application is refused and no longer takes up valuable council time.</p> <p>I would like to once again log my strong OBJECTION to this proposal. I find it astounding that neighbours are being asked to comment on this once again, despite the lack of any material changes to the existing proposal, the previous refusals of planning permission and the strength of opposition to the application amongst the local community.</p> <p>My main reasons for objection are as follow:</p> <ul style="list-style-type: none"> <li>- the house is simply too big for the size of the plot and totally out of keeping with other local houses;</li> <li>- the house is bigger than the property previously refused and should not be described as a "chalet bungalow";</li> <li>- the existing plans would have a huge impact on neighbouring properties, in particular 40 Windmill Way, creating a loss of light and privacy for the occupants and other nearby residents;</li> <li>- the plot is located on what is already a dangerous corner, which becomes extremely busy with parked cars at certain points of the week. Adding a large house and associated parking will only add to this danger and cause a hazard for people walking along the adjacent pavement (in particular schoolchildren, who walk past this land on a daily basis).</li> </ul> <p>I really hope the right decision is made to reject this proposal and stop wasting valuable council time.</p>
<p>82 Mill View Road Tring Hertfordshire HP23 4EW</p>	<p>We object AGAIN to the proposed development of this plot. The redesign submitted is still ridiculously big for the plot size and has now moved forward towards the road creating even more issues with the lack of greenery and pavement space.</p> <p>We are very concerned by the loss of greenery next to the narrow pavement used constantly by shoppers, pedestrians and school children. There is not enough space to allow for parking for the shops and pedestrians use. It is also out of keeping with the design of the surrounding roads using this green space for all rather than incorporating into one property.</p> <p>This is not the spot for a colossal 4 bed/super basement house and we ask the council to continue to see sense and reject these plans.</p> <p>We are very concerned that these plans have been submitted again despite them hardly changing.</p> <p>Permission has been granted for a suitable development and these plans are too big and out of keeping. When will these ridiculous changes be stopped?</p> <p>There are now additional concerns due to the volume of traffic on this stretch of Christchurch Road - both vehicular and pedestrians. The entrance to the park which runs alongside this proposed site is in constant use because of the football pitch and the corner shop. Both of which are important for the community and should be prioritised and protected at all costs. This development would have a significantly negative outcome on both and should be rejected fully and finally.</p>

<p>41 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We object to the latest application due to the proposed size (even bigger than previously rejected plans) and the plans' proposed parking solution (2 cars would be a stretch, let alone 3). I could expand on these points but this has been well covered by others. We strongly object to the new plans for this development. The new plans do nothing to resolve the problems that caused the previous applications to be rejected. The plan remains an overbearing development for the size and position of plot.</p>
<p>The Gables Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>The previous planning application was refused citing several reasons.</p> <p>Among these, the design was too big and bulky, yet this current application is for a design that is larger both in terms of footprint and internal space, and with a longer roof line only slightly reduced in height leaving an even more domineering front aspect...</p> <p>The building was rejected for being set too far forward on the plot, yet this current application shows the building set even further forward on the plot.</p> <p>Both points leave the build still dominating the rather small plot as a large, bulky dwelling contrary to Dacorum's character area appraisal for Christchurch Road.</p> <p>The new proposal seeks to resolve the concerns about tree cover over the proposed car parking location by drawing a smaller area of tree cover on the plans, but this does not reflect the actual tree cover clearly visible on site as the beech tree adjacent to the existing garage on site clearly covers a significantly greater length of the garage than is now shown on the plans. The previous plans were more accurate in this regard.</p> <p>As for the claim that the front elevation of the new design is "predominantly 1.5 storey with a catslide / half hipped roof"...</p> <p>...the upper floor still comprises 4 bedrooms and 3 bathrooms with essentially the same footprint as the lower floor, so cannot reasonably be described as "1.5 storey".</p> <p>Adding an odd slope to the front portion of the roof, does not give it the same appearance as a genuine 1.5 storey chalet property or indeed a normal 'catslide' roof, it just gives it an odd aspect further marking it out as out of keeping with the other adjacent property, most specifically including the traditional catslide roofs on the property opposite the proposed development.</p> <p>Having failed to get permission for this XXXXXX enlarged building, when compared to the currently approved plans for a chalet bungalow, the application now seeks to get approval by altering the descriptions of the proposed development, but not the design or reality of the site, without making sufficient changes to meet any of the most recent reasons for rejection.</p>



Planning permission already exists for a development proportionate to the size of the plot, it is time that the approved development was progressed without any more of these XXXXXX applications. Further to my previous objection, having just noticed that the plans associated with this application have recently been amended, I wish to add the following objections.

The building remains bulky and cannot be considered to be a 1.5 storey building as it still includes the same footprint as the ground floor and comprises 4 bedrooms and 3 bathrooms on the upper floor.

The revised plans have in fact increased the gross internal area above ground, only remaining the same in total as the original plans, by reducing the GIA of basement, further, the car parking arrangements remain convoluted and impractical. .

I would wish it to be noted that my previous objections still stand, the amended plans still do not address the reasons given for refusal when the previous application was last submitted.

With respect to the two recently added perspective drawings, both have used an extremely wide field of view which has the effect of making distant objects significantly smaller than they would be when actually standing on the street at that location.

Also the most obviously useful perspective, from the pavement opposite the proposed development has been omitted, so the actual impact on the street scene cannot actually be seen at all.

These drawings seem to be intended to mislead the observer to believe that the proposed development will not dominate the street scene, which is at odds with the reality, which would be clearly seen had the perspective from the opposite pavement been included or had the field of view not been so wide as to distort their relative size ( a technique often referred to as 'forced perspective' when used in special effects for cinematography or photography ).

All my previous objections still apply to this revised application as the revisions have done nothing to address the previous reasons for rejecting the application.

The impact on the immediate neighbours residential amenity remains considerable and the impact on street parking which is heavily used for the adjacent retail units and sports grounds remains a concern.

The most substantial impact being on the residential amenity of 40 Windmill Way with the proposed structure being placed far too close to the boundary fence.

The continued use of street views which considerably misrepresent the impact of the property also remain a concern.

The 3 recently amended plans all state "NO CHANGE TO PROPOSED DWELLING, OR PROPOSAL SITE" ... so there is no change to any of our objections, all of which still stand.

This remains a considerable over-development of the site and will result in a considerable impact on the residential amenity of 40, Windmill Way,

	<p>and a high impact on the already over-used street parking which will impact on the recreational amenity of the nearby football pitch.</p> <p>The existing planning permission for a much more modest building should be used for the development and these constant attempts to get the manifestly unreasonably sized alternatives approved must stop. All my previous objections still apply, this development continues to be misrepresented in terms of its impact on the local street view by way of images using unrealistic wide-angle views, and by description as 'predominantly 1.5 storey' which has been achieved by extending this already over-sized development further forward on the plot and still leaves the side aspect facing 40 Windmill Way as a large monolithic 2 storey construction.</p> <p>This remains an over-development of the site that will impact on the already congested street parking due to the impractical positioning of the planned spaces on the site.</p> <p>The original planning approval for a more modest and suitable development should be used, to avoid the unreasonable and unneighbourly impact on the residential amenity of 40 Windmill Way</p>
<p>2 Okeford Close Tring Hertfordshire HP23 4AJ</p>	<p>I strongly object to this application. This proposal is yet again far too big, set too far forward and not in keeping with the area. It very much impacts on houses in Windmill Way in terms of light and privacy. The parking layout is cramped and is under the mature tree canopy which has been made to look smaller in this new application. The application has clearly been given "spin" to seemingly address issues already raised with previous applications. "1.5 storeys"? Yet it is only 20cm less tall than the previous 2 storey application. It is of course still 2 storeys! Surely any application should be made to fit in with the neighbourhood, the local plan, not have an adverse effect on surrounding trees etc and be totally in keeping with the constraints and size of the site.</p> <p>I strongly object to this application. This proposal is yet again far too big, set too far forward and not in keeping with the area. It very much impacts on houses in Windmill Way in terms of light and privacy. The parking layout is cramped and is under the mature tree canopy which has been made to look smaller in this new application. The application has clearly been given "spin" to seemingly address issues already raised with previous applications. "1.5 storeys"? Yet it is only 20cm less tall than the previous 2 storey application. It is of course still 2 storeys! Surely any application should be made to fit in with the neighbourhood, the local plan, not have an adverse effect on surrounding trees etc and be totally in keeping with the constraints and size of the site.</p> <p>As per my husband's email below, I strongly object to this planning proposal. The planned house is huge and is not at all in keeping with the area. The impact on neighbouring houses is totally negative in terms of their outlook, light and residential amenity. And the planned building is far too close to the mature trees and risks traffic chaos on that bend where access to the recreation and football ground is situated.</p> <p>Please please reject this proposal. We continue object to the planning application referred to above: it is far too large for the site and out of character for the area.</p>

We agree with the points Mr & Mrs XXX raise and, like them, cannot understand why the developer can prolong this process ad infinitum and with each new application have the whip hand. Those whose lives would be affected for many years to come are having to defend the right to their current "local amenity" against the gamblers who are using this ludicrous system to achieve nothing but as large a profit as possible.

Dear Sirs,

I wish to reiterate my husband's email below. I strongly object to this planning application. Why is it even being allowed when the new planned build is even bigger than one previously rejected? It is not in keeping with other houses in the area, it is far too big and impacts hugely on those properties in Windmill Way. And then there is the impact on the mature trees which have TPOs.

Please please reject this plan and support the local community rather than a builder who is clearly hoping to make a huge profit.

Previous Email (for reference) dated 01.02.2024:

Sirs,

We continue object to the planning application referred to above: it is far too large for the site and out of character for the area.

We agree with the points Mr & Mrs XXX raise and, like them, cannot understand why the developer can prolong this process ad infinitum and with each new application have the whip hand. Those whose lives would be affected for many years to come are having to defend the right to their current "local amenity" against the gamblers who are using this ludicrous system to achieve nothing but as large a profit as possible.

Yours,

Is it OK just to say that we agree wholeheartedly with the comments, insights (and fears) of Mr and Mrs Moore and that we continue to object to the application

We continue object to the planning application referred to above: it is far too large for the site and out of character for the area.

We agree with the points Mr & Mrs XXX raise and, like them, cannot understand why the developer can prolong this process ad infinitum and with each new application have the whip hand. Those whose lives would be affected for many years to come are having to defend the right to their current "local amenity" against the gamblers who are using this ludicrous system to achieve nothing but as large a profit as possible.

I would like to confirm my objection to this planning proposal as already stated by my husband. Please reject this once and for all.

I would like to confirm my objection to this planning proposal as already stated by my husband. Please reject this once and for all.

<p>68 Christchurch Road Tring Hertfordshire HP23 4EL</p>	<p>We strongly object to this proposal, in our view we consider the building is too large for the plot as it is larger than the proposal which was turned down.</p> <p>It is not in keeping with the surrounding area and the entrance for vehicles is on a dangerous bend. Also creates a problem on the bend with cars parking for the adjacent local shops, which residents have always considered a danger.</p> <p>We feel the pavement will be too narrow therefore causing problems for parents taking children to the local schools.</p> <p>The beach trees adjacent to this development do not reflect the true size of their canopy.</p> <p>It will have a negative impact on the Christchurch Road as it is overbearing, overlooking and overshadowing.</p> <p>We strongly object to this new planning application.</p> <p>Although this is an amended plan it does not address all the problems of the June plan in fact it is larger.</p> <p>We consider it is still over development on a small plot, it comes closer to the green verge making it more overbearing and impacts the sense to spaciousness. It is out of keeping with the local vernacular and has a negative impact on the street scene.</p> <p>The car parking still does not address the problem of damage to the Beech Trees, and if this proposal is passed it would not stop residents parking on tree roots.</p> <p>We also feel the narrowing of the pavement on this dangerous bend will impinge on the safety of parents and children walking to school.</p> <p>It is a dangerous bend due to people parking there to use the recreation ground and local shops.</p> <p>We feel that the Councils previous reasons for recommending refusal have not been addressed by the amendments.</p> <p>We are against this amended planning application.</p> <p>We strongly object to these revised plans.</p> <p>We cannot understand why this planning application was provisionally passed, we now understand that the footprint of the revised plan is larger than the previous plans rejected by Dacorum and Tring Councils.</p> <p>We also understand that the applicant has dug up the grass verge, which was supposed to be protected.</p> <p>It will also have a greater impact on neighbouring properties, the surrounding areas and totally out of keeping with the area.</p> <p>It looks like the parking indicated on the plans is situated on the roots of the protected neighbouring trees.</p> <p>The latest plan has a extra long playroom with a 'cat-slide roof' bring the property closer to the public footway and filling more of the plot.</p> <p>The side elevation is very close to the boundary of 40 Windmill Ways rear garden, making it a blot on the landscape.</p>
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	<p>We cannot understand why these plans have been amended again certainly not for the better it seems that this developer is trying to wear us and the Council down by constantly altering his plans. The planned development is showing that it is larger than the plans rejected in May 2023. The gardens of 38 an 40 Windmill Way have been made smaller on this new application. It will have a greater impact on the neighbouring properties, the surrounding areas and totally out of keeping with Christchurch Road.</p> <p>It looks as if the parking indicated on the pans is situated on the roots of protected neighbouring trees. The extra long playroom with a 'cat-slide roof' bring the property closer to the public footway and filling more of the plot. It should be noted that the Tring Council Meeting in February 2024 again STRONGLY REFUSED this planning application. Agin WE STRONGLY OBJECT to this Planning Application. We cannot understand why these plans have again been amended, it is obvious the developer cannot get his plan correct xxxxx. It has taken him several attempts to get these plans approved bearing in mind that the property is now larger than the plans refused. It seems he is creating unnecessary confusion in the process, xxxxxxxx The house is too large for the site and crammed in making it overdevelopment. It certainly isn't a chalet bungalow the amended plans have certainly made the property larger. It bring the property closer to the verge which will impinge on families walking to the two schools on Christchurch Road. It will impact 40 Windmill Way by towering over the back of the house and would also affect other nearby residents. The windows and back door would look directly into No. 40 ruining privacy and creating a permanent sense of intrusion for all neighbours.</p> <p>We STRONGLY OBJECT to this development.</p>
<p>59 Christchurch Road Tring Hertfordshire HP23 4EL</p>	<p>I wish to object to the planning application as the reasons for the previous refusal still apply to the revised application.</p> <p>The main issue is that the proposed building is much too large for the available plot.</p> <p>Importantly, there are four mature beech trees next to the site. These are protected trees and should not be damaged. The proposed building would require more than "pruning", which is unacceptable.</p> <p>Why not build a property according to the design which has been granted approval?</p> <p>I regularly have to reverse around the bend on the wrong side of the road by this site, due to the number of cars that park along this stretch of Christchurch road.</p>

	<p>It is not safe.</p> <p>The Beech trees next to the site are protected. It would be an offence to cut them back.</p>
<p>33 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>I object to this planning application on the grounds that the Building size is too big and bulky for the plot it would dominate the plot and surrounding area. The new proposal is larger at 219sqm than the refused one. Footprint depth from front to back is 11.5m larger than surrounding properties. Out of keeping with the neighbourhood. Attempting to build larger than the plot can bear means the dwelling is set too far forward compared to nearby properties. It has a negative impact of residential amenity, overbearing, overlooking, overshadowing the house is forced unacceptably close to neighbours and pavement. Parking is under beech tree canopies, unworkable layout of spaces. This application contains some disingenuous claims in an attempt to show that it is responding to the Council's earlier feedback. Application claims the new proposal is "1.5 storeys when it is clearly 2 storeys and the roof ridge line is actually longer than the refused one. The trees have been drawn smaller not reflecting their actual size. It can clearly be seen from the street by how far the canopy reaches over the existing garage building. This looks like cutting back protected beech trees. NO. This overdevelopment of the plot leads to inadequate parking arrangements on an already dangerous and congested bend heavily used by parking for the local shops. As a large bulky dwelling it is contrary to Dacorum's Character Area Appraisal for Christchurch Rd and Windmill Way.</p> <p>I wish to object. The new plans are actually bigger than those refused in May23. These plans do nothing to resolve the problems. House 40 Windmill Way will have side wall 4x the height of their fence right on the boundary. Property has and will gobble up the protected verge. (Which has gone already) it will be completely out of character with the surrounding area. Its bulk is crammed into an area not suitable. Why is planning officer so intent in forcing this through when it was object in May23 yet these drawings are bigger.</p> <p>Having looked at the latest drawings they are still wrong. The distance between existing property at rear of 40 Windmill Way is clearly registered wrong. it is now 17m from back of house. Surely there is a 35m rule here. I object to this planning request the house is the same size and bulk as before, still over development, crammed onto a site. It is bigger than the one that was rejected in May 2023. The impact and overshadowing of property 40 Windmill Way is appalling and it will affect other neighbours also. Why not continue with the approved plans for a modest home, why are the concerns of neighbours being minimalised. There is nothing new in this submission that addresses any of the problems raised. Totally out of keeping with surrounding area. Driveway on a bend that is heavily used and where previous building submissions have been turned down because of its danger. Surely the architect has made another mistake.</p> <p>I wish to object to the above application. The house is clearly too big, still the same size and bulk as recent applications. It is still bigger than the one rejected in May 2023 and certainly not a chalet bungalow. This design brings it closer to public verge and actually fills the whole plot. The impact on No40 Windmill way will be appalling and will tower over them in an overbearing way. Its windows and back door would look</p>

	<p>directly into their gardens and family room. As there is permission for a more modest development why is the planning officer trying to force through a large harmful building which will spoil the residential amenity and is against DBC's own policies and advice. The parking outside this site is the only parking available for Tring Tornadoes clubhouse fir football now sited in Miswell Park. This clubhouse is about to be a community project</p>
<p>7 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>I object to this application for the following reasons:</p> <p>Loss of privacy - the proposed dwelling is very close to the boundary with the properties on Windmill Way. This appears to be due to the overbearing size of the property and the need for it to be away from the protected trees. If a smaller dwelling was proposed it would be better positioned on the plot.</p> <p>Size of the proposed property: If the previous design was refused due to its size, I am struggling to see how this new building has addressed this concern as it seems just as big, if not bigger.</p> <p>The proposed parking spaces and lay out seems to be compromised and it's a concern that due to the configuration that they will be coming and going on a bend which already can be challenging when cars park outside of the shop and hairdressers. If the parking has to be in that part of the site, maybe consider that parking for 1 or 2 cars is more appropriate. The beech trees should not be impacted just to accommodate parking for a new build.</p> <p>Height of the building: I question the design is meant to be 1.5 storeys given such a large second floor.</p> <p>I feel that due to the size of the plot and with the beech trees that a more conservative dwelling would be more suitable. A smaller dwelling could benefit from having more space on the plot so that it can be enjoyed, rather than build a big house with limited space.</p> <p>Based on the amended plans we still object to the plans put forward for this plot of land. We're not against something being built however I don't think the amended plans address any of the concerns.</p> <p>The amended plan seems just as big and is closer to the footpath/public verge. The proposed parking for 3 vehicles just doesn't seem to work.</p> <p>Our previous comments and concerns still stand.</p> <p>It's disappointing that whatever decision is/was made that we're back having to review yet more plans, however if the correct procedure was not followed then so be it.</p> <p>I still have the same objections:</p> <p>Loss of privacy - the proposed dwelling is very close to the boundary with the properties on Windmill Way. This appears to be due to the overbearing size of the property and the need for it to be away from the protected trees. If a smaller dwelling was proposed it would be better positioned on the plot.</p> <p>The proposed parking spaces and lay out seems to be compromised and it's a concern that due to the configuration that they will be coming</p>

	<p>and going on a bend which already can be challenging when cars park outside of the shop and hairdressers.</p> <p>I feel that due to the size of the plot and with the beech trees that a more conservative dwelling would be more suitable. A smaller dwelling could benefit from having more space on the plot so that it can be enjoyed, rather than build a big house with limited space.</p> <p>My prior objections still stand with my top concerns reiterated below:</p> <p>Loss of privacy - the proposed dwelling is very close to the boundary with the properties on Windmill Way. This appears to be due to the overbearing size of the property and the need for it to be away from the protected trees. If a smaller dwelling was proposed it would be better positioned on the plot.</p> <p>The proposed parking spaces and lay out seems to be compromised and it's a concern that due to the configuration that they will be coming and going on a bend which already can be challenging when cars are parked outside of the shop and hairdressers.</p> <p>I am also concerned about the property having a basement and what impact this will have on the roots of the surrounding trees during the build as well as in the long term.</p> <p>As many people have commented I am struggling to see how the latest plans have really changed from the previous plans. If there have been inaccuracies in the plans submitted this is a cause for concern as a decision could have been made with these.</p> <p>My prior objections still stand with my top concerns reiterated below:</p> <p>Loss of privacy - the proposed dwelling is very close to the boundary with the properties on Windmill Way. This appears to be due to the overbearing size of the property and the need for it to be away from the protected trees. If a smaller dwelling was proposed it would be better positioned on the plot.</p> <p>The proposed parking spaces and lay out seems to be compromised and it's a concern that due to the configuration that they will be coming and going on a bend which already can be challenging when cars park outside of the shop and hairdressers.</p>
<p>Foxgloves Christchurch Road Tring Hertfordshire HP23 4EF</p>	<p>Once again we have objections to this latest planning application.</p> <p>The planned house is far too big for this small plot, and is out of keeping with neighbouring properties. It is overbearing, too close to the road, and the plot takes up the existing grass verge. There is a bend in the road here, often with cars parked for the shops and recreation ground, so already dangerous for pedestrians and traffic. Accessing this plot would only add more difficulties.</p> <p>The plot is in the shadow of some magnificent beech trees, so the future of these is a huge concern. They should not be pruned to accommodate this insensitive plan.</p> <p>Once again we write to object to the amended plans for this planning application.</p>



	<p>The reasons listed before still apply and we support all remarks made by other concerned residents.</p> <p>It is obvious that the developer has not taken into account any concerns raised previously by those objecting and by Tring Town Council.</p> <p>We are strongly against this amended planning application and hope that it will be refused.</p> <p>We continue to object to this latest amendment on the planning application 23/01583/FUL - Christchurch Road/38-40 Windmill Way, Tring.</p> <p>These latest plans have not improved on the previous application, and residents concerns have not been taken into consideration.</p> <p>The house is still too large for the plot. It is overbearing and too close to adjoining properties. It is on a corner of a busy road used by school children and those going to the nearby football ground. It is far too close to some magnificent beech trees, whose future would be in jeopardy.</p> <p>Please consider all these objections and refuse this planning application.</p> <p>Please consider my continued objections to this latest amendment.</p> <p>There are many issues which have been documented before and by others opposed to this plan for this plot of land, which remain valid.</p> <p>Mainly -</p> <p>The house is too big and overbearing for immediate neighbours and the road in general.</p> <p>Road safety on this bend in the road. Parking of cars and pedestrian safety is a concern.</p> <p>The future of the magnificent neighbouring protected trees.</p>
<p>2A Deans Furlong Tring Hertfordshire HP23 4AR</p>	<p>The plans seem to be in keeping with the surrounding properties and at the moment it looks a complete mess.</p> <p>I would therefore like to see this ground developed.</p>
<p>18 Christchurch Road Tring Hertfordshire HP23 4EE</p>	<p>I'm writing, yet again, to object to the latest in a XXXXX long line of inappropriate planning applications on the plot on Christchurch Road</p> <p>As I have mentioned in my previous objections, the developer already has permission to build a certain type of property on this plot but continues to try and push the boundaries of acceptability by building a completely unsuitable, over-sized house.</p> <p>1) I don't believe the developer has addressed the reasons for the previous refusal by the Council</p>

2) the most recent application is for a house which is even bigger than the last one and remains contrary to Dacorum's Character Area Appraisal for Christchurch Road

3) the proposal continues to be out of keeping with the neighbourhood: it's even further forward than the last proposal, it lacks space for landscaping and doesn't integrate as part of a row of houses. The proposal assumes cutting back protected trees and the trees on the proposal are in the wrong place.

4) overdevelopment of the plot leads to inadequate parking and the roof line is longer than the previously rejected proposal resulting in an even more overbearing impression on the houses in Windmill Way

In summary this proposal is far too big for the plot, it's overbearing, overlooking, overshadowing, and inappropriate.

Please reject again

Thank you

I'm writing again to continue my objection to the proposed building work which, I understand, has been amended but which continues to be overbearing, a potential hazard to pedestrian safety, and out of keeping with the character of the area.

All my objections below remain valid so please take these into account at your meeting on 30 October.

In addition, the site is being used, by the developer, as a dumping ground. It's a mess and I urge the council to get the developer to clear, what has become, an eyesore.

1) I don't believe the developer has addressed the reasons for the previous refusal by the Council

2) the most recent application is for a house which is even bigger than the last one and remains contrary to Dacorum's Character Area Appraisal for Christchurch Road

3) the proposal continues to be out of keeping with the neighbourhood: it's even further forward than the last proposal, it lacks space for landscaping and doesn't integrate as part of a row of houses. The proposal assumes cutting back protected trees and the trees on the proposal are in the wrong place.

4) overdevelopment of the plot leads to inadequate parking and the roof line is longer than the previously rejected proposal resulting in an even more overbearing impression on the houses in Windmill Way

In summary this proposal is far too big for the plot, it's overbearing, overlooking, overshadowing, and inappropriate.

I'm writing yet again to object to the proposed building work on Christchurch Road. All my points from previous objections below remain valid.

This is an oversized development which would have an enormously negative impact on the outlook for the houses in Windmill Way.

I'm writing, yet again, to object to the latest in a tediously long line of inappropriate planning applications on the plot on Christchurch Road (which the developer is doing his best to turn into an eyesore thanks to using it as a dumping ground).

As I have mentioned in my previous objections, the developer already has permission to build a certain type of property on this plot but continues to try and push the boundaries of acceptability and maximising his profits by building a completely unsuitable, over-sized house.

1) I don't believe the developer has addressed the reasons for the previous refusal by the Council

2) the most recent application is for a house which is even bigger than the last one and remains contrary to Dacorum's Character Area Appraisal for Christchurch Road

3) the proposal continues to be out of keeping with the neighbourhood: it's even further forward than the last proposal, it lacks space for landscaping and doesn't integrate as part of a row of houses. The proposal assumes cutting back protected trees and the trees on the proposal are in the wrong place.

4) overdevelopment of the plot leads to inadequate parking and the roof line is longer than the previously rejected proposal resulting in an even more overbearing impression on the houses in Windmill Way

In summary this proposal is far too big for the plot, it's overbearing, overlooking, overshadowing, and inappropriate.

Please reject again

I have previously made comments about this development and they all remain valid. However, these new drawings show the proposed dwelling has been moved even closer to 40 Windmill Way than before. The impact on privacy and outlook for the residents of number 40, which was already very serious, will now be even worse.

From my understanding, the developer has previously been granted permission to build a much smaller development on this land. My view is that that permission should be adhered to and this over development, which will severely impact on No38 &40 should be rejected

The latest iteration of this planning proposal is fundamentally unchanged from the previous one and so the objections which I made at that time remain valid - please refer to them.

The developer already has permission to build a certain type of property on this land and they should stick to that. This current application is not acceptable

<p>12 Mill View Road Tring Hertfordshire HP23 4ER</p>	<p>I strongly object to planning application 23/01583/FUL. The applicants seem to have learned nothing from the rejections of previous applications for this site.</p> <ol style="list-style-type: none"> <li>1. The proposed building is too large and bulky for the site and would dominate the surrounding area.</li> <li>2. The proposal is completely out-of-keeping with the neighbourhood and even appears to be larger than a previously rejected proposal. Any suggestion that nearby trees should be cut back should be strongly opposed.</li> <li>3. The overall design leaves much to be desired in terms of the siting of the house, parking facilities and the garden.</li> <li>4 The proposed house is clearly a two story building which will have a negative impact on other residential amenities.</li> <li>5, Safety aspects of building on a blind corner of a very busy road have been completely ignored. Christchurch Road is used by school children, old age pensioners and the general public in travelling to Tring centre, accessing the local shops and using the adjacent green area and sporting facilities. Parking for the shops and the sports ground already causes difficulties. Although being covered by a 20 mph speed limit, this is generally ignored by many drivers. Allowing the construction of a large house on this site would clearly increase the probability of a serious incident.</li> </ol> <p>I trust that the Council will reject this application and recommend that the builder realistically reduces his ambitions in any further applications.</p>
<p>10A Windmill Way Tring Hertfordshire HP23 4HQ</p>	<p>My reasons for objection are: The building is too large for the site, with a footprint no different to the previous refused application, in fact even larger. The design is out of keeping with surrounding properties and would dominate properties in Windmill Way. The access on a dangerous bend crosses a busy footpath for schoolchildren and is often compromised by parked cars attending the Miswell Recreation ground football pitch. The site has been established through the purchase of the ends of rear gardens to properties 38 and 40 Windmill Way over time, and is surely only suitable for an unobtrusive bungalow, or similar. There is also a concern regarding damage to the beech trees during any construction work. I have just learned that there has been an amendment submitted for the above planning application. It is difficult to see how the amended plan addresses the issues raised in previous refusals. I therefore wish to object for the same reasons stated on my initial on-line objection of 14th July 2023. These are: The size of the development is still too large and overbearing for the site, and too close to No40 Windmill Way. (The site is in the rear half of their garden which was sold by a previous owner.) The location on a bend in Christchurch Road is dangerous for vehicle manoeuvring in and out. It is exceptionally dangerous for pedestrians and schoolchildren leaving the adjacent shop, walking to school, etc. The complicated parking arrangement does not help this.</p>

	<p>The design is not in character with the properties opposite or in adjacent Millview Road.</p> <p>I would be obliged if you would consider these comments in addition to my previous on line objection.</p> <p>I object to the plans and I am at a loss to understand the Planning Officer's reasoning when the previous ( smaller) applications have been turned down.</p> <p>This plan has a really adverse impact on the immediate neighbours outlook and on the general neighbourhood.</p> <p>The adjoining road of 40 properties, Windmill Way, all have similar rear gardens which create the character of the neighbourhood.</p> <p>We rely on the Planning authorities not to permit haphazard development by individuals selling off bits of rear gardens for development, which ultimately destroys that character.</p> <p>Isn't that how a developed society functions?</p> <p>As a minimum, the planning should be for a simple bungalow only.</p> <p>Dear Planning Officer, ( Elspeth Palmer), I wish to object to the above planning application on the grounds that it represents a gross overdevelopment of an inadequate site, it is totally out of character with neighbouring properties and has already been rejected in various other submissions.</p> <p>Nothing has changed to address the previous reasons, and it now appears that the original drawings contained errors.</p> <p>I have previously lodged my objections on the Council website and they remain the same.</p> <p>Surely, in a functioning democracy, the public should be able to trust the planning process to realise that, after four previous refusals, there is something fundamentally wrong with the application for this site, and to advise the applicant accordingly.</p> <p>Thank you</p> <p>Planning reference number 23/01583/FUL</p> <p>As a nearby resident to the site, I wish to OBJECT to the proposed development on the grounds that it is overdevelopment of an unsuitable site, it is completely out of character with the surroundings, and is no smaller than previous applications which have been refused on the grounds of "oversized".</p> <p>As a nearby resident to the site, I wish to OBJECT to the proposed development on the grounds that it is overdevelopment of an unsuitable site, it is completely out of character with the surroundings, and is no smaller than previous applications which have been refused on the grounds of "oversized".</p>
<p>23 Okeley Lane Tring Hertfordshire HP23 4HD</p>	<p>I wish to object to the plan for this site. There has been a series of applications made and all have been unsuitable for this plot. In addition since the applications have been made the owner of the land is using the site public verge as a dumping ground for waste</p> <p>The grounds for objection include</p> <p>Building Size- the building proposed is too big and too bulky for the plot and would dominate the plot and surrounding area. The building proposed is actually larger than one previously refused. The new proposal has a larger footprint and footprint depth os larger than existing properties on a significantly smaller plot. As a large, bulky</p>

dwelling it is contrary to Dacorum's Character Area appraisal for Christchurch Road and Windmill way.

Out of keeping with neighbourhood- the dwelling is set too far forward than other properties, even further forward than previous applications. The use of the public verge in the plan and lack of space for soft furnishing means the building would not integrate as part of a row of houses. It would affect the residential area, reducing the sense of space. The new proposal appears to assume cutting back the protected beech tress is acceptable, the drawings on the plan are inaccurate showing placement of these protected trees.

Poor design- overdevelopment of this plot leads to inadequate parking arrangements and poor amenity. Inclusion of a full size second storey and peculiar roof slope, longer ridge roof line, makes the building even more bulky than before.

Negative impact on residential amenity- design is overbearing, overlooking and overshadowing of neighbouring properties due to overdevelopment on the small plot. The house with its large size is too close to surrounding buildings and pavement, leaning to loss of privacy and visual intrusion. The proximity of the pavement is of concern, due to already inadequate parking in this area especially at weekends.

Dear Planning,

I am sending this email to say that I continue to object to the plans for the above application as the reasons for refusal still remain and have not been addressed by the amendments proposed.

The development is out of keeping with the local area, the plot is at risk of overdevelopment causing considerable overlooking of neighbouring properties.

The property will be overbearing and have a negative impact on the existing street scene and be a risk to pedestrian safety with poor parking planning and access.

The use of the existing public verge is also unacceptable and should not be included in the development.

Kind Regards

I am contacting you following discovery that the above application is being reconsidered.

I wish to object to the new plans as they do not resolve the problems previously commented on.

The new plans would have a significant impact on residential amenity of those living adjacent to the site and also the local area due to the large size and height of building on the site and close proximity to surrounding buildings and the public verge.

Use of the public verge already for dumping waste and digging it up immediately, when plans were previously approved, raise concern that

	<p>this public verge needs protecting not only from being included in the plans but also during the building process.</p> <p>I am writing to continue to strongly object to the development plan of this site. There has been a series of planning applications and sadly all plans presented are still unsuitable for this plot due to the size of building suggested on a small plot. In addition the digging up of the public verge suggests that there is potential for this area of public land to be placed at risk of being absorbed within the build.</p> <p>The house in the revised plan is still the same size, shape and bulk as before, which would dominate the plot and would not be in keeping with houses in the surrounding area. It is bigger than the plan proposed in May 2023 and is not a chalet bungalow. The addition of the cat slide roof brings the build closer to the public verge, filling more of this tight space. Further to this the impact on residential amenity to the surrounding properties would be immense, affecting outlook and privacy.</p> <p>A more simple modest home would be appropriate on this site to match surrounding properties and have less impact on the local area and protect the public verge.</p> <p>I wish to continue to object to the above planning application.</p> <p>The reasons for objection remain despite amendments to the plan.</p> <p>The house proposed is too large for the site and would result in overdevelopment of the plot with a large building crammed into a small plot. The house proposed is not a chalet bungalow and is larger than that rejected in May 23. The cat slide roof brings the property close to the public verge, filling more of the plot. The public verge has already been completely destroyed by previous works on the site and should be reinstated.</p> <p>The residential amenity for nearby properties will be greater affected by overlooking as well as being out of keeping with other properties in the area.</p>
<p>91 Miswell Lane Tring Hertfordshire HP23 4EX</p>	<p>Contrary to many on here that seem to be regurgitating the same and frankly tenuous objections, i am fully in support of this development. Having lived in around the corner for over 25 years, this plot has been begging for a decent development for some time now. This need for development has only increased in recent months as objections from a few 'NIMBYS' prevent works from commencing and consequently leave the site overgrown and ugly. A beautiful dwelling, as shown in the drawings, would be welcome and very much in keeping with the standard of properties along Christchurch road. It would be a shame to see such a site wasted with a small property, especially given the budgets of buyers in the local area. This is exactly what this plot needs</p> <p>To add to this i have noticed a steady flow of youths now littering and loitering on the site. I recall that the builders involved initially erected a protective fence but understand from neighbours that they were ordered to remove this - effectively opening the doors for people to treat the property as if it were public land. This only exasperates the need</p>

	<p>for development to commence as this could surely only cause issues the further this situation exists.</p> <p>I see that the relevant surveys have been conducted with regards to protected trees so see no tangible issue here, contrary to the objection parties 'script'</p> <p>One final point i would make is that i see people commenting about privacy. I am not sure what plans they are looking at but it's clear to me that there are no windows facing either of the neighbouring properties on windmill way and at the rear there is a substantial tree line protecting privacy for the garden to the rear.</p> <p>In summary, i support this application and wish to see this messy site transformed into a beautiful family home.</p>
<p>52 Christchurch Road Tring Hertfordshire HP23 4EJ</p>	<p>Building size: The house is very large in relation to the size of the plot. As a bulky dwelling it is out of keeping with Dacorum's Character Area Appraisal for Christchurch Road and Windmill Way. The proposed building is only about 20 cm less tall than the design that was refused and is in effect 2 storeys and not 1.5.</p> <p>Negative impact on residential amenity - overbearing, overlooking and overshadowing: because of the bulk, height and width on a relatively small plot, it is hemmed in by pavement and protected beech trees. The house is too close to neighbours leading to a completely overbearing aspect affecting nos 38 and 40 Windmill Way and nearby house and causing overshadowing of the house and gardens. The tree canopy shown on the new proposal is shown as reduced in size but that would assume the cutting back of protected beach trees which should not be permitted.</p> <p>Out of keeping with the neighbourhood:</p> <p>It is set too far forward compared to other properties, not in keeping with the original plan to have similar house designs within an open plan setting. It is visually out of keeping with the estate.</p> <p>The driveway to this property would cross the narrowed pathway and grass verge at a relatively sharp bend in the road where cars park outside the shops and for access to the recreation ground and Tring Tornados football pitch and clubhouse. This would create a hazard for children walking to and from the two schools in Christchurch Road.</p> <p>Poor design and lack of amenity space appropriate for a family house. The layout is cramped with poor parking. Any acceptable dwelling should be smaller to allow a better fit and position on the plot.</p> <p>I continue to object to the plan for application 23/01583/FUL; the amendments do not resolve the problems.</p> <p>I believe that the Tring Town Council's previous reasons for refusal have not been addressed by the amendments. It has the same height, footprint and internal area as the June plan.</p> <p>It represents the same level of overdevelopment on this small plot.</p>



It is deeper than the June plan and comes closer to the public verge, so even more overbearing to the street scene.  
The amended plan is still not a 'chalet bungalow' type. It has four bedrooms and three bathrooms on the upper storey.  
It is out of keeping and at odds to the recommendations of pre-application advice.  
There are still pedestrian safety concerns over parking, access and use of the verge.

hand delivered letter

My neighbours XXXXXXXXX have been in touch with me again about the sad saga associated with planning application 23/01583/FUL (land to the rear of 38-40 Windmill Way, fronting onto Christchurch Road, next to the shops).

I am quoting from the letter sent to me by XXXXXX

Last November the Dacorum Borough Council Development Management Committee voted 5-4 to allow this application to go ahead. The planning officer had argued, XXX, that the proposed very large house was somehow now "ok" because the design had been changed by "adding on" an extra long room at the front.

You will also have noticed that afterwards the applicant wasted no time in digging up the grass verge completely; this was supposed to be protected. We raised a formal complaint with DBC about the way this application was handled, citing errors in both plans and process. Separately, DBC found a land ownership problem while doing their final decision paperwork. As a result of these two things the final decision notice had to be paused, and the application has been amended again, with the supposed goal of doing everything properly this time. As such it is back out for consultation with the public and will face a new DMC vote. The plans are virtually unchanged. As a reminder:

- o the house is the same size, shape and bulk as before; still overdevelopment, crammed onto the site;
- o it is bigger than the one that was rejected in May, 2023; and certainly not a chalet bungalow;
- o the latest design was turned into a "cat slide roof" by adding an extra long playroom to the front; this brings it closer to the public verge and actually fills up more of the plot. Preposterously, the case officer claimed this was an improvement - XXXXXXXXXXXXXXXXXXXXX

XXXXXX the house would be right next to the boundary of our rear garden. It would tower four times taller than our fence and stretch the entire width of our garden, dominating our outlook in a completely overbearing way. Please consider whether you could accept this behind your house. If not, then please speak out against it on our behalf.

We are obviously very distressed to have to go through all this again, but now is a chance for our Councillors to properly consider these plans and ask themselves why the planning officer seems so intent on forcing through a large building that will destroy residential amenity for us and the neighbourhood, especially when a far more suitable modest home has already been approved.

	XX XX Best wishes
Lydgate Christchurch Road Tring Hertfordshire HP23 4EF	This new application appears to be materially the same as the previous one and my objections relating to overdevelopment, too big for the plot and too much loss of footpath/increase in traffic risk on an already dangerous corner therefore remain valid. As I have reiterated in respect of the numerous recent applications for this site, I have no objection to a smaller house going on the site as was originally submitted and granted planning permission.
34 Windmill Way Tring Herts HP23 4HH	Yet another planning application for this plot (the 7th in the last five years we believe). Plans for a chalet bungalow were granted twice (2018 & 2021) - anything larger was either withdrawn or refused.  Most of the objections relating to the previous application still apply to this new one. The position of the dwelling is still too close to the boundaries of 40 & 38 Windmill Way.  The planned building is still too large, too bulky, too far forward and overbearing in relation to nearby properties and the street scene. It is still out of keeping with the character of the area.  It is a 2 storey house (not 1.5), especially the rear aspect which will be the view from our property.  The canopy outlines of the protected beech trees do not seem to reflect the reality.  The parking spaces are still very cramped and seemingly inaccessible when all 3 are in use. The entry/exit so near to the public footpath to the recreation ground and also on to a bend in the road could create a safety hazard.  The parking along the street and on the pavement for the local shops, park and football ground means road safety could be an issue.  The inclusion of the grass verge/'amenity land' still concerns local residents. Pedestrian access along the narrow pavement could be compromised.  We object to this planning application and believe it should be refused.  Thank you. Objection The amendments to this planning application do not address our previous objections dated 17 Jul 2023.  The planned dwelling and its parking spaces still form an overdevelopment of this site.

The front of the house has been moved forward on the plot leaving little space for landscaping while the back (the view from our property) is still two storeys and therefore overbearing and overlooking.

We are confused by the number of upstairs windows at the back. The first floor plan shows two windows while the rear elevation shows three!

Access to the front door seems questionable - across the grass verge or flower beds or between the cramped parked cars.

The property is still out of keeping with the area and overbearing to neighbours both in Christchurch Road and Windmill Way.

We believe this inappropriate application should be refused.  
please see documents tab for letter received by post  
We thought this application had been decided at the Development Management meeting which we attended on 16th Nov 2023.

At the time, we were not impressed with the way the objections were dealt with - it seemed that very little time, attention and scrutiny were given to this particular application.

Now we find that thirteen amended documents dated 6 Feb 2024 have been added. Does this mean that the application was decided on inaccurate information?

As usual we had no notification of these amendments from the council even though our house is next door but one to the plot.

The amended documents include two perspective views and four street scenes which are very misleading, distorted and give an inaccurate impression of size and position.

Please take note of this comment and all our previous objections.  
**STRONGLY OBJECT**

These three latest amendments (after numerous consultations) are apparently due to previous inaccurate measurements.

The length of the garden of 40 Windmill Way has now been altered to 17 metres which means the proposed dwelling is closer than ever.

The separation distance between the proposed building and the three neighbouring houses in Windmill Way (nos 40, 38 & 36) is less than the minimum 23 metres allowed.  
So the application should be refused on this point alone.

The amendments state that there is 'No change to proposed dwelling or proposal site'.  
Change is exactly what all these objections are calling for!

According to the Core Strategy the proposed plan should respect adjoining properties from the point of view of layout, scale, height, bulk.

The inclusion of perspective views and street scenes is misleading and apparently (according to the Case Officer) not necessary for the consultation. (However they are still showing in the documents tab).

Historical decision notices give the following reasons for refusing plans for a chalet bungalow:

'proposed access....is located on a bend in the road and would give rise to conditions prejudicial to highway safety'.

'the siting of the proposed dwelling would cause a severe loss of privacy to the occupiers of adjoining dwellings'.

Below is a summary of our previous objections which are still valid and should be taken into account:

- o overdevelopment of small plot (previously garden).
- o inappropriate size, position, design and layout of proposed dwelling.
- o overlooking of neighbouring properties and gardens leading to a lack of privacy.
- o inclusion of a basement makes this a 3 storey building.
- o cramped parking arrangements on site with no turning space.
- o entry/exit access near public footpath and onto bend in road.
- o pedestrian safety at risk along narrow pavement where cars park for shops, recreation ground and football field.

The strong views of the local community need to be given much more scrutiny and consideration.

Request to Councillors:

Refuse this application...PLEASE!

Again, these amendments are corrections to previous inaccurate measurements.

However they do not address the many valid concerns of local residents and Tring Town Council.

Our previous comments dated 3 April still apply so please refer to those again this time.

They include:

Inappropriate Size - 2 storeys plus a basement, 4 bedrooms, 3 parking spaces all crammed on to a small plot.

Separation Distance between the proposed property and three neighbouring houses in Windmill Way is less than the 23 metres allowed causing overlooking and loss of privacy.

Road Safety - reversing from the property onto a bend beside a public footpath is a cause for concern as is the current parking on the road and pavement for the local shop, salon, football club and recreation ground.

	<p>May I repeat our request to refer to our previous objections dated 3 April. STRONGLY OBJECT</p> <p>Again, these amendments are corrections to previous inaccurate measurements. However they do not address the many valid concerns of local residents and Tring Town Council.</p> <p>Our previous comments dated 3 April still apply so please refer to those again this time.</p> <p>They include:</p> <p>Inappropriate Size - 2 storeys plus a basement, 4 bedrooms, 3 parking spaces all crammed on to a small plot.</p> <p>Separation Distance between the proposed property and three neighbouring houses in Windmill Way is less than the 23 metres allowed causing overlooking and loss of privacy.</p> <p>Road Safety - reversing from the property onto a bend beside a public footpath is a cause for concern as is the current parking on the road and pavement for the local shop, salon, football club and recreation ground.</p> <p>May I repeat our request to refer to our previous objections dated 3 April.</p>
<p>54 Christchurch Road Tring Hertfordshire HP23 4EJ</p>	<p>Please see letter in documents tab please see objection letter in documents tab</p>
<p>5 Sandon Close Tring Hertfordshire HP23 4HX</p>	<p>To who this concerns, I am stringly objecting to the planned build with the above reference.</p> <p>My reasons are detailed below but would also like to point out that this again was submitted during the school holidays. So this is the first time being able to state my objection.</p> <p>1. The proposed build will be completely oversized for the plot and out of keeping with the area. This will also have a detrimental effect on neighbouring properties. I have no objection to the original approved plan for the bungalow - this would suit this plot and the neighbourhood.</p> <p>2, Safety - there is already a parking problem in this area due to the shops and access to the playing field, which creates a hazard when trying to negotiate the parked cars. Adding a large family house with likely many comings and goings will add to the chaos. It should also be noted that this is a walking route for many children to the local schools. A suitably sized bungalow with sufficient parking would not create such a problem in this already congested area.</p>

	<p>It should also be noted that this last application does not seem to be an improvement in any of these aspects compared to the previous applications that have already have been rejected.</p> <p>I hope that my objection, and the objections of others will be taken into consideration in what seems to be an unnecessarily large, imposing and detrimental development of this plot..</p>
<p>40 Windmill Way Tring Hertfordshire HP23 4HH</p>	<p>We continue to object <b>STRONGLY</b> to this application (23/01583/FUL), on the following grounds:</p> <p>1) Size, scale &amp; site coverage / overdevelopment:</p> <p>The applicant is trying to build a 2360sqft detached house. This is over 50% larger than the UK average for that kind of dwelling, and much bigger than other houses on this road.</p> <p>You previously refused a <b>SMALLER</b> building on the same "constrained" site. You cited problems with "siting, layout, site coverage ... scale, height, bulk, landscaping" and said "the resultant cramped nature would result in overdevelopment of this site". You said "Large scale, bulky buildings ... will not normally be permitted".</p> <p>Your refusal report quotes the Pre-Application Advice, explaining the need to reduce the scale of the property: "a single bungalow, chalet bungalow or perhaps a scaled down version of the nearby dwellings with cat-slide roofs would be more appropriate".</p> <p>This new proposal has a cat-slide roof <b>BUT</b> is not "scaled down". It has a larger footprint than the one that you refused. It is deeper, and has more internal area on the ground &amp; first floors. It covers more of the site and comes closer to the boundaries: the layout is objectively more "cramped". The design has changed but this cannot possibly remedy all of the other points you list above.</p> <p><b>AS SUCH</b>, a recommendation now to approve would lack all credibility. It would fly in the face of the Pre-App Advice, your own previous refusal notice, the opinion of Tring Town Council, TCA5 and Policy CS12(g), among others.</p> <p>2) Insufficient separation distance to neighbours</p> <p>Placing such a large house on such a constrained plot inevitably causes harm to neighbours such as us, which is one of the many reasons why overdevelopment is inappropriate.</p> <p>At DMC (Nov 23) you said the separation distance from our rear main family room to the new dwelling's flank wall would be 18.25m (although the plans <b>STILL</b> show this incorrectly, and have other persistent and new errors, which <b>MUST</b> be corrected as per NPPF par 140). This distance is immediately contrary to policy: Local Plan Saved Appendix 3 mandates a <b>MINIMUM</b> separation distance of 23m, in order to safeguard privacy.</p>

At the same DMC, you mistakenly said that there was no such policy for rear-to-side separations, but in DBC's guidance "Development in Residential Areas", definition 2.7.15 makes it clear that the minimum 23m rule DOES apply in cases like ours:

"2.7.15 Rear separation is most commonly the back-to-back distance between houses, although depending upon dwelling configuration (particularly on corners of residential roads), this may [be] the distance from the rear of one dwelling to the side of another."

In your DMC report (par 9.33), you attempted to justify all this by saying "The proposed dwelling has been located close to the boundary with Nos. 38 and 40 Windmill Way to minimise the impact on the TPO'd trees."

IN SUMMARY, if you are being forced to choose between two harms: damaging trees versus breaching policy on separation distances, then this surely means that the dwelling in question is simply too large for the constraints of the plot.

### 3) Impact on outlook and privacy, especially for 40 Windmill Way

Now that we have established inappropriate size and separation distances, the final part of our objection is the appalling effect that this proposal would have on our residential amenity, because of the impact on our outlook and privacy. Many of our neighbours have similar valid concerns.

The proposed dwelling is located just over a metre from our rear fence and would tower over it, being nearly 4 times its height. The flank wall extends the entire width of our garden. The peak of the gable end (and thus full height of the roof) is central to our outlook, square on to our property, and on our sunlit Southern aspect, making it completely inescapable.

In your report to DMC (par 9.28), you said that the proposal passed the "25 degree rule of thumb" but, as you know, this only applies to ambient daylight, and does not constitute a full analysis of outlook. It is simply not good enough for your argument to rely on this.

Then (par 9.33) you falsely conflate "outlook" with "loss of a view", which misrepresents our concerns. This proposal would be disastrous for us: its enormous size and minimal separation would mean we were hemmed-in; enclosed by a gigantic, overbearing wall that dominated our field of vision and made light and sound disturbance a daily problem for our privacy. This is not about a view - it is about a total change of essential character.

And this is not an unsubstantiated claim. It is echoed in the objections of many of our neighbours, but most importantly by DBC's own pre-application advice, which should carry weight in the decision process, and states:

"It is noted that the current outlook for the occupiers of no. 40 Windmill Way is a pleasant, tranquil, natural environment, the nearest dwelling

along Christchurch Road (Midway) being unlikely to be visible. What this means in practice is that no. 40 will be particularly sensitive to the type of change proposed... the proposed dwelling would extend across almost the entire width of no. 40's rear garden. This is a level of development far in excess of what previously granted."

In your DMC report (par 9.33), you inexplicably suggest that the latest design change has "taken account" of our outlook. This is demonstrably untrue. The new cat-slide design is objectively worse for us: the flank wall would now extend across the entire width of our garden, and the removal of roof-hipping means the full ridge height would now tower above us. Our natural environment would be starkly and completely truncated by artificial form.

We appreciate that the Planning Department tries to work proactively with applicants, and is under considerable resource pressure, but in this case we believe you have deviated from your main duty of preventing harm through inappropriate development. The question should not be "how do we get this done?"; it should be "is this appropriate at all?".

IN CONCLUSION, it is clear that this proposal would cause great harm and goes against policy, opinion, and advice. Planning permission for a smaller dwelling already exists, so housing supply is not in question. Given all the points above, it clearly makes no sense to recommend approval of this application and we call on the Council to refuse it. We continue to object **STRONGLY** to this application (23/01583/FUL).

The essence of our argument has not changed, and the full text is available in our earlier objection (06 March 2024):

- 1) The size, scale & site coverage are all too much; and clearly overdevelopment of this constrained plot.
- 2) The separation distance from our house to the development is too small, and contrary to your own policies.
- 3) The impact on our outlook and our sense of privacy are clearly appalling, and recent design changes have only made this worse.
- 4) Permission for a more modest dwelling on the same site already exists, so arguments about housing supply or efficient use of land carry no weight.

Re point (2), these latest drawings show a separation distance of 20.5m, which is the same as shown in the original set of drawings (although those drawings put the boundary fence in the wrong place). This remains well below the 23m **MINIMUM** distance mandated by DBC policy.

Moreover, this must **NOT** be presented as an "improvement" over the 18.25m distance you asserted in the Nov DMC, because your assertion was actually a falsehood. Errors like this have arisen in the decision-making because the applicant's architect failed, multiple times, to show the boundary in the right place. It was only through our hard work that



	<p>these illusory distances were eliminated, and an enforcement nightmare for all parties, including the Council, was avoided.</p> <p>In conclusion, if you again choose to try to take this forward, you are acting contrary to DBC's pre-application advice, your own previous rationale for refusing similar sized schemes, and policies at both the local and national level, as well as the opinion of both residents and the Town Council itself.</p> <p>Given all the points above, it clearly makes no sense to allow this application and we call on the Council to refuse it. We continue to object STRONGLY to this application (23/01583/FUL).</p> <p>The essence of our argument has not changed, and the full text is available in our earlier objection (06 March 2024):</p> <ol style="list-style-type: none"> <li>1) The size, scale &amp; site coverage are all too much; and clearly overdevelopment of this constrained plot.</li> <li>2) The separation distance from our house to the development is too small, and contrary to your own policies.</li> <li>3) The impact on our outlook and our sense of privacy are clearly appalling, and recent design changes have only made this worse.</li> <li>4) Permission for a more modest dwelling on the same site already exists, so arguments about housing supply or efficient use of land carry no weight.</li> </ol> <p>Re point (2), it is noted that the latest drawings show a smaller separation distance (to No 40 Windmill Way) compared to previous drawings. But simple comparisons to other authoritative maps show that the applicant has mangled the layout of the rest of the street to do this, and the drawings are nonsense. Regardless of the many other demerits of this case, you should refuse it on the grounds of inaccurate information: the repeated submission of dodgy plans is making a mockery of the Planning Department.</p> <p>In conclusion, if you again choose to try to take this forward, you are acting contrary to DBC's pre-application advice, your own previous rationale for refusing similar sized schemes, and policies at both the local and national level, as well as the opinion of both residents and the Town Council itself.</p> <p>Given all the points above, it clearly makes no sense to allow this application and we call on the Council to refuse it.</p>
<p>17 Osmington Place Tring Hertfordshire HP23 4EG</p>	<p>I object to this proposed plan as the house is much to high and to big for the proposed area. The very busy corner is already a dangerous corner on football game day, children congregating after school on that corner to and from the corner shop and hairdressers. This also increases the parking along that area of Christchurch Road, the privacy concerns are also in question if a high second floor was to be built then views into other top floor accommodation would not be acceptable including where my premises are near the entrance to the football field</p>

19 Christchurch Road Tring Hertfordshire HP23 4EE	We live in Christchurch and have objected to this numerous times. Nothing has fundamentally changed with this revised application, just tweaks, and our previous objections over almost a year now remain. It is so frustrating that these revised tweaks are even being considered!
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## **APPENDIX C:**

**Copy of previous Development Management Committee report submitted to the meeting on 16<sup>th</sup> November, 2023.**

**ITEM NUMBER: 5a**

23/01583/FUL	Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.	
Site Address:	Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH	
Applicant/Agent:	East	Mr Greg Basmadjian
Case Officer:	Elspeth Palmer	
Parish/Ward:	Tring Town Council	Tring West & Rural
Referral to Committee:	Due to contrary view of Tring Town Council	

## **1. RECOMMENDATION**

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

## **2. SUMMARY**

- 2.1 The application site is located in a residential area of Tring where the proposed development is acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy.
- 2.2 The proposed development is considered to be acceptable in terms of its siting, design, bulk, scale and use of materials and would not detract from the appearance of the street in which it is located. This would be in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 The proposals do not raise any highway safety concerns in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).

## **3. SITE DESCRIPTION**

- 3.1 The application site lies to the west of Christchurch Road and to the rear of Nos. 38 and 40 Windmill Way within a designated residential area of Tring. The site would have a frontage onto Christchurch Road to the east.
- 3.2 The site is currently occupied by a single detached garage and benefits from an access onto Christchurch Road towards the southern end of the plot. There is therefore an existing dropped kerb.
- 3.3 On the eastern side of the site is a wedge of amenity land. Corridors of amenity land are a common feature found on both sides of Christchurch Road and form part of the character of the area.
- 3.4 Just outside of the site and running along the southern boundary is a public footpath leading behind to Osmington Place and behind the properties that front Windmill Way. The amenity land to the south of the footpath has a number of significant Beech Trees which have an extensive crown spread which extends well over the south-eastern part of the site.

## **4. PROPOSAL**

- 4.1 The application seeks full planning permission for demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking/landscaping.

### Background

- 4.2 The principle of utilising this plot of land for new housing has been established by virtue of previous consents, the first of which (4/01783/18/OUT) was granted on 13th September 2018 for the demolition of a double garage and construction of a new chalet bungalow.

- 4.3 In the intervening period between the approval 4/01783/18/OUT and the submission of the subject application a number of applications have been submitted, two of which were subsequently withdrawn.
- 4.4 The first of these applications was 21/00857/OUT related to the construction of a pair of semi-detached dwellings, which was withdrawn on 30th April 2021.
- 4.5 Following feedback received from the case officer, an outline planning permission (21/03021/OUT) was submitted and granted on 18th November 2021 for the demolition of the existing garage and the construction of a detached chalet bungalow.
- 4.6 A more recent application (22/02278/FUL) sought consent for the construction of two detached dwellings. This application was withdrawn on the advice of the Planning Officer, who raised concerns.
- 4.7 A further application 23/00295/FUL for demolition of the existing single storey garage building and construction of 1 no. detached four bedroom dwelling with associated car parking/landscaping was withdrawn due to issues raised by the Case Officer.
- 4.8 The most recent application 23/00693/FUL for demolition of the existing single storey garage building and construction of 1 no. detached four bedroom dwelling with associated car parking/landscaping was refused on the grounds of character, parking and highways.
- 4.9 The current application has sought to address the reasons for refusal.
- 4.10 Amended plans were requested during the course of this application to address the concerns of the Urban Design Officer. Amended plans were submitted and consulted upon.

## **5. PLANNING HISTORY**

Planning Applications:

(4/01783/18/OUT) – Outline planning. Demolition of a double garage and construction of a new chalet bungalow.

*GRANTED – 13<sup>th</sup> September 2018*

21/00857/OUT - Outline planning. Demolition of the existing detached, double garage and construction of a pair of semi-detached dwellings with private gardens and off street parking.

*WITHDRAWN - 30th April 2021*

21/03021/OUT - Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow.

*GRANTED - 18th November 2021*

22/02278/FUL - Demolition of existing single storey garage building. Construction of 2no. detached three-bedroom family dwellings with associated car parking / landscaping.

*WITHDRAWN - 31st August 2022*

23/00295/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

*WDN - 22nd February 2023*

23/00693/FUL - Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

REFUSED - 18th May 2023

## 6. CONSTRAINTS

CIL Zone: CIL2

Pressure: MP

Parish: Tring CP

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

Residential Character Area: TCA5

Parking Standards: New Zone 3

Town: Tring

## 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 (2023)

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

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

Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 – New Housing

CS18 – Mix of Housing

CS26 – Green Infrastructure

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

CS35 – Infrastructure and Developer Contributions

### Saved Policies of Dacorum Borough Local Plan

10 – Optimising the use of urban land

21 – Density of residential development

51 – Development and Transport Impacts

54 – Highway Design

Saved Appendix 3

## Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2022)  
Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), TCA5:  
Christchurch Road and Dundale Road.

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

- 9.2 Policy CS1 of the Dacorum Core Strategy states that market towns, such as Tring, will accommodate new development for housing, employment and other uses.
- 9.3 Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.
- 9.4 Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.
- 9.5 Saved DBC Local Plan Policy 10 seeks to optimise the use of available land within urban areas.
- 9.6 The principle of a new dwelling in this location is therefore acceptable and has been established through the granting of outline planning permission in 2018 and again in 2021 (21/03021/OUT). The main issues of consideration relate to the effect of the development on the street scene and the potential impacts on the residential amenity of neighbouring properties and significant trees.

### Quality of Design / Impact on Visual Amenity

- 9.7 The NPPF states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Core Strategy seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.8 The site resides within residential character area TCA5: Christchurch Road and Dundale Road according to Dacorum's Area Based Policies Supplementary Planning Guidance (SPG) (2004), which is described as a large, broadly low density area of mainly detached and semi-detached predominantly two storey houses of a variety of ages and designs, based on Christchurch Road and Dundale Road and numerous roads and cul-de-sacs leading off from them.

The design of the housing in this area is identified as:

*“Design: Extensive variety throughout .... Parts of the area have been developed in blocks, groups and separate streets with distinct design characteristics.”*

The development principles set out:

*“Housing Design: No special requirements....*

*Type: A variety of dwelling types are acceptable, but proposals should relate well in terms of the type, design, scale, bulk and layout of nearby and adjacent development.*

*Height: Should not exceed two storeys.*

*Size: Medium sized dwellings are appropriate. Large scale, bulky buildings will not normally be permitted.*

*Layout: The existing layout structure should be maintained. Dwellings should normally front the highway with gardens provided to their front and rear. Building lines, where present should be followed.....*

*Density: Should be compatible with the existing character.” “Mainly within the low density range (15-25 dwellings/ha).”*

#### *Housing Design and Type*

- 9.9 The predominant character of dwellings near to the site facing Christchurch Road to the south include two storey detached dwellings with a hipped roof, attached single garage and modest front porch – with a 3 window width at first floor. Hanging tiles and render at ground floor. Chalet bungalows are located opposite the shops located on Christchurch Road adjacent to the site. Further along Christchurch Road to the south but on the opposite side is a two storey dwelling with a cat-slide roof and further to the north on the opposite side of the site are two dwellings with a cat-slide roof similar to the design of the current scheme. More dwellings with this design are found further along this part of the road. The other dwellings follow a similar scale to the nearby dwellings but are brick and tile with a gable facing the road. The dwellings along Windmill Way are predominantly two storey semi – detached dwellings with render and cladding. There is a clear building line with the majority of dwellings being set back from the road with enough space for the parking of vehicles off street. All these dwellings are of a width to accommodate two or three windows at first floor.
- 9.10 The proposal seeks permission for a large two storey detached dwelling with 4 bedrooms and a basement area for a home cinema/gym, games room and patio area.
- 9.11 The proposed design of the new dwelling does correlate with local examples. The cat slide roof with gable ends directly replicates the design of local examples which all follow the same structural rules: the ridge height meets the lowest eave height in a single line creating a simple and clean roof form.
- 9.12 The dormer to the front roof slope has a flat roof which responds to and reflects the local character and architecture. The windows on the upper floor sit beneath the eave height of the upper eave level which is also in character with the local character.
- 9.13 It is considered that the proposed dwelling is sensitive to and responds to the local vernacular well.

- 9.14 The street scene plans provided by the applicant show that the proposed new dwelling will have a similar ridge height to the adjacent shops and those dwellings along Windmill Way.
- 9.15 Whilst acknowledging that the proposed new dwelling is large the amended plans show a dwelling which is less bulky than the one previously refused due to the design of the front elevation being broken up and of a design which is in character with other dwellings in the street scene.

#### *Layout*

- 9.16 The proposed dwelling does front the highway with gardens to the front and rear.
- 9.17 The dwelling is located towards the front of the site but will be set back from the public footpath by 10.5 metres at the furthest point and 7 metres at the shortest point. This includes a large corridor of amenity land which is not to be included in the residential curtilage. The amenity land is located approx. 1.5 metres away from the front Porch and 3.5 metres away from the front elevation of the proposed dwelling at the point closest to the side boundary with No. 40 Windmill Way. The retention and protection of the amenity land will be covered in more detail below.
- 9.18 This kind of setback is similar to that found further north on Christchurch Road. Due to this setback and the 1.5 storey element being closest to the frontage it is considered that the proposed new dwelling will not be visually prominent in the street scene.
- 9.19 The building line along this section of Christchurch Road is varied especially in the immediate vicinity of the site. To the north is a two storey building with shops at ground floor and residential above which is closer to the footpath than the proposed new dwelling. The shops have a hard stand area to the front. The Beech trees to the south of the site restrict views of the building line further south.
- 9.20 The properties beyond the Beech trees "Midway" and "Little Clodan" have a staggered building line.
- 9.21 It is accepted that this scheme is of a similar size to the one refused but the bulk has been reduced and design improved so on balance it is now considered acceptable.
- 9.22 The car parking has now been located further away from the crown spread of the four Beech trees covered by Tree Preservation Orders to avoid the potential for pressure to trim or lop these trees.
- 9.23 It is considered that the proposed dwelling by nature of its design, scale and bulk will be in character with the street scene and not appear visually prominent from the north or south along Christchurch Road as shown in the perspective views provided by the applicant.
- 9.24 The proposed development would therefore be in accordance with CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 130.

#### Impact on Residential Amenity

- 9.25 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties amenity including loss of light and privacy.



### Sunlight and daylight

- 9.26 The nearest dwellings to the proposed new dwelling are No. 40 and No. 38 Windmill Way which are located immediately to the north of the site.
- 9.27 The proposed new dwelling will be located approx. 20.5 metres (when measured from the proposed site plan) away from the rear elevations of No. 40 and 38 Windmill Way but more in line with the rear garden of No. 40 Windmill Way.
- 9.28 The applicant has provided a plan showing the 25 degree test in terms of the rear windows of No. 40 and it is clear that there will be no significant loss of sunlight and daylight to these windows as a result of the proposed new dwelling. Based on this distance away from No. 40 and the scale and change in design to cat slide roof to reduce the impact of the new dwelling it is not considered that there will be any significant visual intrusion to warrant refusal of the application.
- 9.29 Due to the relationship between the new building and the nearest neighbours it is not considered that there would be a significant loss of sunlight and daylight or visual intrusion.

### Overlooking and loss of privacy

- 9.30 In terms of overlooking and loss of privacy, there will be a bathroom window at first floor in the elevation facing No. 40 Windmill Way but this will be conditioned to be non-opening and obscure glazed below 1.7 metres from the finished floor level thus removing any overlooking issues.
- 9.31 An objection was received from No. 40 Windmill Way regarding potential overlooking from the ground floor window in the north-west side elevation. This window at its highest point is 2 metres from the natural ground level so would be in line with the boundary fencing between the two properties. However, due to the raised patio to the rear of No. 40 Windmill Road it is considered that there would be some overlooking towards this window over the fenceline. It is therefore recommended that this window be obscure glazed and non opening from 1.7 metres above the finished internal floor level.
- 9.32 There is also a window in the first floor side elevation facing the public footpath and Beech Trees, this too is to a bathroom and would have obscured glazing, it is not considered that this window will result in overlooking for the nearest neighbour to the south "Midway" due to the distance and the land between.
- 9.33 The new dwelling would change the view and aspect when standing in the back garden of No. 40 Windmill Way but loss of view is not a material planning consideration and shadowing over an area of rear garden is not a reason for refusal. Furthermore, the design has taken account of the impact on outlook from No. 40 Windmill Way. The proposed dwelling has been located close to the boundary with Nos. 38 and 40 Windmill Way to minimise the impact on the TPO'd trees.
- 9.34 The addition of 3 windows at first floor in the rear elevation facing the back gardens of No. 36 and 34 Windmill Way has been raised as an objection in terms of overlooking. It is admitted that the distance between these windows and the rear boundary of 10.5 metres is slightly below the accepted standard of 11.5 and not ideal but due to the direct view being of the rear part of the rear garden of No. 36 and not the immediate garden and amenity space it is not considered that a reason for refusal could be substantiated.
- 9.35 Taking all of this into account, it is considered that the proposed development would not have a significantly harmful effect on the living conditions of the adjacent neighbours and would

comply with the NPPF, Core Strategy Policy CS12 in this regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seek to protect residential amenity.

### Amenity Space

- 9.36 Saved Appendix 3 of the Dacorum Borough Local Plan seeks to ensure that new development retains sufficient private amenity space for future occupiers, stating that private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. It also notes that a reduced rear garden depth may be acceptable in some cases, in particular, for small starter homes or development that backs onto, or is sited within close proximity of open land, public open space or other amenity land.
- 9.37 As a result of the proposed development, the new dwelling (which has a stepped rear footprint) would have a minimum garden depth of 9.5 metres which is below the standard of 11.5 metres stated in Saved Appendix 3. The garden width however is approx. 23.5 metres and there is some garden land adjacent to the house and under the Beech trees.
- 9.38 On balance, it is considered that the size and shape of the garden would result in an area that is functional and the overall garden area is an acceptable size to accommodate the dwelling and not dissimilar in area to others in the locality.

### Density

- 9.39 Saved Policy 21 states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30-50 dwellings per hectare net.
- 9.40 Higher densities will generally be encouraged in urban areas at locations where services and/or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town or local centres.
- 9.41 The site is not located within a town or local centre.
- 9.42 The proposed scheme (according to the figures provided) will result in 14.88 dwellings per hectare which is just below that recommended in the SPG of (15-25 dwellings/ha) and therefore considered acceptable.
- 9.43 The site within the red line comprises two halves of the back gardens of No. 38 and No. 40 Windmill Way and a large portion of amenity land along the frontage of the site, so in terms of size of the site it is similar to others in the area.
- 9.44 It is considered that the site can accommodate one dwelling in terms of density and therefore complies with the SPG in this regard.

### Amenity Land – Grass Verge

- 9.45 The area of amenity land to the front of the site has been included within the red line. This land is amenity land (within the applicant's ownership) and forms part of an important corridor of similar pieces of land along Christchurch Road which add to the verdant character of this part of Christchurch Road. This land is to remain as open land. The most recent proposed site plan 401 Rev B shows a low brick wall/picket fence between the

amenity land and the front garden of the proposed dwelling. This will ensure that the frontage remains open but now allow the front garden to extend into the amenity land.

9.46 In order to maintain this land as open amenity land a condition is recommended requiring the land to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden.

9.47 It is also recommended that a condition be placed on any approval requiring a plan showing the boundary treatment between the front garden and the amenity land.

### Impact on Highway Safety and Parking

#### Highway Safety

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

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

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

9.50 The application proposes the retention of the existing access and dropped kerb.

9.51 Hertfordshire Highways stated that subject to the inclusion of a number of informatives, they do not wish to restrict the grant of planning permission.

#### Parking

9.52 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid 'large areas dominated by car parking'.

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

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

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

.....

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

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

4 bedrooms	Allocated	3.0
	Unallocated	2.4

9.56 The proposed site layout indicates that 3 parking spaces with the requisite dimensions (2.4m x 4.8m) are to be provided.

9.57 Para 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

9.58 Based on the information given it is considered that the parking provision meets the standards outlined in the Parking SPD and therefore the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.

9.59 The proposal therefore complies with the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

#### Other Material Planning Considerations

##### *Sustainability*

9.60 CS29: Sustainable Design and Construction states that for specified types of development applicants should provide a Sustainability Statement. A sustainability checklist was not submitted with the application. It is recommended that a condition be included which requires the submission of a sustainability checklist.

##### *Contaminated Land*

9.61 The Contaminated Land Officer has advised that the development will not result in a change of land use and there is no former land use on or immediately adjacent to the application site that would be expected to result in ground contamination. As such the proposed development is not expected to introduce any new pathways of exposure to contamination and in any event the historical land use of the site as residential since it was first developed suggests that contamination would not be expected.

9.62 As such, it is considered that a contaminated land 'discovery' planning condition and several informatives will be sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.

##### *Environmental Health*

9.63 Environmental Health were consulted on this application and had no objections with regard to noise, odour or air quality but recommended that several informatives be added to any approval.

##### *Waste and Water*

9.64 Thames Water had no comments to make on the proposal.

#### *Impact on Trees and Landscaping*

9.65 Due to the location of at least 4 significant Beech Trees (covered by a TPO) to the south of the site adjacent to the public footpath Trees and Woodlands were consulted. The Trees and Woodlands Officer responded by stating that the details of mitigation - submitted with the application - to lessen the detrimental impact of the development on these trees is in accordance with current best practice and will afford appropriate protection for the trees.

9.66 The Trees and Woodlands Officer was satisfied that the proposed basement would not affect/encroach into the Root Protection Area of the Beech Trees. The amended plans now show the parking has been moved away from underneath the crown spread of the trees. It is considered that the cars will no longer be subject to bombardment by debris and bird droppings which would have led to pressure for constant and potentially disfiguring, tree pruning to the detriment of trees deemed worthy of protection.

9.67 Condition regarding compliance with submitted details regarding tree root protection.

#### *Refuse / Waste Collection*

9.68 Provision will 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. It is recommended that a condition be included on any approval requiring a plan showing on-site bin-refuse within 25 m of the kerbside/bin collection point.

#### *Pressure MP – Gas Main Buffer Zone*

9.69 As there is a Gas Main Buffer Zone to the front of the site Southern Gas Network have been consulted – their comments will be placed in the Addendum or reported to the meeting.

#### Response to Neighbour Comments

##### Comments from Local Residents

9.70 Objections received from local residents on the amended plans included:

- development overbearing, imposing, too big by height and width;
- positioning of the building butted up closely to the land boundary with the rear of the houses along Windmill Way;
- comes closer to the green verge making it more overbearing and impacts on the sense of spaciousness;
- inadequate parking and access due to bend in the road;
- parked cars very prominent from the public realm;
- the site is located on a dangerous bend in the road;
- increase in traffic;
- potential hazard to pedestrian safety;
- loss of light and privacy;
- more open space needed on the development;
- out of keeping with character of the area
- site is too small - overdevelopment;
- Close to adjoining properties;

- Increase of noise nuisance and pollution;
- Strain on existing community facilities;
- Damage to tree roots from parking vehicles;
- Narrowing of the pavement; and
- Affects local ecology;

- 9.71 The above material planning considerations have been discussed in the main body of this report.
- 9.72 Objections to the previous plans submitted with the application can be found in the Appendix to this report.

#### Comments from the Parish Council

- 9.73 The Council recommended REFUSAL to this application on the same grounds as before i.e.: out of keeping, overdevelopment within the plot, overlooking the neighbours, negative impact on the street scene, overbearing and pedestrian safety concerns.
- 9.74 These points have been addressed above in the section covering Quality of Design / Impact on Visual Amenity and Impact on Residential Amenity.

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

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

#### *Chiltern Beechwood Special Area of Conservation*

- 9.76 Following a letter from Natural England on the 14<sup>th</sup> March and publication of the Footprint Ecology Report, the Council was unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme had been undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.
- 9.77 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.
- 9.78 The development would cause additional recreational pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

#### **PLANNING BALANCE**

- 9.79 Paragraph 11 of the NPPF states the following:

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

.....

.....  
.....

*For decision making this means:*

....

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

....

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

- 9.80 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.81 It is acknowledged that the Council cannot demonstrate a five year housing land supply and that the presumption in favour of sustainable development – otherwise known as the ‘tilted balance’ – is applicable in this instance.
- 9.82 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.
- 9.83 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted. The tilted balance is engaged in this instance and thereby a material consideration, weighing positively in support of the application taking account of all other material considerations.
- 9.84 In this instance there is no dispute that the principle of residential development is acceptable and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

## **10. CONCLUSION**

- 10.1 The principle of a new dwelling in this location is acceptable.
- 10.1 The proposed development will integrate with the streetscape character and respect adjoining properties in terms of siting, layout, site coverage, design, scale, height, bulk and landscaping.
- 10.2 By nature of the above the proposed scheme would not have a detrimental impact on the character and appearance of the wider street scene and would be in compliance with policy CS11, CS12 and adopted Area Based policies guidance SPG and NPPF Paragraph 130.
- 10.3 It is considered that the proposed development would not harm the living conditions of the adjacent neighbours and would comply with the NPPF, Core Strategy Policy CS12 in this

regard and Saved Appendix 3 of the Local Plan, which together amongst other things, seeks to protect residential amenity.

- 10.4 The proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks.
- 10.5 The proposal is therefore in compliance with Saved Policy 51, the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

## **11. RECOMMENDATION**

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

### **Condition(s):**

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:**

**Site Location Plan**  
**Proposed Site Plan 401 Rev B**  
**Proposed Floor Plans 402 Rev A**  
**Proposed Floor Plans 403 Rev A**  
**Proposed Elevations 404 Rev A**

**Perspective View North**  
**Perspective View South**

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

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

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



4. **The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

Reason: To accord with the approved plans and for the avoidance of doubt.

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

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

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

6. **Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the “low brick wall/picket fence” and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023).

7. **The window at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2023).

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure with specific reference to the boundary treatment between the house and the amenity land;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

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

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

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

9. **Works must then be carried out according to the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March, 2023 by GHA Trees.**

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 (2023).

10. **Prior to the occupation of development hereby permitted, details of refuse storage for domestic refuse/recyclable materials and collection arrangements shall be submitted and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated refuse storage area as approved. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent highway obstruction in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

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

**Schedule 2  
Part 1 Class A, B, D, E and F**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system.

12. **No construction of the superstructure shall take place until a sustainability checklist providing details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2023).

#### **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.

5. 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 overflows 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 website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
6. The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.
7. 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.

8. 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.
9. 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.
10. 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.

11. 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>
12. 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
13. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.  
The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2023.

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

# Agenda Item 5e

ITEM NUMBER: 5e

23/02934/FUL	Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two.	
Site Address:	Grey mantle, Hempstead Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0HF	
Applicant/Agent:	Mr Ben Sterling	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Bovingdon Parish Council	Bovingdon / Flaunden / Chipperfield
Referral to Committee:	Contrary to Parish Council's recommendation and called in by Councillor Riddick.	

## 1. RECOMMENDATION

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

## 2. SUMMARY

- 2.1 The proposal for residential development of the site is acceptable in principle as the site lies within a designated residential area and a sustainable location within the village envelope of Bovingdon, proximate to the local centre and associated facilities. There is strong policy support for housing provision and the optimisation of urban land.
- 2.2 The development is considered to be acceptable in layout terms and with respect to the impact on the appearance of the street scene. There are numerous examples of semi-detached properties within the vicinity. As such the proposed density and scale of development would be acceptable in its context whilst maintaining the character of this part of the street scene.
- 2.3 The proposals would not result in any detriment to the amenities of neighbouring property in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 2.4 Car parking provision would be sufficient. Access arrangements would be satisfactory and the highway authority have not raised concern with regards to traffic generated by the development or highway impacts. 2.1.3
- 2.5 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13 CS17, CS18, CS29, and CS35 of the Dacorum Core Strategy (2006-2031), saved Policies 10, 18, 21, 51 of the Dacorum Borough Local Plan (1991-2011) and the NPPF (2023).

## 3. SITE DESCRIPTION

- 3.1 Grey mantle is located to the north-west of Hempstead Road, within the residential area of Bovingdon. The site comprises a two-storey detached property situated on an 'L-shaped' plot with an area of 1,085m<sup>2</sup>. Parking provision is available on the gravel 'U-shaped' driveway to the front of the dwellinghouse and within the attached garage.

3.2 Hempstead Road is characterised by semi-detached and detached houses of varied architectural style and size. Properties on the north-west side are set in a linear build line, forming a soft edge to the Green Belt and settlement boundary to the rear.

#### **4. PROPOSAL**

4.1 The application seeks full planning permission for demolition of existing garage and single storey rear/side elevations, addition of new two storey rear/side extension and conversion from one dwelling to two.

4.2 The existing driveway would be split to provide two car parking spaces per unit. The development would incorporate private gardens and bin storage areas to the rear.

#### **Background**

4.3 4/00525/19/FUL granted planning permission for demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) on 1<sup>st</sup> May, 2019 subject to conditions.

4.4 An appeal was made against condition Nos. 4, 6, 8 and 9 regarding removal of some PD rights, landscaping, obscured glazing and a contaminated land discovery condition.

4.5 The appeal was allowed in part.

*The Inspector recommended “that the appeal should be allowed in so far as the removal of condition 9, which I consider to not be reasonable and necessary, the replacement of conditions 4 and 6 with conditions better suited to protecting the character and appearance of the site and its surroundings, and the replacement of condition 8 with one which is more reasonable in its protection of neighbouring living conditions.”*

4.6 This application is an amended version of the approved application 4/00525/19/FUL.

4.7 4/01390/18/FUL Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) went to Development Management Committee with a recommendation for approval – the recommendation was overturned and refused on the grounds of loss of amenity for Ivydene and highways issues.

4.8 The applicant appealed against non-determination before the application was determined and the appeal was dismissed.

4.9 Whilst the Inspector found that the proposal would not harm highway safety, it was considered that it would significantly and demonstrably harm the living conditions of the occupants of Ivydene, with particular regard to privacy. The bedroom window with clear glass would give rise to a greater level of overlooking than a bathroom window.

4.10 Both of these appeals accepted that in principle an additional dwelling on the site is acceptable.

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

5.1 Planning Applications (If Any):

19/02679/FHA - Two storey and part first floor part two storey side extensions and two storey rear extension.

*GRANTED - 23rd January 2020*

21/04703/LDP - Loft extension, removal of chimney stacks and two outbuildings.

*GRANTED - 30th December 2022*

22/00869/FHA - Construction of two outbuildings

*REFUSED - 1st December 2022*

22/00882/FHA - Demolition of garage, side extension and loft conversion

*GRANTED - 15th February 2023*

22/00883/LDP - Construction of 2 outbuildings

*REFUSED - 23rd November 2022*

23/00736/FHA - Construction of two outbuildings

*REFUSED - 16th May 2023*

23/02620/LDP - Loft extension, removal of chimney stacks and construction of two outbuildings -  
WITHDRAWN

23/02935/FHA - Demolition of garage, side extension and loft conversion

*REFUSED - 12th February 2024*

23/02937/LDP - Two Outbuildings

*COUNCIL DECISION TO REFUSE (Issued after appeal against non-determination) - 15th May 2024*

23/02938/FHA - Creation of underground parking.

*REFUSED - 12th February 2024*

4/01553/19/FUL - Demolition of garage and construction of two detached two-bed dwellings

*REFUSED - 23rd August 2019*

4/01552/19/FUL - Demolition of garage and construction of two, two-bed dwellings

*REFUSED - 11th October 2019*

4/00525/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)

*GRANTED - 1st May 2019*

4/00519/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)

*REFUSED - 1st May 2019*

4/00242/19/OUT - Construction of up to two new dwellings

*REFUSED - 1st April 2019*

4/02305/18/FUL - Demolition of existing garage and rear/side extensions. Replace with new rear/side extension and conversion from one dwelling to two

*WITHDRAWN - 20th December 2018*



4/01390/18/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)  
*REFUSED - 17th September 2018*

4/00282/18/FUL - Construction of two 3-bed semi-detached dwellings and replace garage with gates (amended scheme)  
*REFUSED - 18th June 2018*

4/02926/17/FUL - Construction of 2 semi-detached dwellings and demolition of existing garage to create site access  
*REFUSED - 22nd January 2018*

4/01598/16/FHA - Dropped kerb  
*GRANTED - 29th September 2016*

4/00592/14/FHA - Single storey side and rear Extension.  
*GRANTED - 16th May 2014*

4/02071/10/FHA - Single storey rear/side extension  
*GRANTED - 12th January 2011*

4/00048/04/FHA - Single storey garage extension with added access  
*GRANTED - 13th February 2004*

4/01550/01/FHA - Garage  
*GRANTED - 10th October 2001*

## 5.2 Appeals (If Any):

20/00011/REFU - Demolition of garage and construction of two detached two-bed dwellings  
*DISMISSED - 14th August 2020*

23/00022/REFU - Construction of 2 outbuildings  
*INPROG -*

23/00023/REFU - Construction of two outbuildings  
*WITHDRAWN - 20th March 2023*

23/00058/REFU - Construction of two outbuildings  
*INPROG -*

4/00525/19/FUL - Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)  
*PARTLY ALLOWED - 2nd March 2020*

4/00519/19/FUL - Development Appeal  
*- 29th July 2019*

4/01390/18/FUL - Development Appeal  
*- 5th March 2019*

4/02926/17/FUL - Development Appeal  
*- 29th January 2019*

4/00282/18/FUL - Development Appeal  
 - 12th June 2019

5.3 The following table provides a summary of the appeal history of the site:

<b>Development</b>	<b>LPA Application Ref</b>	<b>LPA Appeal Ref</b>	<b>Appeal Decision</b>
A) The following relate to the construction of two new dwellings in the rear garden:			
Construction of 2 semi-detached dwellings and demolition of existing garage to create site access	4/02926/17/FUL	4/02926/17/FUL	DIS
Construction of two 3-bed semi-detached dwellings and replace garage with gates (amended scheme)	4/00282/18/FUL	4/00282/18/FUL	DIS
Demolition of garage and construction of two detached two-bed dwellings	4/01553/19/FUL	20/00011/REFU	DIS
B) The following relate to the conversion of the existing house into two dwellings:			
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)	4/01390/18/FUL	4/01390/18/FUL	DIS
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units)	4/00519/19/FUL	4/00519/19/FUL	DIS
Demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (total 2 units) – Appeal against conditions 4, 6, 8 and 9	4/00525/19/FUL	4/00525/19/FUL	ALW (in part)
C) The following relate to the construction of two outbuildings in the rear garden:			
Construction of 2 outbuildings	22/00883/LDP	23/00022/REFU	IN PROGRESS
Construction of two outbuildings	22/00869/FHA	23/00023/REFU	INVALID
Construction of two outbuildings	23/00736/FHA	23/00058/REFU	IN PROGRESS
Two Outbuildings	23/02937/LDP	24/00033/NONDET	IN PROGRESS

5.4 Overall, the site has an extensive planning history. It can be seen from the above that:

- various schemes to extend the existing house have been granted.
- One application to convert the existing house into two was granted, but that permission has since expired.
- No applications to construct two dwellings or two outbuildings in the rear garden have been granted or allowed on appeal.

## 6. CONSTRAINTS

CIL Zone: CIL2

Heathrow Safeguarding Zone: LHR Wind Turbine

Large Village: Bovingdon

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

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

Parking Standards: New Zone 3

EA Source Protection Zone: 3

## 7. REPRESENTATIONS

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## 8. PLANNING POLICIES

### Main Documents:

National Planning Policy Framework (2023)

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

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

### Relevant Policies:

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 - Sustainable Transport

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17 - New Housing

CS18 - Mix of Housing

CS29 - Sustainable Design and Construction

CS32 – Air, Soil and Water Quality

CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (DBLP)

Policy 10 - Optimising the use of Urban Land  
Policy 18 - Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 129 - Storage and Recycling of Waste on Development Sites

Appendix 1 - Sustainability Checklist  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision Appendices

Supplementary Planning Guidance/Documents:

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Accessibility Zones for the Application of Car Parking Standards (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2022)

Bovingdon Neighbourhood Plan 2022-2038 (March 2024)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

- 9.2 The application site lies within a designated residential area in the large village of Bovingdon where appropriate residential development is encouraged under Policies CS1 and CS4. The site lies within the area covered by the Bovingdon Neighbourhood Plan (March 2024) but as this document has not been adopted yet it carries little weight.
- 9.3 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is located within a designated residential area within the defined village of Bovingdon and would therefore accord with these objectives.
- 9.4 Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle under Policy CS18.
- 9.5 The policy surrounding additional housing in a village and residential location as outlined above is given considerable weight in assessing the proposal.
- 9.6 The principle of increasing the number of residential units on the site is therefore acceptable under the above provisions.

### Quality of Design / Impact on Visual Amenity

- 9.7 The NPPF states that planning policies and decisions should ensure that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policies CS11 and CS12 of the Core Strategy seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.8 The proposed extensions to the detached dwelling would result in two semi-detached dwellings that would appear as one large dwelling on the street scene. Although the parking areas would be separated, only one entrance door would exist on the front of the property, with the other on the flank.
- 9.9 The proposed two-storey extensions would be finished in materials to match the main dwelling, erected level with the ridge height of the main dwelling and would follow the existing roof form to result in a positive relationship with the original dwelling.
- 9.10 The surrounding area is characterised mainly by detached and semi-detached dwellings as visible along the street scene and described in the supplementary planning guidance. However, it is noted that buildings within the street scene vary in appearance.
- 9.11 The proposed extension would be constructed flush with the existing front elevation and would retain a gap between the side elevation and the boundary to prevent a cramped appearance within the site.
- 9.12 The resulting semi-detached dwellings are considered to remain in keeping with the appearance of the main property and wider street scene. The proposed semi-detached properties would therefore achieve a comfortable degree of compatibility within its context and would not appear unduly prominent. The semi-rural and suburban characteristics of the vicinity would be retained.
- 9.13 The above factors are considered indicative of a development that has responded positively to the character of the street scene and surrounding area that would accord with the aims of Policies CS11 and CS12.

### Proposed Density

- 9.14 Reference should be made to the policy support for housing outlined above and regard should also be given to the provisions of saved DBLP Policy 10 (together with other relevant policies guiding development, for example, Policies CS11 and CS12).
- 9.15 Saved Policy 10 states that (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.
- 9.16 The application site lies within the area identified as a semi-rural zone within the Urban Design Assessment for Bovingdon (2006). In these areas a very low to low density is typical and ranges between dwellings per hectare. The proposed on-site density would equate to 18 dwellings per hectare, resulting in a density commensurate within the 'very low' range stipulated in the above guidance.
- 9.17 The design guidelines for the semi-rural zones set out that the recommended densities should generally be low to medium density and importantly the proposal would conform with

this vision for this part of Bovingdon. This is echoed by saved Policy 21 of the Local Plan which also states densities should fall within this range.

- 9.18 It is important to note that numerical density is one factor and should be balanced against other considerations in order to determine whether the development would provide a satisfactory design response to the surrounding area.

#### Proposed Layout

- 9.19 The existing building directly fronts Hempstead Road, set back from the pavement by a suitable distance of approximately 9m. This distance is similar to the neighbouring residential units, which display a fairly consistent build line to the road.
- 9.20 The plot width, measuring around 17.5 m, is approximately 9m wider than neighbours either side. The double width plot would allow for the building to be enlarged whilst maintaining sufficient space around the building (separation distances of 1m and 4.6m either side).
- 9.21 The proposed 1m separation distance between Greymantle and Parkhurst would not be uncommon within the context of the street scene. Rose Cottage and Glenhurst have both been enlarged with two-storey side extensions, leaving 1m separation distances between the properties and their boundaries. Glendale and Old Orchard House are similar. Parkhurst has extended at ground-floor level up to the boundary line.
- 9.22 Overall, the net increase in building footprint would not raise any concerns in this location. Spacing around the building and to its boundaries would be appropriate so that the semi-rural pattern of development is retained. There would be no significant encroachment of development within the rear portion of the site. As such, the proposal would maintain the gentle transition from the built form within the site to the field designated as Green Belt land to the north-west.
- 9.23 Turning to the living conditions of future occupiers the garden areas would be functional and of a depth and size compatible with those on Hempstead Road. The amenity space provision would exceed local standards and is further indicative of appropriate development on this plot.

#### Impact on Residential Amenity

- 9.24 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties amenity including loss of light and privacy.

##### *Loss of Light*

- 9.25 The daylight and sunlight tests normally used by Local Planning Authorities are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022)'. The BRE guide gives two helpful rules of thumb (25° or 45° tests) which determine whether or not further detailed daylight and sunlight tests are required.

- 9.26 The proposed two storey side extension will be approximately 1 metre from the side boundary with the neighbour Parkhurst. This property has a side extension which is the old garage (now a gym) with a roof extension above comprising an ensuite bathroom. The velux windows on the side roof serve the ensuite bathroom. The front dormer window above the garage is blocked off (as the shower is in there). The window to the rear of the garage upward extension serves a dressing room. None of these rooms are considered habitable rooms so there is no requirement to assess the impact of the proposed scheme on the sunlight and daylight reaching these windows.
- 9.27 A proposed site plan with a 45 degree assessment has been submitted as additional information which demonstrates that the windows in the rear elevation of Parkhurst will not have a significant loss of sunlight and daylight as a result of the proposed scheme.
- 9.28 However the window just below the eaves on the side elevation of Parkhurst serves a bedroom. With the separation distance between this window and the proposed flank elevation of the two-storey side extension and the height of the window above ground it is not considered that there will be a significant loss of sunlight and daylight or visual intrusion as a result of the proposed scheme.
- 9.29 The neighbour to the north Ivydene has one small secondary window which serves a sitting room in the ground floor side elevation facing the site which will be set well away from the proposed flank elevation of the proposed development. The gap between the proposed flank elevation and the existing side boundary will be approx. 4.5 metres – where the existing garage is located and then a further gap of similar width on the Ivydene side. Due to the separation distance and the location of this window in relation to the sun's path it is considered that there would not be a significant loss of sunlight and daylight for this window. There is an additional window facing the site just over the boundary fence which serves a dining room and then a kitchen window further to the rear. The kitchen has another window which faces into the rear garden.
- 9.30 In conclusion, based on the siting of the side elevation of Ivydene, the degree of separation from the proposed development and the fact that the kitchen has an additional window it is not considered that there will be a significant loss of sunlight and daylight as a result of the proposal.

#### *Loss of Privacy*

- 9.31 A previous application on this site resulting in an additional dwelling that was dismissed on appeal on the grounds of loss of privacy had first floor windows in the side elevation facing Ivydene which served a bedroom – the current scheme does not have any first floor windows serving bedrooms – they serve an ensuite and a bathroom.
- 9.32 No first floor side windows are proposed on the south-western side elevation facing Parkhurst so there will be no overlooking towards this neighbour.
- 9.33 The two first floor windows in the side elevation facing Ivy Dene will be retained although they will serve a bathroom and ensuite instead of a bathroom and a bedroom. Due to the windows being existing it does not seem reasonable to condition them to be non-opening and obscure glazed.
- 9.34 The new windows proposed to the rear would not face any neighbouring windows. The proposal would therefore avoid unreasonable overlooking into windows or main areas of private open space and is felt to comply with CS Policy CS12.

## Summary

- 9.35 The information above demonstrates that there would be no significant adverse effects in terms of visual intrusion, overlooking or loss of privacy. With regards to residential amenity, the proposal accords with Policy CS12 (CS); saved Appendix 3 (DBLP); NPPF; and the aforementioned BRE lighting guidance.

### *Permitted Development Rights*

- 9.36 Due to the increase in the scale of property it is felt that certain permitted development rights should be removed, specifically Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered reasonable to remove permitted development rights for roof enlargements due to potential loss of light and visual intrusion that could occur to Parkhurst's second-floor flank window.

### Impact on Highway Safety and Parking

#### Highway Safety

- 9.37 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:
- the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
  - the environmental and safety implications of the traffic generated by the development.
- 9.38 Policy CS12 of the Dacorum Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.
- 9.37 The application proposes the retention of the existing accesses and dropped kerb arrangement.
- 9.39 Hertfordshire Highways stated that subject to the inclusion of a number of informatives, they do not wish to restrict the grant of planning permission.
- 9.40 It is also concluded that based on highway safety being considered acceptable for the other applications resulting in two dwellings, including the Inspector for the dismissed appeal stating that the proposal would not harm highway safety, and the site being in a sustainable location for an additional dwelling unit, there are no highway safety issues.

#### Parking

- 9.41 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing. Whilst Policy CS12 makes clear that sufficient parking should be provided on site, Policy CS11 makes clear that development should avoid 'large areas dominated by car parking'.
- 9.42 The Parking Standards Supplementary Planning Document was formally adopted on 18<sup>th</sup> November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.



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

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

.....

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

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

Dwelling 1	Allocated	2.25
3 bedrooms	Unallocated	1.8

Dwelling 2	Allocated	2.25
3 bedrooms	Unallocated	1.8

9.45 The proposed scheme would therefore require 2.25 parking spaces per dwelling.

9.46 The proposed site layout indicates that 2 parking spaces for each dwelling with the requisite dimensions (2.4m x 4.8m) are to be provided.

9.47 Para 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

9.48 Based on the information given it is considered that the parking provision for the two dwellings has a shortfall of 0.5 spaces. This shortfall is considered inconsequential as its only part of a parking space. So based on the above it is therefore concluded that the proposed new dwelling would not have an adverse impact on parking and highway safety in the surrounding road networks. It is also worth noting that the schemes for the conversion into two dwellings were not dismissed on appeal on highway / parking grounds, and as such the same conclusion is also reached here.

9.49 The proposal therefore complies with the Parking Standards SPD and Policy CS8 and CS12 of the Core Strategy 2013.

#### *Other material planning considerations*

#### *Environmental Health*

#### Noise, Odour or Air Quality

9.50 The Environmental Health Officer was consulted regarding this application and raised no objections or concerns re: noise, odour or air quality. However it is recommended 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.

#### Contaminated Land

- 9.51 The Contaminated Land Officer was consulted on the application and raised no objection to the proposed development.
- 9.52 Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.
- 9.53 As the Inspector considered this condition unnecessary it is recommended that the condition be made into an informative.

#### *Thames Water*

- 9.54 Thames Water have no objection to the proposal.

#### *Impact on Trees and Landscaping*

- 9.55 It is considered that no significant trees will be affected by the proposed scheme.

#### *Waste Management*

- 9.56 Waste storage provision shall exist separately for each dwelling to the rear. The future occupiers would need to bring the bins to the front of the property on waste collection day, like the other properties on the street.

#### *Ecology*

- 9.57 HCC Ecology were consulted on the application and raised no objection subject to a discovery informative being added to any permission granted.

#### *Parish Council*

- 9.58 The Bovingdon Parish Council object to the proposal on the grounds that there are inadequate drawings provided to make a decision.
- 9.59 The plans submitted include a site location plan, existing and proposed floor plans and elevations and a proposed site plan showing parking provision and a proposed site plan with 45 degree tests showing sunlight and daylight assessments. These plans are all scaled.
- 9.60 It is acknowledged that there are no windows shown on the existing or proposed floor plans but the elevations do show the windows and it is apparent where they lie within the rooms.
- 9.61 It is considered on balance that the plans are sufficient to make a decision.

#### Response to Neighbour Comments

- 9.62 There were no neighbour objections to the scheme.

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

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

*Chiltern Beechwood Special Area of Conservation*

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

9.65 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.66 The development would cause additional reactional pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

**PLANNING BALANCE**

9.67 Paragraph 11 of the NPPF states the following:

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

.....  
.....  
.....

*For decision making this means:*

....

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

....

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

9.68 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

9.69 It is acknowledged that the Council cannot demonstrate a five-year housing land supply and that the presumption in favour of sustainable development – otherwise known as the 'tilted balance' – is applicable in this instance.

- 9.70 However, as re-affirmed in the Court of Appeal case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA*, the NPPF remains subordinate to the principle established in section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires decision makers to make their decisions in accordance with the development plan unless material considerations indicate otherwise.
- 9.71 The tilted balance remains a material consideration and essentially increases the chance of planning permission being granted, with decision makers looking more benevolently on such applications, but it does not guarantee that permission will be granted. The tilted balance is engaged in this instance and thereby a material consideration, weighing positively in support of the application taking account of all other material considerations.
- 9.72 In this instance there is no dispute that the principle of residential development is acceptable and there are no other planning matters which weigh in favour of a refusal such that planning permission should be granted.

## 10. CONCLUSION

- 10.1 The proposal to extend and split the existing detached dwelling into a pair of semi-detached properties on this site would represent appropriate development, as demonstrated by previous planning permissions for such proposals. The proposal would not compromise the semi-rural characteristics of the locality and would not give rise to significant highway safety concerns. There would be no serious impacts on visual or residential amenity. As such, the development would be in accordance with the aims of the NPPF, Policies CS1, CS4, CS10, CS11, CS12, CS25, CS29 and CS31 of the Dacorum Core Strategy 2006- 2031, saved Policies 10, 13, 18, 21 and 99 of the Dacorum Borough Local Plan 1991- 2011 and the other associated guidance mentioned within this report.

## 11. RECOMMENDATION

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

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

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

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

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

**Site Location Plan**  
**Proposed Elevations PE1**  
**Proposed Elevations PE2**  
**Proposed Site Plan PS1 received 17th January, 2024.**  
**Proposed Floor Plan PF1**

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

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

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

**Schedule 2, Part 1, B**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the adjacent neighbours and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (December 2023).

**Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. 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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the

developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### WATER:

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.

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

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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.

5. 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.

6. 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.
7. 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.
8. 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 NO<sub>x</sub> emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO<sub>x</sub>/Kwh or consideration of alternative heat sources.

9. 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>
10. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

11. AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
  
12. AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC) dated 25.1.24	<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.</p> <p><u>Informatives:</u> 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) 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: <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>



AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the conversion of the existing single dwelling into two semi-detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense. There are no highway works proposed.

#### Parking/Access

The applicant proposes 2 car parking spaces situated at the front of each property (a total of four). Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.

The superseded plans demonstrate that vehicles for all parking spaces can enter and leave the property in forward gear in a safe manner. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.

#### Conclusion

	<p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
<p>Hertfordshire Highways Dated 12.1.24</p>	<p><b>Recommendation</b></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.</p> <p><b>Informatives:</b></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: - these are the same as above with the addition of:</p> <p>AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.</p> <p><u><b>Comments</b></u></p> <p>The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the conversion of the existing single dwelling into two semi-detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense.</p> <p>There are no highway works proposed.</p> <p><u><b>Parking/Access</b></u></p> <p>The applicant proposes 2 car parking spaces situated at the front of each property (a total of four).</p> <p>Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.</p> <p>Demolition of the existing garage provides acceptable space for vehicles to turn and exit the right-side property on site in forward gear, however there is insufficient manoeuvrability space on the left side property - resulting in vehicles needing to reverse out. After assessment of existing other properties on Hempstead Road, there are a number of properties where vehicles would have to reverse in/out, therefore this</p>

	<p>access arrangement is not deemed unacceptable. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.</p> <p><u>Emergency Vehicle access</u></p> <p>The proposed extended building would be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates).</p> <p><u>Refuse / Recycling Storage</u></p> <p>Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining driveway / property.</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
<p>Hertfordshire Highways Dated 10.1.24</p>	<p>Proposal</p> <p><b>AMENDED PROPOSAL</b></p> <p>Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two.</p> <p><b>Recommendation</b></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.</p> <p><b>Informatives:</b></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 as listed before:</p> <p>AN1) Storage of materials: AN2) Obstruction of highway: AN3) Debris and deposits on the highway: AN4) Avoidance of surface water discharge onto the highway:</p> <p><u>Comments</u></p> <p>The proposal concerns the demolition of the existing garage and rear/side extension with the construction of new rear/side extension and the</p>

	<p>conversion of the existing single dwelling into two semi-demi detached properties. The property is situated on Hempstead Road, which is a classified B secondary distributor road with a 30-mph speed limit and is highway maintainable at public expense.</p> <p>There are no highway works proposed.</p> <p><u>Parking/Access</u></p> <p>The applicant proposes 2 car parking spaces situated at the front of each property (a total of four). Access to parking for each property is provided by two existing shared dropped kerbs either side of the existing property. There is sufficient depth and width for the provision of two cars for each property without interference with the pedestrian footpath.</p> <p>Demolition of the existing garage provides acceptable space for vehicles to turn and exit the right-side property on site in forward gear, however there is insufficient manoeuvrability space on the left side property - resulting in vehicles needing to reverse out. After assessment of existing other properties on Hempstead Road, there are a number of properties where vehicles would have to reverse in/out, therefore this access arrangement is not deemed unacceptable. As a result, there is no requirement for any alterations to the existing shared dropped kerbs either side of the Greymantle site.</p> <p><u>Emergency Vehicle access</u></p> <p>The proposed extended building would be within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses (and subsequent updates).</p> <p><u>Refuse / Recycling Storage</u></p> <p>Provision would need to be made for an on-site bin store within 30m of the dwelling and within 25m of the kerbside/bin collection, which should be achievable when taking into consideration the size of the remaining driveway / property.</p> <p><u>Conclusion</u></p> <p>HCC as Highway Authority has considered the proposal and concludes that the access and parking arrangements are acceptable. Therefore, the Highway Authority does not wish to restrict the grant of consent.</p>
Hertfordshire Highways Dated 3.1.24	Recommendation OTHER

	<p>Requesting further information</p> <p><b>COMMENTS</b></p> <p>There does not appear to be an application form or site view plan, making it unclear if there are any highway works or new/altered accesses - therefore further information is requested in order to make a full assessment of the acceptability of the proposals.</p>
<p>Environmental And Community Protection (DBC) Dated 12.2.24</p>	<p><u>Contaminated Land</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.</p> <p><b>Contaminated Land - Discovery Condition:</b> Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p><b>Reason:</b> To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><b>Informative: Identifying Potentially Contaminated Material</b></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</p>

	<p>to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.</p>
<p>Environmental And Community Protection (DBC) Dated 26.1.24</p>	<p><u>Contamination</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for an additional dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with advice provided in response to a similar permission for this site that was granted in 2019.</p> <p><u>Contaminated Land - Discovery Condition:</u> Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative: Identifying Potentially Contaminated Material</u></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>Please let me know if you have any questions about this advice and recommendation.</p> <p>This is probably not necessary, but just confirming no change to previous advice given EH has been reconsulted on this.</p>
<p>Environmental And Community Protection (DBC) Dated 8.1.24</p>	<p><u>Contaminated Land</u></p> <p>Having reviewed the planning application and considered the information held by the Environmental and Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>Furthermore, on the basis that the application is for the redevelopment for a dwelling on a site which only has a residential land use history it is only considered necessary to recommend the inclusion of the following planning condition. This is consistent with the permission for this site that was granted in 2019.</p> <p><u>Contaminated Land - Discovery Condition:</u></p> <p>Should any ground contamination be suspected or encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p>

	<p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>Informative: Identifying Potentially Contaminated Material</u></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>Environmental And Community Protection (DBC) 12.2.24</p>	<p><u>Pollution</u></p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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><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> <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</p>



notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### Construction Dust Informative

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

#### Waste Management Informative

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

#### 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.

	<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>Environmental And Community Protection (DBC) Dated 7.2.24</p>	<p>Pollution</p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality.</p> <p>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. (see above comments for full details).</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 build is miniscule,</p>

	<p>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>Natural England Dated 2.2.24</p>	<p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 11/01/2024, reference number 462778.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Natural England Dated 1.2.24</p>	<p><b>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</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> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul>

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<sup>1</sup> carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

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

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

- Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- 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 63 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.

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 64.

We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A.

1 Panter. C, Liley. D, Lake. S, Saunders. P & Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at:  
[dacorum-recreation-evidence-base-200322.pdf](#)

#### Protected Landscapes - Chilterns Beechwoods 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

	<p>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>For more information about the boundary review process, please read these Frequently Asked Questions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information, Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Natural England Dated 17.1.24</p>	<p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations</p> <p>Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <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</p>

	obtained.
Hertfordshire Ecology Dated 22.2.24	<p>Application can be determined with no ecological objections (with any Informatives/Conditions listed below) subject to the LPA being satisfied that HRA matters will be addressed.</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> <li>• A strategic mitigation plan and evidence of payment of the appropriate tariff regarding mitigating impacts on the Chilterns Beechwoods Special Area of Conservation (SAC) should be submitted to the LPA prior to determination.</li> <li>• An Informative for bats should be added to any subsequent permission granted.</li> </ul> <p>Supporting Documents</p> <p>I have made use of the following documents in providing this advice:</p> <ul style="list-style-type: none"> <li>• Application for Planning Permission (14 December 2023).</li> <li>• Proposed Site Plan.</li> <li>• Existing Floorplan.</li> <li>• Proposed Floorplan.</li> </ul> <p>Creating a cleaner, greener, healthier Hertfordshire</p>
Hertfordshire Ecology 19.1.24	<p>Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments:</p> <p>Hertfordshire Ecology has commented previously on a similar application at this site for which there are no existing habitat or species data held by Hertfordshire Environmental Records Centre. Given the location and nature of the site, lack of associated records and apparent characteristics of the building, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, in the unlikely event that bats are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>"If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed."</p> <p>I do not consider there to be any other ecological issues with this proposal.</p>
Bovingdon Parish Council	Object ' Inadequate drawings provided to make a decision.
Thames Water	<p>WASTE:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such</p>

	<p>we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 &amp; 169 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/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design">https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design</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:</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
21	0	0	0	0



**Neighbour Responses**

<b>Address</b>	<b>Comments</b>
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# Agenda Item 5f

ITEM NUMBER: 5f

23/02235/FUL	Demolition of existing stable buildings. Construction of 1 no. residential dwelling and alterations to vehicular access.	
Site Address:	The Stables, 11 Piccotts End Lane, Hemel Hempstead, Hertfordshire, HP2 6JH	
Applicant/Agent:	Karl Bonney	Peter Biggs
Case Officer:	Lois-May Chapman	
Parish/Ward:	No Parish (Hemel Hempstead)	Grovehill
Referral to Committee:	Neighbourhood Petition	

## 1. RECOMMENDATION

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

## 2. SUMMARY

2.1 The development is considered to meet one of the defined exceptions for development within the Green Belt (previously developed land) and the proposed building would have no greater impact on the openness of the Green belt than the buildings it is replacing such that the proposal is appropriate development in the Green Belt and acceptable in principle. The dwelling is considered to result in less than substantial harm to the general character of the conservation area but there are public benefits to outweigh the harm identified. The proposed scale and design of the dwelling are considered appropriate to the plot and locality whilst avoiding harm to and preserving good quality living conditions of neighbouring properties. The potentially adverse impacts of the development can be mitigated against through the use of condition removing permitted development and securing soft landscaping enhancements.

2.2 The amenity space and parking provision are considered acceptable and, whilst visible from surrounding units, the proposal will not have a significant impact on the living conditions of neighbouring properties. There is no change to the existing vehicular access such that there would be no harm to the safety or operation of the adjacent highways.

2.3 The proposal is therefore in accordance with Policies CS5, CS10, CS11 CS12, and CS27 of the Core Strategy Saved Appendix 3 of the Dacorum Borough Local Plan and the NPPF.

## 3. SITE DESCRIPTION

3.1 The application site lies to the east of Piccotts End Road and to the north of Piccotts End Lane, the latter being where the access is also located. The north-eastern boundary benefits from a strong hedge along its entire length, trees and hedging along the north-western and south-western boundaries. The south-western boundary adjoining the highway also benefits from a brick and flint wall. The vast majority of dwellings to the west and north-west along Piccotts End Road are listed buildings.

3.2 The site is shown to fall within the Metropolitan Green Belt. The site also falls within the Piccotts End Conservation Area.

3.3 Presently, the site is used for equestrian purposes with a stable and several smaller buildings.

#### 4. PROPOSAL

4.1 The application seeks full planning permission for the demolition of the existing stables its replacement with a single storey dwelling. The dwelling would comprise four bedrooms and would have on-street parking for three vehicles.

4.2 This application follows on from 22/00835/FUL, which was withdrawn due to harm to the conservation area and greenbelt, as well as unresolved issues regarding fire access and refuse collection.

#### 5. PLANNING HISTORY

##### **Planning Applications:**

22/00835/FUL - Demolition of existing stable buildings and construction of 2 No. residential dwellings and alterations to vehicular access.

*WDN - 28th October 2022*

23/02236/FUL - Demolition of existing stable buildings and construction of 1 No. residential dwelling and alterations to vehicular access.

*APPRET -*

#### 6. CONSTRAINTS

Advert Control: Advert Spec Contr  
Area of Archaeological Significance: 59  
CIL Zone: CIL3  
Conservation Area: PICCOTTS END  
North And East Hemel Hempstead Growth Areas  
Green Belt: Policy: CS5  
Green Belt: Policy: CS5  
Parish: Hemel Hempstead Non-Parish  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Smoke Control Order  
Smoke Control Order  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
EA Source Protection Zone: 2

#### 7. REPRESENTATIONS

##### **Consultation responses**

7.1 These are reproduced in full at Appendix A.

##### **Neighbour notification/site notice responses**

7.2 These are reproduced in full at Appendix B.

#### 8. PLANNING POLICIES

## Main Documents:

National Planning Policy Framework (2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
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  
CS35 - Infrastructure and Developer Contributions

Dacorum Local Plan

Saved Appendix 3 - Layout and Design of Residential Areas

## Supplementary Planning Guidance/Documents

Parking Standards (2020)  
Planning Obligations (2011)  
Environmental Guidelines (2004)  
Energy and Conservation  
Water Conservation  
Landscape Character Assessment  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The principle of development and Green Belt implications.  
Heritage Implications for the Conservation Area,  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### **Green Belt - National Planning Policy Framework (NPPF)**

9.2 The site lies within the Metropolitan Green Belt, Section 13 of the NPPF provides guidance upon development within the Green Belt. The Government attaches great

importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The concept of "openness" is a broad policy concept understood to have a spatial and visual aspect, relevant to the underlying aims of the Green Belt policy is "to prevent urban sprawl by keeping land permanently open" and wider five purposes outlined in NPPF paragraph 143.

9.3 Paragraph 154: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

**g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:**

**– not have a greater impact on the openness of the Green Belt than the existing development; or**

**– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

*Assessment -*

9.4 Previously developed land, as defined by the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure Exclusions include land last used for agriculture or forestry, land developed for minerals extraction or waste disposal with restoration, residential gardens, parks, recreation grounds, allotments, and land where structures have blended into the landscape'.

9.5 The site in question is in equestrian use and not agriculture. Its primary activities focus on horse-related purposes such as riding and stabling, and the keeping of horses for recreational use, rather than the grazing of horses. Stables have existed on the site since 2000, and smaller buildings have been added over the years, but these are in a random ad-hoc order and are primarily used for storage.

9.6 The site is concluded to amount to previously developed land and therefore its redevelopment complies with point g of paragraph 154 of the NPPF as long as the development has no greater impact on the Green belt.

9.7 The proposed dwelling is concluded to have no greater impact than the existing buildings. Comparison plans have been submitted which show the existing buildings dotted over the proposed such that an accurate assessment can be made. Spatially, the proposed development would result in a decrease in built form within the site. In that sense, and at least volumetrically, the proposed extension would have a lesser impact on Green Belt openness than the existing situation. Visually, it is considered that there would be limited impact on Green Belt openness. The proposal result in a reduction in gross floor area from 300 sq. m to 220 sq. m which clearly demonstrates a lesser impact. This reduction in footprint reduces the impact of the development on the openness of the Green Belt, when compared to the existing. Whilst the proposed ridge height, is slightly higher than that of the existing stables, the reduced footprint and sprawl from the demolition of multiple buildings across the site mean overall it is concluded that there is less impact.

9.8 The existing buildings on the site are sprawled out and follow a scattered arrangement, whereas the proposed dwelling and associated outbuilding will take the form of a more compact L-shaped structure. This design choice ensures that the proposed development

occupies a smaller footprint and maintains a more consolidated presence within the Green Belt area such that it has a lesser impact and thereby preserves and increases the area's openness

9.10 Furthermore, the decision to sink the dwelling into the landscape further mitigates its impact on the Green Belt. By integrating the structure into the terrain, its overall visual prominence is reduced, maintaining the openness and character of the area. Additionally, the incorporation of a sedum roof on the northern arm of the dwelling serves to decrease the length of the main ridge and lessen its impact in long distance views when compared to the existing structures. The proposed dwelling will assimilate into the surrounding landscape far better than the existing buildings.

9.11 Upon assessment, it is determined that the proposed development will have a lesser impact on the openness of the Green belt than the existing buildings, and therefore complies with g) of paragraph 154 of the NPPF. The proposal therefore amount to appropriate development in the Green belt and are thus acceptable in principle.

9.11 Given the balanced approach on whether the development would have a greater impact on the openness of the Green Belt and its allowance based solely on this principle, to enable the dwelling when built to utilise unlimited permitted development rights, would then tip the balance and result in inappropriate development in the Green Belt which would result in greater harm to the openness of the GB. As such, in order to protect the openness and going to the heart of the reasoning behind this decision, it is considered necessary and reasonable to remove permitted development rights for classes A, B, C, E and AA of the GDPO

#### **Local Policies -**

##### *Dacorum Core Strategy Green Belt Policy CS5*

9.12 CS5 echoes the NPPF and permits the redevelopment of previously developed land sites provided;

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

##### *Assessment -*

9.13 Firstly, the development must have no significant impact on the character and appearance of the countryside. In this case, as already set out above the reduction in gross floor area and sprawl across the site, the use of dark natural materials and sedum roof, and sinking the dwelling into the landscape all contribute to minimising visual intrusion and preserving the openness and character of this part of the countryside. The proposals would have no significant impact to comply with (i) above.

9.14 Secondly, the development should support the rural economy and maintenance of the wider countryside. By replacing existing structures with a new dwelling, the proposal contributes to maintaining the viability of the site while respecting the surrounding rural context. Additionally, the proposed compact L-shaped structure minimises spatial impact and prevents further urban sprawl, aligning with the objective of preserving the rural character of the area. The proposed development can support the rural economy by creating job opportunities for local tradespeople during construction and attracting residents who support local businesses. Additionally, it may enhance property values, stimulating economic growth in the area.

9.15 Overall, the proposed development aligns with the objectives of Policy CS5 by facilitating the appropriate reuse of previously developed land within the Green Belt while ensuring minimal impact on the countryside and supporting the rural economy.

#### **Heritage Implications for the Conservation Area**

9.16 The site is located within the Piccotts End conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities should have special regard to preserving the setting of listed buildings. This requirement should be given great weight in the planning process. The impact of the development proposals on local conservation areas must also be assessed as required by section 72(1) of the Act.

9.17 Paragraph 205 of the Framework states that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development. Policy CS27 requires development to protect, conserve and where appropriate enhance the integrity, setting and distinctiveness of heritage assets.

9.18 The Council's Design and Conservation Team have been consulted upon the application and raised no objection following additional hedging being secured to reduce the visual impact and enhance views within this part of the Conservation area. The comments have been summarised below:

*The proposed single dwelling in Piccotts End mitigates previous concerns about narrowing gaps between village sections and is considered appropriate with minimal harm to the conservation area. The planning officer should balance this minor harm against the benefits of removing visual clutter.*

9.19 The comments of the conservation officer have been followed as a result of the pre-application and during this application. The lower profile design of the dwelling further contributes to its appropriateness within the context and ensures its harmonisation with the general character of the conservation area. While acknowledging that some level of harm to the conservation area will occur, it is emphasised that this harm is at a low level and when weighed against the benefits of removing structures that contribute to visual clutter is considered acceptable. At current these buildings are sprawled across the site and are of no architectural value noting they are several small sheds and farm buildings, as such removing these structures will improve the appearance of the site overall.

9.20 During the course of the application amended plans to include the planting of new hedging to the bottom of the site, adjacent to the brick wall have been secured. This in conjunction with the setting down of the dwelling will allow the dwelling to be obscured from Piccotts End Road and thus not have a significant adverse impact on this part of the Conservation Area. The new hedging will provide public benefits when compared to the current unsightly views and will be secured via a landscaping condition.

9.21 Given the siting of the development within the conservation area careful consideration has been given to its visual impact. It is considered necessary and reasonable to remove permitted development rights to safeguard the character, appearance and historic significance of this part of the Piccotts End Conservation Area. In particular large scale additions to the dwelling especially to its roof possible under permitted development rights, such as large box dormers in the roof slope and large single storey additions and outbuildings which may lead to a cramped and visually more prominent development should be controlled in the future. Likewise additional hardstanding and means of enclosure would further erode the character of the plot and locality.

9.22 In summary it is concluded that the proposal would have a less than substantial impact to the Piccotts End Conservation Area but the public benefits of the scheme (namely the improve public views across the site and enhanced hedgerows) outweigh the harm identified. As such the proposal complies with CS27 and Paragraph 205 of the NPPF.

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

9.23 Saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013) and paragraph 130 of the NPPF (2023) all seek to ensure that any new development will function well and add to the overall quality of the area. Proposals should be visually attractive and sympathetic to local character, respecting adjacent properties in terms of scale, massing, materials, layout, bulk and height. Paragraph 139 of the NPPF states “Development that is not well designed should be refused”.

9.24 The creation of high quality, beautiful and sustainable buildings and places is fundamental to the planning process as set out in Chapter 12 of the NPPF and is reflected in the strong policy framework objectives for good design. Policies CS10, CS11 and CS12 of the Core Strategy indicate that the design of individual buildings should reflect the scale, density and character of the areas in which they would be located with Policy CS12 placing an emphasis on having an appropriate relationship with neighbouring properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping. In this case, the proposed dwelling also needs to have an appropriate relationship with Piccotts End.

9.25 The proposed dwelling represents a carefully considered addition to the Piccotts End landscape, incorporating both traditional and modern design elements. Its acceptability rests upon several key factors, each contributing to its quality of design and contextual relevance within the area.

9.26 The significant separation distances from nearby residential properties (approximately 59.18m from No 92 Piccotts End Road, 68.88m from No 87 Piccotts End Road, and 110.18m from Rainbow Piccotts End Lane) mean that the proposed dwelling is viewed as a stand-alone structure.

9.27 Piccotts End boasts a rich architectural heritage characterised by diverse styles, including Tudor, Georgian, and local agricultural buildings. The proposed dwelling draws upon inspiration from traditional farmyard developments and incorporating materials such as charred timber cladding, grey long-format brick, and slate roofing. The use of natural materials ensures that the proposed dwelling harmonises with its surroundings, enhancing rather than detracting from the village landscape.

9.28 Additionally, the proposed dwelling will be situated in the same location as the existing stables but with a smaller footprint. This placement maintains the historical continuity of the site and also minimises any visual disruption, ensuring that the new structure seamlessly integrates with its surroundings while preserving the open and spacious character of the area.

9.29 The access point to the site is proposed to have planted bank hedging to screen the driveway from public view which is welcomed

9.30 The proposal seeks to incorporate dark natural materials, such as charred timber cladding, and within the design. These materials are regarded to blend organically with the natural rural environment of the site.

9.31 The dwelling adopts an L-shaped layout reminiscent of historic farmsteads in Piccotts End (Field Cottage, Piccotts End Road and The Old Farmhouse Piccotts End Lane). The



design pays homage to the area's rural character. The proposed dwelling is sited upon a smaller footprint than the existing stables but will be located within the same location such that the overall visual impact on the wider landscape would be similar.

9.32 The placement of the proposed dwelling, coupled with its low-density profile minimises its visual impact from public viewpoints such as Piccotts End Road. Landscape details and enhancements will be secured by condition to ensure the verdant character of the locality is maintained and mitigate any loss of planting through the creation of the access and clearance of vegetation on site. Furthermore, this can ensure views are limited from public view points.

9.33 In summary, the proposed dwelling respects the unique character and heritage of Piccotts End. The proposal is considered to be of an acceptable appearance and impact upon the broader locality consistent the objectives of policies CS10, CS11 and CS12 of the Core Strategy and the NPPF.

### **Residential Amenity –**

9.34 The NPPF paragraph 135 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposals should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.

9.35 The proposed dwelling is located considerable separation distances between nearby residential dwellings (approx. 59.18m from No 92 Piccotts End Road, 68.88m from No 87 Piccotts End Road and 110.18m from Rainbow Piccotts End Lane).

9.36 Given this separation distance the proposed dwelling will not have a detrimental impact on the residential amenity of any neighbouring dwellings.

9.37 Turning to the residential amenities of future occupants, the proposal has had regard to the Technical housing standards - nationally described space standards which is a material consideration and an indicator if adequate floor space is being provided for the new dwellings in relation to potential number of occupants/bedroom numbers.. The proposed dwelling is in excess of this requirement (2000 sq.).

9.38 In accordance with Appendix 3 of the DBLP a private garden of a generous size for this family house is provided and affords ample opportunity for outdoor amenity for future occupants. All habitable windows are provided with an acceptable level of light and open aspect.

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

9.39 NPPF paragraph 115 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

9.40 Core Strategy Policy CS8 requires amongst other things to ensure well integrated and connected transport system, other forms of transport should be prioritised over the motor vehicle, create after footpath and cycle networks, improve road safety and safeguard residential amenity and highway safety and maintain the rural rights of way network. Whilst Core Strategy policy CS12 seeks safe and accessible forms of development for all. The

development is located near other residential dwellings and would have accessibility to facilities of Piccotts End and other nearby settlements such as Hemel Hempstead. Whilst there would be some reliance on private motor vehicle the location is considered sustainable in the village setting context.

9.41 The highway aspect of the access is not proposed to be altered and the access onto the highway network is to be maintained as per the existing situation. The internal access route is to be widened to 4.1 metres with a passing point which highways have raised no objection to.

9.42 The site is located within parking zone 3 as defined by the Parking Standards SPD (2020). The proposals would provide a large area of hardstanding capable of accommodating 3 cars with room to come and go in a forward gear. This is in line with the requirements of the Parking SPD.

9.43 Parking provision is expected to be provided with electric charging points. This is now a building regulations requirement and is unnecessary to use in a planning condition. EV chargers have been included in the submitted plans.

9.44 Secure bicycle parking should be provided with each dwelling. A secure cycle store is included on plans.

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

### Sustainability

9.46 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. The Council therefore expects all new developments to meet a high standard of sustainable design. There is limited information provided in relation to the requirements of policies CS29, CS31 and CS32 of the Core Strategy and therefore further information should be provided by condition.

### Area of Archeologically Significance

9.47 The proposed development site is sandwiched between two areas of ridge-and furrow ploughing, and the Desk-Based Assessment produced by HCUK in August 2023 identifies a high likelihood of Post-medieval archaeology, as well as a moderate likelihood of Roman archaeology. Hertfordshire County Council Archaeology has found that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest and has requested three conditions on any planning consent. In order to provide for the level of investigation that this proposal warrants it is considered necessary and reasonable to include these conditions. Given the proposals include the demolition of buildings and ground works these conditions need to be pre-commencement conditions. The agent has agreed to this.

### Ecology

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

- The Environment Act 2021
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

- Wildlife and Countryside Act 1981 as amended.
- Countrywide and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.

9.49 Paragraphs 180 of the NPPF and the Core Strategy Policies CS26 and CS29 seek to enhance ecology, biodiversity and natural environment on development sites.

9.50 The site appears to be well connected via tree lines and hedgerows to adjoining semi natural areas and the surrounding countryside. A bat report produced by Greengage for the site has been submitted as part of this application. Hertfordshire Ecology have reviewed the proposals and the submitted information and have concluded that the proposals are unlikely to have any significant ecological impacts, therefore the application can be determined accordingly. No further investigations or conditions are required. The requested informatives will be included.

### Other Material Considerations

#### *Contamination*

9.51 The Council's scientific officer has confirmed that there are no objections to the proposals on grounds of contamination. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present that it will be remediated.

9.52 This is considered necessary because the application is for a residential end use on a site that was historically occupied by buildings that appear to have been used for agricultural and miscellaneous associated activities, which may have resulted in ground contamination. Therefore, the vulnerability of the proposed end use to the presence of contamination and the fact that ground contamination cannot be ruled out at this stage.

9.53 As such conditions relating to this will be included if the permission is granted.

#### *Services Accessibility*

9.54 Waste collection would be accessible from placing bins at the roadside on collection day.

9.55 Amendments have been made to the application to allow for a turning point for emergency services particularly fire access.

### Chilterns Beechwoods Special Area of Conservation

9.56 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.

9.57 Natural England recognises that there could be a serious potential conflict between the plans for any new housing development in the area surrounding the Chilterns Beechwoods SAC, and the conservation objectives for the protected features there. As such, a mitigation strategy needs to be developed to offset the current harm to the sites.

9.58 The application site resides within the Chilterns Beechwoods 'zone of influence', therefore following advice from Natural England, a mitigation strategy is needed, which sets out the actions necessary to protect the SAC from both existing and future pressures. At a meeting held on 15 November 2022, Dacorum Borough Council Cabinet approved the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy. It also approved two Suitable Alternative Natural Greenspace (SANG) Management Plans for Bunkers Park and Chipperfield Common.

9.59 The new Mitigation Strategy sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6-kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). These measures will be delivered through a range of projects by the National Trust over a period of around 80 years (to 2102-2103).

9.60 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 for each new home built.

9.61 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.

9.62 Larger developments (10 or more new homes) must be located close to a suitable SANG. Smaller developments can contribute towards an existing SANG. 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.

9.63 The proposed development would be eligible to financially contribute to the two SANG Management Plans for Bunkers Park and Chipperfield Common, which would be secured via legal agreement should planning permission be granted.

9.64 The applicant has confirmed their intention to enter into legal agreement to secure appropriate mitigation to the Chilterns Beechwoods Special Area of Conservation should the application be found acceptable.

9.65 On this basis the proposals could be acceptable with Policies CS25 and CS26 of the Core Strategy, NPPF and Habitat regulations.

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

9.66 All new developments are expected to contribute to the cost of the on-site, local and strategic infrastructure required to address the needs arising from the development in accordance with Policy CS35 of the Core Strategy. In most instances, such contributions will extend to the payment of the Council's Community Infrastructure Levy (CIL). The proposals would be CIL liable if approved and appropriate charges will need to be levied in accordance with the adopted Charging Schedule at the index linked rate relevant at the time of commencement.

### *Tilted Balance*

9.67 Paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that

protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. However footnote 7 also makes clear this presumption in favour of sustainable development does not apply in designated areas such as Green Belt.

9.68 The site is situated within the Green belt such that the tilted balance is not engaged.

9.69 Notwithstanding this no reasons for refusal have been identified and it is acknowledged the Council do not currently have a 5 year land supply and the contribution of 1 dwelling would make a modest but valuable contribution to the local housing choice and supply which is welcomed.

### **Response to Neighbour Comments**

9.70 A petition has been received by the LPA with approx. 101 signatures from local residents which has subsequently become the reason this application has been called into committee.

9.71 The petition opposes a planning application for residential development on green belt land in the Piccotts End Conservation Area. The objection relates to the site being seen as a green field with stables and horses, which are valued by residents and visitors for their contribution to the rural character and heritage of the area. The stables are seen as an essential part of the conservation area and must be protected. The objectors disagree with Dacorum Borough Council's view that the harm to the conservation area would be minimal, arguing that the development would have a detrimental effect. They assert that there are no special circumstances to justify the harm to the green belt and emphasise that local opposition is strong, with over 100 petition signatures against the proposal.

9.72 An assessment on this has been made in the sections above but in summary the site can be considered as previously developed land, as such under para 154 criteria g) its redevelopment is acceptable provided there is no greater impact. In addition it has been identified that there is less than substantial harm to the conservation area, mitigation has been secured by improving the hedgerow along Piccotts End Road.

## **10. CONCLUSION**

10.1 On balance the proposed development is considered to meet one of the defined exceptions for development within the Green Belt. The dwelling is considered to have less than substantial harm to the general character of the conservation area. The proposed scale and design is considered appropriate to the plot and locality whilst preserving good quality living conditions of neighbouring properties overall. The potentially adverse impacts of the development can be mitigated against through the use of conditions and legal agreement.

## **11. RECOMMENDATION**

11.1 That planning permission be DELEGATED with a view to APPROVAL subject to appropriate conditions and an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to prevent harm to the Chiltern Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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

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

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents (unless otherwise required by any other condition associated with this Planning permission):**

**PCTe GA 100/2 F**

**PCTe GA 101 F**

**PCTe EX 400 D**

**PCTe GA 300 C**

**PCTe GA 301 C**

**Arboricultural Impact Assessment and Method Statement - TCTC-18353-AIA Rev B**

**Bat Report produced by Greengage**

**Archaeological Report produced by HCUK Group**

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

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 development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

**Schedule 2, Part 1, Class A, B, C, E, F, G of Part 1 and Class B of Part 2**

Reason: The proposal has been concluded to have no greater impact on the Green belt than the existing buildings. To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the future openness and visual amenity of the Green Belt, in accordance with Policy CS5, CS12 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (December 2023).

4. **No development shall take commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
  - a. **The programme and methodology of site investigation and recording**
  - b. **The programme for post investigation assessment**
  - c. **Provision to be made for analysis of the site investigation and recording**
  - d. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**

**e. Provision to be made for archive deposition of the analysis and records of the site investigation**

**f. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

**5. i) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 4.**

**ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

**6. All structures (including those structures not substantially completed), other than those shown for retention on the approved plans or permitted by this permission, shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To accord with the approved plans and for the avoidance of doubt.

**7. Prior to first occupation 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:**

- **Hedgerow planting and enhancements along western boundary along Piccotts End Road;**
- **all external hard surfaces within the site;**
- **other surfacing materials;**
- **means of enclosure, including gates;**
- **all other soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**

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

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

Reason: To improve the appearance of the development, its contribution to biodiversity and the local environment and neutralise impact upon the Green Belt and the Piccotts End Conservation Area, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS1, CS6, CS12 (e) and CS27 of the Dacorum Borough Council Core Strategy (2013) and the NPPF

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

**(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 an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:**

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

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

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

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



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

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

9. **Any contamination, other than that reported by virtue of Condition 8 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.**

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

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

10. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist, and notwithstanding any details submitted, no development (excluding demolition and tree protection works) shall take place until details of the following shall have been submitted to and approved in writing by the local planning authority;**

**Sustainable drainage measures**

**Development shall be carried out in accordance with the approved details.**

Reason: To ensure the sustainable development of the site and a satisfactory appearance and setting to the designated heritage assets in accordance with the aims of Policies CS12, CS27, CS28, CS29 and CS31 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (2023).

## **Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above conditions are considered to be in line with paragraphs 180 (e) & (f) and 189 and 190 of the NPPF 2023.

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> and here [https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\\_8](https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8)

3. "If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."

4. 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.

5. 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.

6. 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.

7. 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.

8. 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>

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be

carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

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

Further information is available via the County Council website at:

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

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

AN 5) 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 website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Historic Environment (HCC) (11.03.24)	<p><b>ARCHAEOLOGICAL IMPLICATIONS</b></p> <p>Thank you for consulting this office on the above application.</p> <p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>The proposed development site is sandwiched between two areas of ridge-and-furrow ploughing, and the Desk-Based Assessment produced by HCUK in August 2023 identifies a high likelihood of Post-medieval archaeology, as well as a moderate likelihood of Roman archaeology.</p> <p>I therefore believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> <li>1. The archaeological monitoring of all groundworks related to the development, including foundation trenches, service trenches, ground reduction, hard landscaping, access, and any other ground impact; This should include a contingency for preservation or further investigation of any remains encountered;</li> <li>2. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;</li> <li>3. such other provisions as may be necessary to protect the archaeological interests of the site;</li> </ol> <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</p>

	<p>recommendations closely follow the policies included within Policy 16 (para. 205, etc.) of the National Planning Policy Framework, and 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 three 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>A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:</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 Archaeological Written Scheme of Investigation.</li> </ol> <p>B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation</p> <p>approved under condition (A)</p> <p>C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.</p> <p>If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations, and to provide information on professionally accredited archaeological contractors who may be able to carry out the necessary work.</p> <p>I hope that you will be able to accommodate the above recommendations. <a href="http://www.hertfordshire.gov.uk">www.hertfordshire.gov.uk</a></p>
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	Please do not hesitate to contact me should you require any further information or clarification.
Hertfordshire Ecology (29.02.24)	<p>I am not aware of any existing habitat or species data for this site. After carrying out a rapid assessment of this application, we have concluded that the proposals are unlikely to have any significant ecological impacts, therefore the application can be determined accordingly. However, in the unlikely event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted for the below species:</p> <ol style="list-style-type: none"> <li>1. Bats</li> <li>2. Great crested newts</li> <li>3. Reptiles</li> <li>4. Badgers</li> <li>5. Nesting birds</li> </ol> <p>"If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.</p> <p>To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.</p> <p>In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."</p>
Conservation & Design (DBC)	<p><b><u>Original Comments – 28.11.23</u></b></p> <p>The site in question is an area of open land within the Piccotts End conservation area. At present it includes stables and associated</p>



paraphernalia. Otherwise it is an open field between the terraces of dwellings. Opposite is the former pub of the boars head which is now converted into a dwelling. It is two storey brick 19th century building with a clay tiled roof. Adjacent to this is a two storey rendered terrace adjacent to the former pub the buildings are rendered to the façade below a mixture of slate and concrete tile roof. Adjacent is a set back brick terrace of painted brick with a slate roof. This is grade II listed building. The buildings then sit forward onto the street line in painted brick with a slate or clay tiled roofs. Windows tend in the terrace to be timber and small panes. Adjacent to the site is a mall two storey detached painted brick cottage with a slate roof with later extensions to the rear.

The spacing within the conservation area is of particular importance. Rather than there being a long linear development the village can be seen to be in three distinct sections with green open space in the form of either agricultural land or garden in between the sections.

Within the conservation area it is split between three clusters of housing. To the south and central area the buildings are terraced or individual buildings which face onto the street of either Piccotts End Rd or Piccotts End Lane. There is an exception in the grade II\* Marchmont Arms which is an 18th century house now pub formally the London home of the Earl of Marchmont. This formally looked out over Gadebridge Park and was set within the top end of the park. It is now separated from the main area of the formal parkland by a carpark, tree screening and the link road constructed as part of the new town.

However at the north end of the conservation area the character is slightly different. This is due to the grade I listed houses. This is a range of 15th century cottages which are set back from the road. They became used as a cottage hospital which was later extended and backland areas were developed as part of the hospital. In addition the mill development was set in away from the road. Later redevelopment of the site including the restoration of the mill has resulted in set backs from the street and a somewhat more typical suburban pattern to this area. Therefore the top of the northern section of the village is outwith the conservation area.

The proposed development is on the southern edge of the central section.

We had highlighted previously that we have concerns with regards to the narrowing of the gap between the sections of the village However this has now been reduced through the reduction of the scale of development to one dwelling and the additional landscaping. The design is lower and would have less visual impact on the character of the conservation area. Overall the design is considered appropriate for the context and in keeping with the general character of the conservation area.

	<p>The development would not harm the setting of the adjacent listed buildings.</p> <p>We would continue to believe that the redevelopment of the site would result in a level of harm to the character of the conservation area at less than substantial and at a low level. This harm needs to be balanced against the benefits of removing the structures across the site which add visual clutter. We note that the enclosure area and a couple of the structures noted which were previously outside the red line have now been included and removed. The hedging to the roadside is to be reinforced with mixed native species hedging. This is now more beneficial than the previous proposals.</p> <p>Recommendation The planning officer should weigh the less than substantial harm caused through the change of the site to a dwelling and the narrowing of the gap between the sections of the conservation area against the public benefits of the scheme (visual appearance of the site) as per the framework.</p> <p>If the officer is minded to grant consent we would recommend external materials and finishes, hard and soft landscaping to be subject to approval and that all structures within the red line to be removed from the site prior to occupation. Given the sensitivity of the site within the conservation area it would be useful to consider removing permitted development rights.</p> <p><b><u>Re-Consultation Amended Comments – 29.02.24</u></b></p> <p>As per the previous application comments.</p>
<p>Environmental And Community Protection (DBC) (26.10.2023)</p>	<p>Having reviewed the planning application submissions and the records held by the Environmental and Community Protection (ECP) Team I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present that it will be remediated.</p> <p>This is considered necessary because the application is for a residential end use on a site that was historically occupied by buildings that appear to have been used for agricultural and miscellaneous associated activities, which may have resulted in ground contamination. Therefore, the vulnerability of the proposed end use to the presence of contamination and the fact that ground contamination cannot be ruled out at this stage means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental</p>

	<p>Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation 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 to protect human health and the surrounding environment 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>
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	<p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment 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> and here <a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
<p>Environmental And Community Protection (DBC)</p>	<p><b><u>Original comments 25.10.23:</u></b></p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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 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>

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.

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.

	<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-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p> <p><b><u>Re-Consultation Comments (12.02.24):</u></b></p> <p>Please be advised the pollution team have no comments on this application over and above the informatives already sent under reference R834772.</p>
<p>Natural England (16.10.2023)</p>	<p>NATURAL ENGLAND'S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERNES</p> <p>BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilternes 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> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced 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.</p>
<p>Hertfordshire Highways (HCC)</p>	<p><b><u>Original comments (02.11.23)</u></b></p> <p>This is an interim to obtain more information regarding fire appliance access. There has been provided a swept path illustrating a fire appliance turning at the entrance of the site. However, as per building regulation a fire appliance should only reverse 20 metres down a track which should still be within 45 metres of a dwelling. The proposed dwelling is over 80 metres from the highway network and therefore the remaining 60 metres is still larger than the 45 metres maximum. Therefore, the swept path must illustrate a fire appliance turning</p>

nearer the site in case of an emergency and therefore turning closer to the access which is currently not shown. Once this shown then HCC

Highways can make an informed recommendation.

**Re-Consultation Comments (02.02.24)**

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.

Highway Informatives

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

AN 1) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway

Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN 3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked

(fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

#### Comments

The proposal is regarding amendments for the demolition of existing stable buildings. Construction of 1 no. residential dwelling and alterations to vehicular access at The Stables, 11 Piccotts End Lane, Hemel Hempstead. Piccotts End Lane is a 60 mph rural dead-end unclassified local access route that is highway maintainable at public expense.

#### Highway Matters

The site has an existing bellmouth junction which serves the existing stable building. The highway aspect of the access is not proposed to be altered and the access onto the highway network is to be maintained. The internal access route is to be widened to 4.1 metres with a passing point which is considered acceptable. If there is alterations to the adopted highway network then this will have to be completed under as section 278 agreement - see informative 1. The trips to and from the existing dwelling are considered to be low and would not create major movements as compared to the existing use. The applicant has provided a highway note which illustrates swept paths for service vehicles entering and existing the site via the narrow lane (drawing number SK02 REV C). This is considered acceptable. The applicants amendments are in relation to a fire appliance turning on site in case of an emergency which is deemed acceptable and is shown on the new site plan layout in drawing number PCTe GA 100 E. The layout of the dwelling and its access route is considered acceptable for a single dwelling in terms of highways. Any additional units in the future would need additional improvement to highway aspects of the site to make them acceptable. Especially in relation to sustainability regarding highways as one dwelling is not considered enough for a refusal on these grounds currently.



	<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 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 TDBC waste management.</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>
<p>Thames Water (05.10.2023)</p>	<p>Dear Sir/Madam</p> <p>Re: The Stables 11 Piccotts End Lane, LOMOND ROAD, -, HEMEL HEMPSTEAD, Hertfordshire County, HP2 6PA</p> <p>WASTE COMMENTS:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>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.</p> <p><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>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: 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>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	102	0	101	2

### Neighbour Responses

Address	Comments
<b>Petition of Objection with 101 signatures</b>	<p>The petition notes that the signatories all oppose the planning application on the following summarised grounds</p> <ul style="list-style-type: none"> <li>residential development on green belt land in the Piccotts End Conservation Area is unacceptable and will result in urban sprawl.</li> <li>The site is a green field with stables and horses, which are valued by residents and visitors for their contribution to the rural character and heritage of the area.</li> </ul>

	<ul style="list-style-type: none"> <li>• The stables are seen as an essential part of the conservation area and must be protected -</li> <li>• the objectors disagree with Dacorum Borough Council's view (conservation Officer comments) that the harm to the conservation area would be minimal, arguing that the development would have a detrimental effect.</li> <li>• They assert that there are no special circumstances to justify the harm to the green belt</li> <li>• mphasize that local opposition is strong,</li> </ul> <p>T</p>
One letter of support from neighbouring site	The design will be in keeping with the village and will be a visual improvement to the building currently there.
Rainbow, Piccotts End Lane	<p>Support</p> <p>Proposal will enhance the area, design will add to the areas openness</p> <p>The petition made this out to be a huge development which needs to be stopped.</p> <p>However upon reviewing the development we can see it is a well designed, one unit application, not what it was made out to be</p>

# Agenda Item 5g

ITEM NUMBER: 5g

24/00368/FHA	Reinstatement of existing 3.5m wide gated access to western end of rear garden. New 5 rail timber field gate.	
Site Address:	Spring Lodge, Hollybush Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SN	
Applicant/Agent:	Mr & Mrs Mark & Janet Tibbles	Mr Greg Basmadjian
Case Officer:	Martin Stickley	
Parish/Ward:	Nettleden With Potten End Parish Council	Ashridge
Referral to Committee:	Applicant is DBC employee	

## 1. RECOMMENDATION

- 1.1 That planning permission be granted.

## 2. SUMMARY

- 2.1 Very special circumstances exist to justify the proposed fence, which is considered inappropriate in the Green Belt. The replacement gate and hardstanding are acceptable in principle and would preserve Green Belt openness and not conflict with its defined purposes.

## 3. SITE DESCRIPTION

- 3.1 Spring Lodge is a chalet bungalow sited on a corner plot between Hollybush Close and Water End Road, Potten End. The property is on a broadly rectangular plot, which backs onto a wooded area associated with the property 'Hollybush Wood' to the rear.

## 4. PROPOSAL

- 4.1 Planning permission is sought for access gates, fencing and hardstanding. This would provide a vehicular access from Water End Road and parking area in the rear garden of the property.

## 5. PLANNING HISTORY

Planning Applications:

4/00114/93/FHA - Detached single garage - *Granted - 25th February 1993*

## 6. CONSTRAINTS

Advert Control  
CIL Zone: 1  
Green Belt  
Parish: Nettleden with Potten End CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Parking Standards: Zone 3  
EA Source Protection Zone: 2 and 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 (December 2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

*Dacorum Borough Core Strategy*

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS32 - Air, Soil and Water Quality

*Dacorum Borough Local Plan (DBLP) (Saved Policies)*

Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 102 - Sites of Importance to Nature Conservation  
Policy 103 - Management of Sites of Nature Conservation Importance

## **9. CONSIDERATIONS**

9.1 There are a number of main considerations relevant to this application, including:

- (a) The principle of development;
- (b) The impact on the character and appearance of the area;
- (c) Highway safety; and
- (d) Any other material planning considerations.

Principle of Development

9.2 The application site is located within the Green Belt, outside of the defined small village of Potten End. Therefore, Policy CS5 of the Dacorum Borough Core Strategy (2013) applies. This policy notes that the council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. The policy also highlights that within the Green Belt, certain forms of small-scale development will be permitted, provided that it has no significant impact on the character and appearance of the countryside. Residential gates, fencing and hardstanding are not included.

- 9.3 Paragraphs 154 and 155 of the National Planning Policy Framework (December 2023) highlight inappropriate forms of development within the Green Belt. This includes fencing, which would be considered as a 'new building'. The fencing would be associated with a residential use, which is considered as an inappropriate use in the Green Belt. Paragraph 152 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved in 'very special circumstances'. In this case, it appears that Spring Lodge retains its permitted development rights and therefore a one-metre fence could lawfully be constructed without planning permission. As such, it is considered that very special circumstances exist.
- 9.4 Regarding the proposed gate, Para. 154 (d) notes that the replacement of a building may be acceptable if it is in the same use and not materially larger than one it replaces. The agent has stated that the proposals would be re-instating an existing gate. The local planning authority's (LPA) historic aerial images, Google Streetview and Google Earth Pro do not show any gate present, or at least that none that are particularly prominent or visible. However, there are wooden posts in place, which appear to be around one metre in height. The agent has provided photographic evidence of this. Although the entire historic gate is not in-situ, it appears that the proposals would involve the replacement of a gate (building) that is not materially larger than the historic gate. In addition, it is likely that the provision of a small (one-metre tall) gate could also be considered permitted development. Therefore, no specific objections are raised to the proposed gates.
- 9.5 The proposed hardstanding would be an 'engineering operation'; is considered would preserve Green Belt openness and would not conflict with its purposes. It may also be considered permitted development. For these reasons, the principle of the hardstanding is considered acceptable.

#### Character and Appearance

- 9.6 The proposed development originally comprised a retrospective application for two-metre fencing (see superseded plans). Prior the installation of the fencing the site was bound by a mature hedgerow. This provided soft, verdant boundary treatment, which benefitted the character and overall rural aesthetic of Water End Road. The two-metre fencing resulted in a suburbanising impact on the rural character of the road. In turn, this has degraded the rural character of the area.
- 9.7 Concerns were initially raised with the fencing and the agent has pointed to examples within the vicinity, such as the fencing opposite. This fencing is lower and may have been constructed under permitted development rights. It was also considered that the other examples of higher fencing illustrated the harm to the character and appearance of Water End Road, which is an attractive rural lane and positively contributes to the surrounding area/countryside.
- 9.8 The proposals to retain the larger fencing were considered unacceptable and therefore the proposals were amended to reduce the fencing to one-metre in height (see amended plans). Whilst it is still considered that the proposed fencing and removal of the hedgerow have resulted in some negative impacts on the character and appearance of Water End Road, considering that the proposals could be accomplished via permitted development rights, it is not felt that any objections could be raised in this regard.

#### Highway Safety

- 9.9 The Highway Authority at Hertfordshire County Council have reviewed the proposals on highway safety terms and have not raised an objection. Subject to the suggested conditions, it is not considered that there would be any unacceptable impacts on highway grounds.

## Other Considerations

9.10 There are no other significant planning considerations that would pose a restraint to the development proposals.

## **10. CONCLUSION**

10.1 The proposed fencing is inappropriate development within the Green Belt as per the definitions laid out in Policy CS5 of the Dacorum Borough Core Strategy (2013) and Paragraphs 154 and 155 of the National Planning Policy Framework (December 2023). However, as the property retains its permitted development rights and the fencing could be constructed without planning permission, it is considered that very special circumstances exist.

10.2 The proposed replacement gate and hardstanding are considered acceptable under the provisions of Paragraph 154 (d) and Paragraph 155 (b), respectively. The proposals would preserve Green Belt openness and not conflict with its defined purposes as set out in Paragraph 143.

## **11. RECOMMENDATION**

11.1 It is recommended that planning permission be granted subject to the conditions below.

### **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:

MJT/102 (B) - Proposed Site Plan  
MJT/103 (B) - Swept Path Details, Car Parking and Visibility  
MJT/104 (A) - Street Scene

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

3. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing MJT/103 (B) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority in the form of a dropped kerb access. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 115 of the National Planning Policy Framework (2023).

4. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details illustrated on the approved drawing number MJT/102 (B). The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 115 of the National Planning Policy Framework (2023).

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 115 of the National Planning Policy Framework (2023).

#### **Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

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

3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
4. 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.

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	Having reviewed the application submission and the Environmental and Community Protection Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.
Parish/Town Council	<p>No objection.</p> <p>Like Highways we question whether this is a "re-instatement" and we were initially concerned at introducing another driveway on this busy and fast road where parish speed surveys show that approximately 25% of vehicles travel in excess of 35 mph, regardless of the 30mph limit. But we are re-assured by Highways comments.</p>
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Interim</p> <p>This is an interim to enable more information to ensure the site is safe. Firstly the 2.4 x 43 metre visibility splay will need to be from the back of the kerb line whereas it appears to be from the middle of the carriageway . Secondly as the adjacent highway network is a classified C local Distributor route, vehicles must be able to turn on site to enter and exit the highway network in forward gear as per HCC's Design guide. As there is proposed to be two parking spaces on the new hardstanding a vehicle will need to be able to turn on site while another vehicle is parked. Therefore, the 2.4 x 4.8 metre parking spaces will need to be illustrated within the drawings. The swept path for the vehicles must use a large estate car for the tracking.</p> <p>Once this has been provided then HCC Highways can make an informed recommendation for the site.</p>

Further comments received

Recommendation

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:

1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 103 A in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority in the form of a dropped kerb access. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

2) Provision of Visibility Splays - Dimensioned on Approved Plan

Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 102 A.

The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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).

3) Access Gates – Configuration

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

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with

Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Highway Informatives

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

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

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN 2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

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

permission and requirements before construction works commence. Further information is available via the County Council website at:

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

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

#### Comments

The amendments are in relation to the application form which does not change the highway matters for the site.

The proposal is regarding amendments for the reinstatement of existing 3.5m wide gated access to western end of rear garden. New 5 rail timber field gate at Spring Lodge, Hollybush Close, Potten End. The new access will be onto Water End Road, a 30 mph classified C Local distributor route.

HCC Highways would note that only until recently there was an existing small gate covered with vegetation and there has not been an access over the footway for at least 15 years and therefore the word reinstatement is deemed to just be for a pedestrian gate and not an access onto the highway network.

HCC Highways previously requested that a swept path be produced to ensure that any vehicles can turn on site to access the highway network in forward gear which is required as per HCC's Design guide for a local distributor route. This has now been illustrated on drawing number 103 A which HCC Highways is satisfied with. The applicant has also illustrated a visibility splay of 43 metres which is required for a 30 mph route - shown in drawing number 102 A. HCC Highways has included condition 1 to ensure the access is created in a dropped kerb style to ensure the pedestrian footway is maintained in line with HCC's Local Transport Plan policies. This dropped kerb should be completed under a section 184 agreement with HCC Highways - see informative 1.

	<p>The dropped kerb should be completed to standards stipulated in HCC's Dropped Kerb Policy found on our website.</p> <p>There is no exiting access for this property onto the adopted highway network, only onto a private road and therefore it is deemed that this would not be a second dropped kerb onto the highway network which is not permitted within HCC Dropped kerb policy.</p> <p>In conclusion, HCC Highways would not wish to restrict a grant of permission of this proposal subject to the inclusion of the aforementioned conditions and informatives.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team 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, 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 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</p>

	<p>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>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-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
Trees & Woodlands	According to the information submitted no trees of will be detrimentally affected by the proposal. Subsequently I have no objections to the application being approved.
Parish/Town Council	No objection.

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	0	0	0	0

### Neighbour Responses

Address	Comments

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01041/FUL	W/24/3337359	32A Rucklers Lane, Kings Langley	Written Representations
2	22/02365/FUL	W/24/3338125	Land off Cupid Green Lane, Hemel Hempstead	Written Representations
3	23/02158/FHA	D/24/3338525	Little Brownlow Farm, Nettleden Road, Little Gaddesden	Householder
4	23/02835/FUL	W/24/3338670	The Coach House, 2 And 4 Water End Road, Potten End	Written Representations
5	23/01468/LDP	X/24/3338702	1 The Orchard, Kings Langley	Written Representations
6	23/02606/FUL	W/24/3338951	23 Howards Drive, Hemel Hempstead	Written Representations
7	23/02723/FUL	W/24/3339131	36 London Road, Hemel Hempstead	Written Representations
8	23/02819/FUL	W/24/3339353	Land to r/o 23 High Street, Tring	Written Representations
9	23/01845/FHA	D/24/3339457	50A Leverstock Green Road, Hemel Hempstead	Householder
10	23/02858/RET	D/24/3340265	New Lodge, Dunstable Road, Markyate	Householder
11	23/00314/TPO	TPO/A1910/9 602	Brown's Spring Wood, Potten End	Trees
12	23/02816/FHA	D/24/3340643	Little Oaks, Darrs Lane, Northchurch	Householder
13	23/02481/FUL	W/24/3340758	Downlands, Icknield Way, Tring	Written Representations
14	23/02194/FUL	W/24/3341128	Silk Mill Industrial Estate, Brook Street, Tring	Written Representations
15	23/01827/FHA	D/24/3341233	Kingfisher House, Sharpes Lane, Hemel Hempstead	Householder
16	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	Public Inquiry

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/03405/TEL</a>	W/23/3322972	Queensway, Alexandra Road, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			05/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322972">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322972</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described on the application form as 'Proposed 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.'</p> <p>The appeal site lies within Hemel Hempstead Old Town Conservation Area (CA)... The site is also close to a series of Grade II listed buildings.</p> <p>The proposed installation would comprise a 17-metre high monopole, together with ground-based equipment cabinets. The prominent location of the installation, together with its overall height, is such that it would be highly visible from within the surrounding public realm and from nearby properties facing onto the site.</p> <p>Although I accept that the area surrounding the site contains a range of street furniture, including lighting columns, the proposed installation would be appreciably higher than those features, appearing visually intrusive and dominant in the streetscene. It would also project above the mature trees that surround the site. These are deciduous, further reducing coverage during the winter months.</p> <p>Ultimately, a substantial extent of the modern and utilitarian mast would be visible from the surrounding area. This would form a jarring and incongruous feature in the streetscene, harming the character and appearance of the CA and compromising the settings of the listed buildings by detrimentally altering how those designated heritage assets would be experienced. Overall, I consider that the proposed installation would fail to preserve the settings of nearby Grade II and Grade II* listed buildings, and would fail to preserve or enhance the character or appearance of the CA. I find the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight.</p> <p>There are clear public benefits to the proposed installation, including the contribution to providing good, fast, reliable and cost-effective communications, an objective supported by the Government. Moreover, there is no basis to question that the equipment is necessary to achieve the required standard of network coverage. Nevertheless, I must balance these public benefits against the requirement for equipment to be appropriately sited. I</p>				



	have concluded above that the proposed installation would be harmful to character and appearance, and I do not consider that harm to be outweighed by the support in the Framework for high quality communications.
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No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">22/02355/FUL</a>	W/23/3320281	2 Chalkdell Cottages, Puddephats Lane, Flamstead	Written Representations
<b>Date of Decision:</b>			15/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3320281">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3320281</a>				
<b>Inspector's Key conclusions:</b>				

The development proposed is construction of stable for 2 horses and barn.

Despite what the Council say about the scheme's concealed location, it would nonetheless be perceptible through the site access. From this perspective the arrangement of buildings, the surrounding hardstanding and associated equine paraphernalia would appear as an intensive and visually discordant development in context with the largely undeveloped surroundings.

The cumulation of the number of buildings, the overall size and design of the barn, along with the hardstanding and paving would appear as an intensive development. The combination of those built elements would not be visually appropriate in this agricultural setting while seeming, given the level of works, disproportionate to the recreational use of the stabling of two horses. Moreover, the scale of the proposal would not be limited and would have a significant and harmful effect on the visual amenity of the AONB. Therefore, the proposal would not conserve or enhance the natural beauty of the AONB.

The proposal would form a new access onto Puddephats Lane. Puddephats Lane is a single track 60mph road which bends on either side of the proposed access point. The bends to either side of the proposed site access and the height of the hedgerows which are situated to either side of Puddephats Lane would significantly reduce driver visibility when emerging from the proposed access. Furthermore, it appeared to me that there is inadequate stopping sight distance to allow drivers, travelling along Puddephats Lane enough time to react quickly to emerging vehicles, due to the highway's layout and the restrictions at the site access. Accordingly, the use of the access in connection with the appeal would greatly increase the risk of collision with other traffic along the Puddephats Lane, and I find that the proposal would be harmful to the safety of highway users.

No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">23/00046/FUL</a>	W/23/3325248	6 Lawn Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			16/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325248">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325248</a>				
<b>Inspector's Key conclusions:</b>				

<p>The development proposed is a single storey rear extension to barber shop, loft conversion to staff flat, removal of existing pitched roof and replacement with a flat roof.</p> <p>The scheme would introduce two prominent flat roofs at first and second floor level, which would be incongruous with the traditional pitched roof of the existing building and wider terrace. This harm would be compounded by the construction of a disproportionately large and bulky box dormer window in the main roof that would give the building an unattractive top heavy appearance. As a consequence, the development would dominate the rear of the terrace block and disrupt its simple roof form.</p> <p>Whilst I recognise that the scheme would not be seen from Lawn Lane because of its position to the rear of the building, it would nonetheless be visible from the busy Two Waters Road and the River Gade footpath/adjacent parkland, which would intensify the harmful impact described above.</p> <p>Although the appellant states that the appeal site is not within a conservation area and that the locale has a degraded, functional character, this does not remove the need for development to be of a high quality design or justify the harm identified.</p> <p>In view of the above, I conclude that the development would be harmful to the character and appearance of the existing building and wider area.</p> <p>I recognise that the principle of development is acceptable and that the scheme would result in benefits from;- (a) additional residential accommodation; (b) improved staff facilities; (c) additional commercial floorspace; and (d) local employment during construction. However, it is my view that the adverse impacts of the scheme would outweigh these benefits, when assessed against the policies in the development plan and other material considerations.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">23/00364/FUL</a>	W/23/3324042	The Maple, Roe End Lane, Markyate	Written Representations
<b>Date of Decision:</b>			22/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324042">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324042</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described on the application form as "Construction of an equipment and machinery storage building."</p> <p>The use of i.e. as opposed to e.g. in Policy CS7 therefore makes it clear that a more open interpretation of small scale development was not permitted. In light of this, and by reason of there being no evidence before me that the scheme falls within any of the 5 different types at subsections (i) to (v), I conclude that it does not constitute small scale development for the purposes of Policy CS7 of the Core Strategy. The proposal would therefore be in conflict</p>				

<p>with this policy, which sets out the types of new development and uses that would be acceptable in the rural area.</p> <p>I recognise that views of the proposed building would be filtered from Roe End Lane by a mature hedgerow and that it would be faced in timber cladding with a functional agricultural design. However, by reason of its scale and siting, it would be visible from outside the entrance to the site &amp; surrounding landscape to the south and materially increase the amount of built form in an isolated part of the field/paddock and open countryside where no other buildings currently exist. It would as a consequence be harmful to the character and appearance of the countryside and Chilterns AONB.</p> <p>The scheme would result in a range of public benefits, namely, assisting in the maintenance of the landscape and local employment during construction. However, it is my view that when considered collectively, these would be of limited value and outweighed by the harm I have identified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">22/02115/OUT</a>	W/23/3324939	Oak Cottage, 20 Bourne End Lane	Written Representations
<b>Date of Decision:</b>			04/03/2024	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324939">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3324939</a>	
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described as an 'outline planning application for construction of 4 dwellings on infill plot within the village'.</p> <p>The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. These include limited infilling in villages. Whilst I acknowledge that the CS designates Bourne End as a hamlet...due to the physical spread and density of development in the area, combined with the number of local services, I consider Bourne End to be a village.</p> <p>The appeal site comprises a large area of land associated with Oak Cottage, enclosed by a mixture of mature hedges and trees as well as boundary fences. Despite the surrounding built development and the presence of a small amount of domestic paraphernalia, the majority of the appeal site, beyond the existing stable block, has an open, verdant character. Whilst the mature trees to the northwest, separate the appeal site from the surrounding agricultural fields, it most closely relates to the open countryside and contributes significantly to the open, rural setting of the village. As such, regardless of its association with Oak Cottage and its proximity to Bourne End, I do not consider it to be within the village.</p> <p>The preamble to Policy CS5 defines infilling as the filling of small gaps between existing development. I agree with the appellant that it is possible for limited infill to comprise more than two dwellings. However, in this case, the appeal site is in a backland position and the built development to the southwest</p>				

<p>is some distance away, such that I do not consider it to form a small gap between existing development but an open area of land to the rear of the linear development fronting Bourne End Lane and Lauries Close. Consequently, the proposal would not constitute an infill development.</p> <p>Considering the above, the proposal would not meet the exception outlined in paragraph 154 e) of the Framework.</p> <p>The proposal would result in a more intensive use of the site, with additional occupiers and increased numbers of comings and goings. There would be areas of hardstanding, additional fencing and a greater pressure for domestic paraphernalia. Consequently, I conclude that the proposal would encroach into and result in a moderate loss to the openness of the Green Belt when compared to the existing situation.</p> <p>Whilst the majority of details have been reserved for future consideration. The proposal would introduce four dwellings in a backland position which would encroach into the surrounding countryside. As such, regardless of the detailed design, the proposal would appear incongruous when viewed amongst the surrounding dense, road fronting development. Notwithstanding this, I am satisfied that subject to details regarding layout, suitable provision could be made to promote a pedestrian friendly environment. Nevertheless, overall, I conclude that the proposal would harm the character and appearance of the area.</p> <p>I am unable to determine whether safe and suitable access could be provided. As such, I must take a precautionary approach and conclude that the proposal would conflict with Policies CS8 and CS12 of the CS and Saved Policies 51 and 54 of the Local Plan 1991-2011. These policies seek to ensure that development provides safe and satisfactory means of access for all users, giving priority to the needs of other road and passenger transport users over the private car.</p> <p>I attach considerable positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the other benefits of the scheme. However, these other considerations would not clearly outweigh the harm to the Green Belt arising from inappropriateness, loss of openness and other harm. Therefore, the very special circumstances required to justify the proposal do not exist.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">23/01625/FHA</a>	D/23/3333865	8 Langdon Street, Tring	Householder
<b>Date of Decision:</b>			04/03/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333865">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333865</a>				
<b>Inspector's Key conclusions:</b>				
The development proposed is described as a 2 storey side extension, single storey rear extension, new hip roof and internal re configuration.				

<p>The two-storey side extension would infill the existing small gap between the side of the dwelling and Albert Street. The limited space for the extension means that the proportion between brickwork and windows would contrast significantly with the existing spacing of openings within Portland Place. Furthermore, the narrow width of the extension would result in a squat addition which would appear out of proportion with the host dwelling and terraced group. Therefore, the extension would result in an incongruous addition which would dilute the strong sense of symmetry within Portland Place.</p> <p>The side extension would be positioned at the back of the Albert Street pavement. This would erode the limited, yet important, sense of openness at the crossroads. The extension would be prominent, resulting a greater sense of enclosure within the streetscene. Furthermore, the side extension would project beyond the prevailing building line of dwellings on Albert Street within the immediate area which would disrupt the linear pattern of development.</p> <p>I acknowledge that the appearance of the extension, with regard to its replication of roof form and detail; the use of appropriate materials including brickwork within its side elevation; the use of lime mortar; and, the design and materials of openings, would all be respectful to the building. However, these matters of design do not overcome the harm to the TCA that I have identified.</p> <p>I have identified that the proposed development would cause less than substantial harm to the significance of the TCA. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight. While there are some public benefits associated with the development, they are insufficient to outweigh the great weight to be attached to the harm to the heritage asset that I have identified.</p>				
<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
7	<a href="#">22/01187/MOA</a>	W/22/3309923	Land East of Tring	Public Inquiry
<b>Date of Decision:</b>			15/03/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309923">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3309923</a>				
<b>Inspector's Key conclusions:</b>				
<p>Planning permission has been refused on appeal for an urban extension to the town of Tring in Hertfordshire, which proposed up to 1,400 dwellings (including up to 140 Use Class C2 dwellings); a new local centre and sports/community hub; primary school; secondary school; and public open spaces including creation of a Sustainable Alternative Natural Green Space (SANG).</p> <p>Planning permission was refused by Dacorum Borough Council on 10 October 2022 for nine reasons: by the time the inquiry commenced, many of these had been resolved through the negotiation of a s.106 agreement. The main outstanding reason for refusal was the harm caused to the Green Belt by the proposed development and the lack of very special circumstances demonstrated to justify the proposed inappropriate development.</p> <p>The appeal was recovered by the Secretary of State and determined following a five-week inquiry.</p>				

The Secretary of State agreed with the Inspector's findings on the main issues, including Housing Land Supply, Green Belt, character and appearance of the surrounding area (including the setting of the Chilterns AONB – now National Landscape), loss of agricultural land and heritage. In particular, he agreed that the harm to the Green Belt by reason of inappropriateness, loss of openness and harm to the purposes of checking the sprawl of built-up areas and safeguarding the countryside from encroachment, carried substantial weight. He also agreed with the Inspector that the proposal would fail to comply with adopted development plan policies on character and appearance due to the harm to the character of Tring's surrounding countryside and the setting of the AONB. He attributed significant weight to the loss of agricultural land.

The Secretary of State also generally agreed with the weight given to the benefits of the proposed development by the Inspector, including the substantial weight to be given to the provision of various forms of housing due to the lack of a five-year housing land supply in Dacorum, which was a factor which weighed substantially in favour of the proposal.

However, the Secretary of State disagreed with the Inspector on the question of whether very special circumstances existed, finding that other considerations in the case did not clearly outweigh the harm to the Green Belt and the other identified harms.

The Secretary of State therefore concluded that the tilted balance did not apply, due to the existence of a "clear" reason for refusing the development proposed (para.11(d)(i) NPPF) and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Overall, applying s.38(6) of the PCPA 2004, the conflict with the development plan and the material considerations in this case indicated that permission should be refused.

Of wider interest are the Secretary of State's findings on the approach to the emerging development plan, which included the development site as an allocation, and had been "paused" by members of Dacorum Borough Council at the time of the inquiry. While the Secretary of State agreed with the Inspector that the Council's repeated failure to progress an up-to-date development plan that would meet its future housing need and ensure the provision of sufficient sites was an important matter, he did not consider that failure and or proposed release of the site from the Green Belt in the emerging plan merited separate or additional weight. Those matters had already been taken into account in the consideration of the weight to be given to the provision of housing and in the application of the tilted balance.

Simon Bird KC and Esther Drabkin-Reiter appeared for Dacorum Borough Council.



No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">23/00680/FHA</a>	D/23/3333585	19 Clarence Road, Berkhamsted	Householder
	<b>Date of Decision:</b>		19/03/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333585">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333585</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a loft conversion with new dormer, reconstruction of front boundary walls, new black railings and gate and new tiled paving to front patio.</p> <p>The appeal is dismissed insofar as it relates to the loft conversion with new dormer. The appeal is allowed insofar as it relates to the remainder of the application.</p> <p>The proposed rear dormer would be large and would consume much of the rear roof slope. The height of the dormer would project above the ridge line of the outrigger, resulting in a pronounced addition which would fail to appear subservient to the existing building form. The height and depth of the dormer would add greater vertical emphasis to the property adding considerable visual bulk which would dominate the rear roof slope. The simple roof form of the flank gable would be diminished by the bulk of the dormer, creating visual imbalance to the exposed side elevation. Due to its scale and siting, the dormer would appear highly prominent and incongruous from the adjacent Clarence Road depot and the public footpath adjacent to the Victoria CofE School.</p> <p>I acknowledge that the dormer has been designed so that it is set in from the extremities of the roof slope, and that it would be constructed from materials to reflect the existing slate roof. However, these design matters are not sufficient to address the extent of harm to the BCA that I have identified.</p> <p>I have identified that the proposed development would cause less than substantial harm to the significance of the BCA. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight. Any benefits of the development are likely to be private and would be insufficient to outweigh the great weight to be attached to the harm to the heritage asset that I have identified.</p>			

## 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">23/00139/FHA</a>	D/23/3319252	31 Cemetery Hill, Hemel Hempstead	Householder
<b>Date of Decision:</b>			14/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319252">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3319252</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described on the application form as "Single storey front extensions and alterations, part two and part single storey rear extension".</p> <p>The proposed part two/part single storey rear extension ('the rear extension') would be flush with the host property's existing side elevation and project a small distance beyond No 29's single storey rear lounge extension. It would however be set on higher ground than the latter, the consequence of which would be a degree of visual intrusion and loss of outlook from No 29's first floor bedroom windows and ground floor extension rooflights. However, because of:- (1) the scheme's modest rear projection; (2) it being set inside the shared boundary; and (3) the lounge retaining an unfettered outlook from its bifold doors, I would not consider its impact to be significant enough to cause a harmful level of visual intrusion or loss of outlook to the occupants of No 29.</p> <p>The rear extension would result in some loss of diffuse daylight<sup>3</sup> to No 29's first floor bedrooms and the lounge at ground floor level. However, the Case Officer report states that the rear extension would pass the 45 degree daylight test on No 29, which indicates that it would not cause a significant reduction in diffuse daylight to these rooms. Having appraised the matter on the ground against the BRE daylight and sunlight guidance<sup>4</sup>, I am minded to agree on the basis that the scheme would appear to pass the 45 degree elevation test on the first floor bedroom windows and the 45 degree plan test on the bifold doors to the lounge, which are the primary source of light to this room (the BRE guidance states that an extension may cause a significant reduction in daylight received by a window if it fails both tests i.e. plan and elevation).</p> <p>There would also be some loss of direct sunlight to No 29's bedroom windows and ground floor extension rooflights from approximately mid-afternoon onwards. However, because these openings are south facing, I am satisfied that their respective rooms would continue to receive a good standard of direct sunlight for a significant part of the day.</p> <p>In view of the above, I conclude that the development would not be harmful to the living conditions of the occupiers of No 29 Cemetery Road.</p>				



No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">23/00621/FHA</a>	D/23/3326747	The Grange, Frithsden Copse, Potten End	Householder
<b>Date of Decision:</b>			14/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3326747">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3326747</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is the erection of two storey side extension.</p> <p>National Green Belt policy in the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special circumstances.' There are, however, certain exceptions. One of those, at paragraph 154, is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.</p> <p>The proposal would increase both the footprint of the property and its volume. However, whether or not the above baseline is used, the scale of the extension, to my mind, would be limited in extent relative to The Grange. I conclude that the proposed development would not be inappropriate development in the Green Belt.</p> <p>I note that no tree survey has been provided in support of the proposed development. However, it is not proposed to remove any trees as part of the proposed development and the site has been the subject of a recent planning decision for a single-storey extension. The footprints of that scheme and the scheme before me are the same. The extension is also shown in the submitted evidence to be outside of any root protection areas.</p> <p>I have no substantiated evidence before me to demonstrate that the trees in this location would be unlikely to survive on site for many years following the construction of the proposed development. However, the provision of protective measures during the course of works would be reasonable, and this could be adequately dealt with by condition. Overall, I conclude that, subject to condition, the proposed development would be acceptable in respect of the amenity of trees.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">23/00047/FUL</a>	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
<b>Date of Decision:</b>			20/02/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is the construction of an equestrian training area (menage).</p> <p>Paragraph 155 of the Framework explicitly list engineering operations and material changes in the use of land as not inappropriate in the Green Belt</p>				

<p>provided they preserve its openness and do not conflict with the purposes of including land within it.</p> <p>In this instance, aside from the fencing, the training area would be devoid of built form or volume and hence, would be open. The enclosure fencing would be limited in height and the post and rail construction would mean that the solid to void ratio of the structure would heavily favour the void. The consequent element of new building would therefore be insubstantial. Accordingly, in spatial terms the openness of the appeal site would be largely unaffected.</p> <p>The appearance of the post and rail fencing would be entirely in-keeping...the temporary presence of a limited amount of equestrian equipment would have a marginal visual impact...the private training area would not be an abnormally large facility, no external lighting is proposed, and it would serve an existing limited number of horses nearby. As such, it is unlikely that there would be a discernible intensification in activity levels.</p> <p>Accordingly, I find that the proposal would fall within development permitted under paragraphs 154 and 155 of the Framework. Consequently, it would not be inappropriate development in the Green Belt.</p> <p>Grim's Ditch is a large feature, measuring approximately 990m long between Crawley's Lane and Rossway Lane. Hence, the appeal site lies relatively close to a small section of it. Inevitably the natural and built environment will have changed considerably since the Iron Age, and no doubt will continue to evolve irrespective of the appeal proposal. In this context, it is the general rural characteristics of the wider setting that contribute positively to the significance of Grim's Ditch. Based on the information before me, it is not shown that the setting of the heritage asset is so sensitive that it would be unable to withstand the change wrought by the proposal, aspects of which I consider could be adequately controlled using planning conditions. On that basis, I judge that the proposal would not cause harm to the overall significance of the scheduled monument.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">23/00070/FUL</a>	W/23/3323376	Wood End Farm Grain Stores, Wood End Lane, Markyate	Written Representations
<b>Date of Decision:</b>			07/03/2024	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3323376">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3323376</a>	
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is the change of use of an agricultural building to low-key storage (Use Class B8) including installation of personnel door.</p> <p>The appeal site comprises several agricultural buildings. The appeal proposal relates to the change of use of a large metal clad barn located centrally within the appeal site (the appeal property) from agriculture to a storage or distribution centre.</p>				

An important material consideration in this case is the fact that the appellant has been granted prior approval for the change of use for about two-thirds of the appeal property to a flexible commercial use falling within use class B8 (storage and distribution) (the permitted development). The Council consider that I should give this fall-back limited weight. However, I do not agree.

The fact that the appellant applied for a change of use to a B8 use in the first place and pursued the appeal indicates their clear desire to use the appeal property for such use. I am not persuaded that the prior approval application was part of a planning strategy and is unlikely to be implemented. The appeal property is a simply designed and constructed building with an uncomplicated layout and internal arrangement. It would be a straightforward task to sub-divide it to allow for the majority to be used for storage/distribution and the remainder to be used for agricultural use.

It follows that I am satisfied that there is a greater than theoretical possibility that the permitted development might take place and will be implemented if this appeal is dismissed. I therefore accord the fallback position significant weight as a material consideration in making this decision.

I accept that the income generated by the change in use would help to secure the long-term viability of the farm. I consider that the proposal would meet a local business need in a rural area. The appeal property is located within the open countryside and is not well served by public transport. However, the Framework sets out that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements in locations that are not well served by public transport.

The proposal would not have an unacceptable impact on local roads, particularly in comparison to the permitted development.

I therefore conclude that the proposed change of use would be an acceptable use in this location having regard to local and national policies relating to development within rural areas.

Taking account of the existing use of the site and the permitted development, the proposal would not be harmfully injurious to the tranquillity of the Chilterns taking account of future activity, vehicular movements, noise and any signage requirements, which would equally be needed for the permitted development. The Council highlight that external lighting could also cause harm, but I am satisfied that this could be ameliorated by the imposition of an appropriately worded condition. As a result, the proposal would not harm the character and appearance of this countryside setting and would not harm the landscape or scenic beauty of the AONB.

No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">22/02315/DRC</a>	W/23/3329143	Unit 1b, 49A High Street, Northchurch	Written Representations
	<b>Date of Decision:</b>		13/03/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329143">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329143</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The details in dispute relate to condition 15 which states that: "No development shall take place until a detailed scheme for the offsite highway improvement works as indicated on drawing 16 2422-1 Revision E (Site &amp; Location Plans) have been submitted to and approved in writing by the Local Planning Authority".</p> <p>The planning permission included condition 15, which is worded as a pre-commencement condition, requiring the submission and approval of a detailed scheme of offsite highway works. The delivery of the offsite highway works is controlled by condition 16 of the planning permission, which requires the works to be completed prior to the first occupation of the development and retained in perpetuity thereafter.</p> <p>The proposed pedestrian crossing would be an improvement on the existing situation, whereby pedestrians access the site via the vehicular carriageway on Northfield Place. Consequently, pedestrians are required to navigate multiple hazards, including vehicles travelling within the appeal site as well as along High Street. Moreover, the addition of a connecting footway between High Street and the dwellings would provide dedicated space for pedestrians to seek refuge from passing vehicles whilst waiting to cross the road. It would, therefore, have a positive effect on the safety of pedestrians travelling to and from the site. I conclude that the details of the proposed offsite highway works are acceptable, with particular regard to pedestrian safety.</p> <p>It is unlikely that there would be a material increase in recreational pressure on the SAC arising from the approval of details pursuant to condition 15 either alone or in-combination with other plans and projects. Therefore, it would not undermine the conservation objectives for the SAC. Consequently, an Appropriate Assessment is not required, and it would not be reasonable to secure mitigation in respect of the effects on the SAC.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">23/01261/UPA</a>	D/23/3329934	Hillcrest, Stoney Lane, Chipperfield	Householder
	<b>Date of Decision:</b>		18/03/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329934">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329934</a>			
	<b>Inspector's Key conclusions:</b>			
	The development proposed is construction of an additional storey height above the principal part of the existing bungalow only.			

<p>Schedule 2, Part 1, Class AA(b) of the GPDO permits the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA subject to limitations and conditions and a requirement that, before beginning the development, the developer applies to the local planning authority for prior approval.</p> <p>The application proposes to add a second storey to Hillcrest, which would increase the eaves and ridge height of the building. Consequently, the extended dwelling would be taller than the neighbouring property Thisuldo. However, the proposed development would not appear out of place given the existing variety in building heights on Stoney Lane, and the relative height of the neighbouring property, Challacombe. Moreover, no changes are proposed to the position of the dwelling within its plot, or to its front and side building lines. Consequently, there would be sufficient space retained between the appeal property and Thisuldo to ensure the development would not be overly dominant by way of its eaves and ridge height, bulk or mass.</p> <p>The proposed addition of three front-facing dormer windows would alter the appearance of the appeal building. However, front-facing dormer windows are an existing feature on Stoney Lane, in particular on the adjacent property Challacombe. Therefore, the windows would not be incongruent to local character. Furthermore, the form of the existing pitched roof and chimney stack would be replicated as part of the development, and the proposed external materials would match the existing building. Consequently, the proposed upward extension would respect the design and architectural features of the existing dwelling and would also be sympathetic to local character.</p> <p>Overall, I conclude that the development would be acceptable in terms of the external appearance of Hillcrest, with particular regard to the design and architectural features of the principal elevation of the dwellinghouse.</p>				
<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
7	<a href="#">23/00767/FHA</a>	D/23/3328055	43 Highfield Road, Berkhamsted	Written Representations
<b>Date of Decision:</b>			18/03/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328055">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3328055</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is to demolish the existing ground floor rear outrigger to allow the erection of a new rear ground and first floor extension alongside a rear roof dormer window.</p> <p>The appeal property has an existing single-storey rear outrigger. The outrigger is around half the width of the host dwelling and would be replaced with a full-width, two-storey extension as part of the proposed development. At 6 metres deep, the proposed ground floor extension would project beyond the rear</p>				

elevation of the existing outrigger. However, it would not be significantly taller or deeper than the extended ground floor of the neighbouring property at 41 Highfield Road. Moreover, the first-floor extension would be set-back to around half the depth of the ground-floor extension and would have a similar height to other established two-storey extensions on nearby properties. Consequently, the height, depth and overall scale of the proposed rear extensions would be proportionate to the host dwelling and would not be overly dominant in the context of neighbouring dwellings.

The proposed development would introduce a gable roof at ground floor level and a flat roof on the second floor, with a dormer window above. On my site visit, I observed that the existing rear elevations of nearby properties display a variety of roof forms and architectural features. Therefore, the proposed mix of roof styles would not be incongruent to the local context. Moreover, the dormer would be set-back from the edges of the existing roof slope. Consequently, and given that the proposed development would be constructed with materials to match the existing building, it would have an outward appearance that is sympathetic to local character.

No structural changes are proposed to the front elevation of the host property. However, the existing uPVC windows would be replaced with more traditional timber frames. This would be a modest beneficial change on a prominent street frontage. Consequently, there would be an overall enhancement to the character and appearance of the Conservation Area.

The proposed development would be visible from the rear windows and garden of No 47. However, as set out above, it would reflect other rear extensions that have established on nearby properties and would be sympathetic to local character. Moreover, there would be no structural changes to the front elevation of the dwelling, and the reinstatement of wooden window frames would have a modest, positive effect on the setting of the listed building. Overall, I conclude that the setting of the nearby Grade II listed building would be preserved.

I conclude that the proposal would not cause undue harm the living conditions of the occupants of 41 Highfield Road and 45 Highfield Road, with particular regard to sunlight, daylight, privacy and outlook.

The proposal would enlarge an existing dwelling and, therefore, it would not result in an increase in the number of households in the area. Consequently, it is unlikely that the development would result in an increase in recreational pressure on the SAC either alone or in-combination with other plans or projects. Therefore, it would not undermine the conservation objectives of the SAC. I note that the Council does not consider an Appropriate Assessment is required in this instance and, based on the evidence, I have no reason to take a different view.

## **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn between 23 January 2024 and 31 March 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	21/04038/FUL	W/23/3326830	10 Church End, Markyate	Written Representations
	<b>Date of Decision:</b>		24/01/2024	
	<b>Link to full decision:</b>			
	n/a			
	<b>Inspector's Key conclusions:</b>			
	The Agent withdrew the appeal upon instructions. The application for Costs against the Council was not withdrawn and remains undetermined.			

## **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 23 January 2024 and 31 March 2024.

**None.**

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 23 January 2024 and 31 March 2024.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 23 January 2024 and 31 March 2024.

**None.**

## 6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">E/21/00041/NPP</a>	C/22/3290614	The Old Oak, Hogpits Bottom, Flaunden	Public Inquiry
<b>Date of Decision:</b>			18/03/2024	
<b>Link to full decision:</b>				
n/a				
<b>Inspector's Key conclusions:</b>				
<p>The developer had submitted a Lawful Development Certificate (existing) Under Section 191 of the Town and Country Planning Act 1990 reference 23/03060/LDE for the whole site to be 'Use of land as a residential caravan site for a maximum of three caravans'. This certificate was subsequently granted on 4th March 2024.</p> <p>As a result, the development is therefore immune from enforcement action. This information has been relayed to the Planning Inspectorate and the Planning Enforcement Notice has been withdrawn.</p>				



## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 31 March 2024).

<b>APPEALS LODGED IN 2024</b>	
PLANNING APPEALS LODGED	19
ENFORCEMENT APPEALS LODGED	0
TOTAL APPEALS LODGED	19

<b>APPEALS DECIDED IN 2024</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	18	100
APPEALS DISMISSED	9	50
APPEALS ALLOWED	7	38.9
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	11.1

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2024</b>		
Total	9	100
Non-determination	0	0
Delegated	8	88.9
DMC decision with Officer recommendation	1	11.1
DMC decision contrary to Officer recommendation	0	0

<b>APPEALS ALLOWED IN 2024</b>	<b>TOTAL</b>	<b>%</b>
Total	7	100
Non-determination	1	14.3
Delegated	5	71.4
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	14.3

## 6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/02475/ROC	W/24/3337121	Shootersway, Berkhamsted	05.06.24

## 6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	tbc

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 23 January 2024 and 31 March 2024.

None.

## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 23 January 2024 and 31 March 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/00047/FUL	W/23/3322942	Paddockside, Tinkers Lane, Wigginton	Written Representations
	<b>Date of Decision:</b>		20/02/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322942</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The applicant submits that the Council behaved unreasonably on three grounds, namely because it prevented and delayed development that should clearly have been granted having regard to planning policy and other material considerations; that it did not follow well-established case law; and was inconsistent in its decision making.</p> <p>In relation to the first ground, the applicant refers to the Council failing to consider permitted development rights as a fall-back position, under which it is asserted that the proposed fencing would be permitted. Although permitted development rights are not specifically mentioned in the Council's delegated report, they were aware of the various components of the development, including the fencing. The report goes on to set out a holistic analysis and judgement of the development on the openness of the Green Belt, which to my mind is a reasonable approach.</p> <p>The fall-back position described did not encompass the entirety of the proposal. As such, it is not shown that had the Council expressly referred to permitted development rights for fencing they would have come to a different finding overall.</p>			

In addition, the delegated report contains an adequate explanation of the policy context and main issues relating to the proposal. It articulates the Council's judgements in those respects and provides sufficient reasons for them. This is augmented by the Council's written statement for the appeal.

I accept that the applicant strongly disagreed with some of those judgements, and particularly the weight to be given to criteria in saved policy 81 of the Dacorum Borough Local Plan (LP). Moreover, as will be seen from my decision, my view differed from the Council's. Nevertheless, it does not follow that the Council failed to substantiate its reasons for refusal. It put forward credible reasons that were specific to the circumstances of the case. Although, less persuasive than the applicant's arguments, I do not find the reasoning advanced in this case was vague, generalised or inaccurate within the meaning of the PPG.

The matter of what weight to attribute to respective policies requires a judgement to be made by the decision maker. It is not shown that the position of the Council in this respect obviously conflicts with well-established case law.

The other caselaw cited relates to what constitutes a 'building' in planning terms. The applicant contends that equestrian paraphernalia does not represent development and the Council was unreasonable to object to these features. However, it is not shown that the Council were under the impression that equestrian paraphernalia amounted to development in itself, rather it was mentioned as a probable consequence of the equestrian training area proposed.

Neither am I aware that the Council was required or encouraged by national policies to dissect various elements of a development proposal to consider whether individual aspects amount to development or not. Considering the implications of a development proposal in its entirety is a reasonable approach. Consequently, I am not persuaded that the Council acted contrary to, or did not follow, well-established caselaw.

The applicant highlights other development permitted by the Council in the vicinity of the scheduled monument as an instance of inconsistency in decision making. The case highlighted pertains to a replacement dwelling, and hence there was already development at the site. There are further differences with the appeal scheme in the location and nature of the respective proposals. Given these differences, they are not directly comparable and so I am not convinced it amounts to evidence of the Council not determining similar cases in a consistent manner for the purposes of the PPG.

Overall, I do not find that the Council behaved unreasonably within the meaning of the PPG. It follows that the applicant was not put to unnecessary expense in testing their position at appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, the award of costs sought is not warranted.