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# DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 20 JUNE 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM

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Meeting ID: 324 918 380 129

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

### Membership

Councillor Guest	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-Mears

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) 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 6 - 41)
- (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, HP2 6JH (Pages 42 - 75)
- (c) 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 76 - 87)
- (d) 23/02195/FUL - Construction of 9 dwellings including the creation of a new vehicular access, parking and landscaping - Land West Of Tring Road Tring Road Wilstone Tring Hertfordshire (Pages 88 - 162)
- (e) 24/00609/FUL - Demolition of existing garage and construction of a 4 bed dwelling and 3 bed dwelling (Pages 163 - 197)

**6. APPEALS UPDATE (Pages 198 - 214)**

## INDEX TO PLANNING APPLICATIONS

<b>Item No. No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page</b>
<b>5a.</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, Bovingdon, Hemel Hempstead	
<b>5b.</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>5c.</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	
<b>5d.</b>	23/02195/FUL	Construction of 9 dwellings including the creation of a new vehicular access, parking and landscaping Land West Of Tring Road, Tring Road, Wilstone, Tring	
<b>5e.</b>	24/00609/FUL	Construction of 4 bed and 3 bed residential dwelling in rear garden. Existing property to be retained apart from the demolition of existing garage and covered passageway to create new private driveway. 21 Wood Lane End, Hemel Hempstead, Hertfordshire, HP2 4RA	
<b>6.</b>		Appeals update May 2024	

# Agenda Item 5a

ITEM NUMBER: 5a

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 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.

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><b><u>Comments</u></b></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><b><u>Parking/Access</u></b></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

Address	Comments
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# Agenda Item 5b

ITEM NUMBER: 5b

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>ARCHAEOLOGICAL IMPLICATIONS</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 small 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>

	<p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p>Air Quality Informative.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of 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>
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	<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 CHILTERN</p> <p>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 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
<p><b>Petition of Objection with 101 signatures</b></p>	<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 5c

ITEM NUMBER: 5c

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 (C) - Swept Path Details, Car Parking and Visibility**

**MJT/104 (B) - 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

	<p>under a section 184 agreement with HCC Highways - see informative 1. 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</p>

	<p>water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p>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 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



# Agenda Item 5d

ITEM NUMBER: 5d

23/02195/FUL	Construction of 9 dwellings including the creation of a new vehicular access, parking and landscaping	
Site Address:	Land West Of Tring Road Tring Road Wilstone Tring Hertfordshire	
Applicant/Agent:	H2O Urban (No 2) LLP	Mr Philip Smith
Case Officer:	Martin Stickley	
Parish/Ward:	Tring Rural Parish Council	Tring West & Rural
Referral to Committee:	Called-In by Ward Councillor	

## 1. RECOMMENDATION

- 1.1 That planning permission be DELEGATED with a view to APPROVAL subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation and the footpath, play area and associated management responsibilities.

## 2. SUMMARY

- 2.1 The application lies within Wilstone and the Rural Area, whereby small-scale housing developments are acceptable subject to compliance with Policies CS1, CS2 and CS7. The assessment below concludes that the proposals would comply with these policies and the benefit of providing nine residential units is given substantial weight considering the lack of the council's five-year supply of housing.
- 2.2 The applicant has responded to points raised by council officers and the scheme has evolved accordingly. No specific reasons for refusal have been identified.

## 3. SITE DESCRIPTION

- 3.1 The application site comprises a triangular parcel of land situated on the eastern side of Tring Road, south-west of Wilstone Bridge. Wilstone is located directly south approximately four-minutes' walk to the centre of the village. The site is bound by residential dwellings on Tring Road to the south. There is a current development underway to the east for 28 dwellings (see 20/01754/MFA, which was allowed on appeal). To the north lies the Aylesbury Arm of the Grand Union Canal followed by the recently completed 'Wilstone Wharf' development of seven units and one live/work unit (see 4/02833/16/MFA). The application site is on the edge of the settlement.

## 4. PROPOSAL

- 4.1 Planning permission is sought for nine dwellinghouses including two larger four-bedroom detached properties and two rows of terraced properties comprising three and four-bed units. An access road would be provided from Tring Road to serve the terraced properties, which back onto the Canal. The two detached properties would be accessed from driveways on Tring Road. The scheme would also provide a new footpath along Tring Road within the site boundaries with play equipment.
- 4.2 The proposed units would be of contemporary design, constructed from buff and red brick at ground-floor level and black timber cladding at first-floor. The roofing material would be dark grey metal cladding. Areas of landscaping and tree planting would be provided within and around the plots.



## **5. PLANNING HISTORY**

5.1 No relevant planning applications.

## **6. CONSTRAINTS**

Advert Control

Canal Buffer Zones: Major and Minor

CIL Zone: 2

Former Land Use (Risk Zone)

Parish: Tring Rural CP

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Rural Area

Parking Standards: Zone 3

Wildlife Sites: Grand Union Canal, Aylesbury Arm

## **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)

Hertfordshire County Council Waste Core Strategy (2012)

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

### *Core Strategy (Policies)*

NP1 – Supporting Development

CS1 – Distribution of Development

CS2 – Selection of Development Sites

CS7 – Rural Area

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

CS18 – Mix of Housing

CS25 – Landscape Character

CS26 – Green Infrastructure

CS27 – Quality of the Historic Environment

CS28 – Carbon Emission Reductions

CS29 – Sustainable Design and Construction

CS31 – Water Management

CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

*Dacorum Borough Local Plan (DBLP) (Saved Policies)*

Policy 18 – Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 37 – Environmental Improvements  
Policy 51 – Development and Transport Impacts  
Policy 57 – Provision and Management of Parking  
Policy 58 – Private Parking Provision  
Policy 62 – Cyclists  
Policy 79 – Footpath Network  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 101 – Tree and Woodland Management  
Policy 102 – Sites of Importance to Nature Conservation  
Policy 103 – Management of Sites of Nature Conservation Importance  
Policy 106 – The Canalside Environment  
Policy 111 – Height of Buildings  
Policy 113 – Exterior Lighting  
Policy 119 – Development Affecting Listed Buildings  
Policy 129 – Storage and Recycling of Waste on Development Sites  
Appendix 1 – Sustainability Checklist  
Appendix 3 – Layout and Design of Residential Areas  
Appendix 8 – Exterior Lighting

*Hertfordshire County Council Waste Core Strategy*

Policy 1 – Strategy for the Provision for Waste Management Facilities  
Policy 2 – Waste Prevention and Reduction  
Policy 12 – Sustainable Design, Construction and Demolition

*Supplementary Planning Guidance/Documents and Other Relevant Information/Legislation*

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Visitor Survey, Recreation Impact Assessment and Mitigation Requirements for the Chilterns  
Beechwoods SAC and the Dacorum Local Plan (2022)  
Chilterns Beechwoods Special Area of Conservation – Mitigation Strategy for Ashridge  
Commons and Woods Site of Special Scientific Interest (2022)  
Car Parking Standards (2020)  
Conservation of Habitats and Species Regulations (2017)  
Sustainable Development Advice Note (2016)  
Refuse Storage Guidance Note (2015)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Environmental Guidelines (2004)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The quality of design and impact on visual amenity;

- The impact on residential amenity;
- Environmental and ecological implications;
- The impact on highway safety and car parking; and
- Any other material planning considerations.

### Principle of Development

- 9.2 The application site lies within the designated 'Rural Area' whereby Policy CS7 of the Core Strategy applies. The policy states that 'small-scale development for housing...will be permitted at...Wilstone, provided that it complies with Policy CS1: Distribution of Development and Policy CS2: Selection of Development Sites.
- 9.3 Policy CS1 explains that the rural character of the borough shall be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Rural Area will be supported.
- 9.4 Paragraph 83 of the National Planning Policy Framework ("NPPF") aligns with Policy CS1, highlighting that:
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning Policies should identify opportunities for villages to grow and thrive, especially where this will support local services.*
- 9.5 Policy CS2 notes that within defined settlements, the preference is to develop previously developed land and buildings; followed by areas of high accessibility and then 'other land'.
- 9.6 Although the Core Strategy does not specifically define 'small-scale' development for housing, the proposals would represent an overall increase of housing numbers in Wilstone of circa 3-4%. This is considered small-scale. Whilst the site is not previously developed or considered to be in an area of high accessibility. However, as noted in paragraph 9.5 above, housing development can be supported on 'other land' such as this, even though it ranks lower on the preferred sites for development. Overall, the proposals would not be sited on land most suitable for residential development, albeit the level of harm would be limited.
- 9.7 The above should be balanced with the significant need for housing in the borough. Recent appeal decisions have highlighted issues with the delivery of housing in Dacorum<sup>1</sup> and an inability to demonstrate a five-year supply of housing, with a figure of 1.69 years<sup>2</sup>. It is also recognised that small sites can play an important role in delivering homes, as small sites typically deliver homes faster than larger schemes because they tend to be built in a single phase and are not reliant on new infrastructure delivery<sup>3</sup>. Taking the council's lack of a five-year housing land supply into account, the provisions of Paragraph 11(d) of the NPPF are invoked. This states that planning permission should be given for a development unless the benefits are significantly and demonstrably outweighed. This is referred to as the 'tilted balance'.
- 9.8 Councillor Smith-Wright and several residents have highlighted that Wilstone has grown considerably over recent years (e.g. noting the surrounding developments discussed in the 'Site Description' section). They have stated that the increased housing numbers/residents are putting pressure on the existing infrastructure. The growth of Wilstone is acknowledged

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<sup>1</sup> Land East of Tring (Appeal Reference: APP/A1910/W/22/3309923)

<sup>2</sup> Rectory Farm, Kings Langley (Appeal Reference APP/A1910/W/23/3333545)

<sup>3</sup> Lichfields – Small Sites: Unlocking housing delivery

by the local planning authority and strategic discussions are currently taking place regarding future growth. However, the council's current lack of a five-year land supply has emphasised the need for housing sites to come forward. The proposals would provide much needed housing and the associated social benefits. The proposals would also provide modest economic benefits by supporting local services such as the Wilstone Community Shop and P. E. Mead and Sons Farm Shop.

### Quality of Design / Impact on Visual Amenity

#### *Planning Policies*

- 9.9 Section 12 of the NPPF identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve.
- 9.10 Permission should therefore be refused for poor design that fails to improve the character and quality of an area and the way it functions. Equally, if the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.11 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; which state that development should coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space.
- 9.12 Policy CS18 requires housing developments to provide a choice of homes. This comprises a range of housing types, sizes and tenure; housing for those with disabilities and affordable housing in accordance with Policy CS19. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged.
- 9.13 Consideration should be given to Policy CS29: Sustainable Design and Construction when planning for new development to recycle and reduce construction waste and provide on-site recycling facilities for waste. Further information regarding waste management is set out in paragraphs 18.35-36 of the Core Strategy and the council's 'Refuse Storage Guidance Note (2015)'.
- 9.14 Appendix 3 of the DBLP states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.

#### *Assessment*

- 9.15 The application originally proposed 11 units, however, it was deemed that the layout was cramped and dominated by hardstanding for vehicular parking (see superseded layout). In addition, the proposals appeared to 'turn their back' on Tring Road with properties facing inwards. To address these issues, the local planning authority provided feedback on layout, urban design and a number of other matters through the course of this application. Some key improvements were made via the evolution of design process, including:
- (a) re-orientation of buildings to address Tring Road and follow an established pattern of development;
  - (b) reduction in the number of units to provide a more spacious development with improved living conditions for future occupiers;

- (c) the provision of a footpath to connect to existing footways on Tring Road and the canal towpath;
- (d) the inclusion of some 'play-on-the-way' play equipment features to provide an interesting walking route and a 'Local Area of Play' (LAP) for children; and
- (e) various other amendments such as larger gardens, reductions in hardstanding, and alterations to the bin store locations. The amendments are discussed in more detail in the revised Planning Statement and the council's Urban Design Officers comments.

- 9.16 In terms of the designs of the individual units, they are of a contemporary appearance, incorporating brick (buff and red) at ground-floor, dark timber cladding at first-floor and dark grey metal roofs. They have truncated roof forms, similar to those at Wilstone Wharf to the north. The modern approach, whilst differing from the neighbouring bungalows, would add variety to the streetscape and would not appear out-of-place when considering more recent developments in the area. Although the units are two-storey, their overall height has been kept low, respecting the height of the neighbouring properties. The Proposed Street Elevation / Section AA (Drawing No. A1-05, Revision A) illustrates that units 8 and 9 would sit approximately 0.49 metres above the ridge height of 71 Tring Road.
- 9.17 Although the design is considered acceptable, it is acknowledged that there would be some limited harm to the character and appearance of the area. This is because the proposals would replace a verdant, open field with built development. The extensive landscaping proposals, which will be discussed later, have helped to reduce the harm. Although some harm to the character and appearance of the area is acknowledged, the proposals are considered high quality and policy-compliant in terms of layout, design and building appearance, subject to a condition capturing high quality materials. The proposals would therefore have an acceptable impact in relation to visual amenity.

#### *Unit Size and Mix*

- 9.18 Whilst not formally adopted by the local planning authority, the proposed residential units are in-line with the Nationally Described Space Standards (2015). They are also provided with a sufficient amount of storage, refuse stores, cycle sheds and amenity space. The proposals originally included a housing mix of two-bed (3), three-bed (4) and four-bed (4) properties, comprising terraced, semi-detached and detached properties. Unfortunately, whilst providing a greater mixture of smaller and larger homes (and affordable housing) the larger scheme resulted in a cramped layout and other issues. This is discussed in more detail later, in the 'Affordable Housing' section.
- 9.19 The revised proposals, now considered acceptable on urban design and layout terms, provide only three-bed (4) and four-bed (5) properties. Whilst the scheme does not provide smaller one or two-bed properties, the South West Hertfordshire Local Housing Needs Assessment (2020) identifies that there is a higher need for three-bedroom (45%) and four-bedroom (31%) market housing across Dacorum, as opposed to one-bedroom (4%) and two-bedroom (20%). The document also notes that '*according to estate agents the most sought after properties are 1-2 bed homes near train stations*'.
- 9.20 Taking all of the above into account, it is considered that the housing mix is considered appropriate in this area.

#### *Accessible and Adaptable Dwellings and Spaces*

- 9.21 The Design and Access Statement states that the proposed units would provide a level access with an internal layout that accommodates a ground floor toilet compliant with M4(2) standards. It is also noted that a number of the units have larger parking areas that would be

able to easily accommodate for disabled occupiers or visitors. The proposals are acceptable in relation to accessible and adaptable dwellings and spaces.

#### *Building Heights*

- 9.22 The proposed units are all around 6.8 metres in height. Whilst they step up from the adjacent bungalows on Tring Road, the recent developments at Wilstone Wharf to the north and the development to the east (i.e. 20/01754/MFA) both include two-storey development of a similar height. Therefore, the proposed building heights are not considered out-of-character nor would they be unduly prominent within the street scene.

#### *Crime Prevention*

- 9.23 The Crime Prevention Officer at Hertfordshire Constabulary responded to the original drawings (superseded scheme). They explained that this is a 'low crime area' and made some suggestions to make the footpath to the rear of the properties as wide and straight as possible, well-lit and devoid of hiding places. It is assumed that they were referring to the canal towpath, as there were no other footpaths to the rear of the properties. The canal towpath falls outside of the site boundaries and would not be altered by the proposals. However, these principles can be applied to the new footpath to the front of the site, which was added upon request of the local planning authority (see amended plans). There is some conflict with the suggestions of the Urban Design officer, as it was considered that a windier footpath with the play-on-the-way equipment would make the walkway to the canal more interactive and interesting. Although there are competing priorities here, it is considered that the proposed dwellings would provide sufficient natural surveillance to deter crime along the footpath. Units eight and nine have numerous ground and first-floor windows facing the southern part of the footpath. Unit seven has three large first-floor windows overlooking the northern section.
- 9.24 In addition to the above, the applicant has confirmed that the proposals would comply with Approved Document, Part Q, which is equivalent to Secured by Design Silver Award. Overall, the proposals are considered acceptable in terms of crime prevention.

#### *Waste Management*

- 9.25 Hertfordshire Property Services have commented on waste management, highlighting that Policy 12 (Sustainable Design, Construction and Demolition) requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This should be implemented throughout the duration of the development from site preparation through to completion of the final construction phase. If approved, a SWMP condition would be included to ensure that the waste produced via construction is minimised and handled adequately.
- 9.26 Regarding waste storage/collection during the operational phase, the proposals involve personal bin stores for units eight and nine with individual bins that would be pulled to the roadside for collection. There is also a communal bin collection area for units 1-7, which incorporates 1 x 1100 litre refuse and 1 x 1100 litre recycling bin. This is within 25 metres of the highway collection point as required by policy. Design details of the specific bin stores would be captured via planning condition should permission be granted.

### Impact on Residential Amenity

#### *Planning Policies*

- 9.27 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 135(f) of the NPPF states that developments should provide a high standard of amenity for existing and future users.
- 9.28 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.29 Saved Appendix 3 (Layout and Design of Residential Areas) requires new developments to provide sufficient space around residential buildings to avoid a cramped layout and maintain residential character. Spacing between buildings ensures privacy and allows movement around buildings for maintenance and other purposes. All residential development is required to provide private open space for use by residents whether the development be houses or flats.

#### *Assessment*

##### *Light*

- 9.30 Concerning light, it appears that the Building Research Establishment's (BRE) 'Site layout planning for daylight and sunlight: a guide to good practice' has broadly been followed. Spacing appears adequate and all of the main living/kitchen areas would be served by large windows and some are dual aspect. It is noted Plot 8 may result in some level of overshadowing to the front of plots 4-7, as the property is located around 11.5 metres to the south. Any direct loss of light would be more apparent during winter months. It is expected that this may occur around midday when the sun is due south. Although the kitchens for these properties may lose several hours of direct sunlight through the day, it would not be considered to be for an extended period of time or unacceptable in planning policy terms. Overall, the lighting conditions for new residents would be satisfactory.
- 9.31 Based on the Proposed Site Plan (Drawing A1-01, Revision 20), the neighbours at Wilstone Wharf would be sited over 30 metres from the proposed units and the new/proposed properties to the east would be around 27 metres away. Considering these separation distances, there would be no significant loss of light or overshadowing impacts.
- 9.32 The two-storey nature of Plot 9 may result in some loss of light to 71 Tring Road, particularly early morning sunlight to its northern flank and rear garden. However, by noon and into the afternoon, direct sunlight to the property would not be affected. Based on an application approved in 2014 for a rear extension to No. 71 (see 4/00416/14/HPA), there is a room that only has one window, which faces Plot 9. Although there may be some reductions to daylight to this room, due to the proposed orientation/angle of Plot 9, it is not considered the reduction of light would be to an unacceptable degree. In addition, the location of Plot 9 (to the north/north-east of No. 71) would avoid almost all loss of direct sunlight to this neighbour. The other windows on this flank serve a larger, open-plan room with primary windows on the rear elevation. Overall, despite some impacts on light to No. 71, the proposed layout and subsequent light impacts on neighbours is considered acceptable.

##### *Privacy*

- 9.33 Regarding privacy, the proposed development should be designed in accordance with saved Appendix 3 of the DBLP. Distances between habitable room windows should meet or exceed the recommended 23-metre back-to-back distance.

- 9.34 As identified in the 'Light' section above, the separation distances are sufficient to ensure no significant impacts in relation to loss of privacy or overlooking to the neighbours to the north and east. Plot 9 would introduce a new two-storey unit adjacent to No. 71. The windows on Plot 9 have been sensitively positioned and the proposed orientation would ensure that there are no direct impacts on the neighbouring windows. In addition, there would be no significant overlooking impacts on the private garden space immediately behind No. 71. However, Plot 9 would introduce windows that would provide first-floor views towards the north-western part No. 71's garden. This would subsequently reduce privacy as you move towards the rear of the neighbours garden. Whilst some harm is identified here, it is not considered significant enough to warrant refusal of the planning application.

#### *Visual Intrusion*

- 9.35 Sufficient separation distances should be provided between existing and proposed development to ensure that there are no significant impacts regarding visual intrusion. Based on the Proposed Site Plan (Drawing A1-01, Revision 20), no unacceptable impacts have been identified regarding visual intrusion.

#### *Outdoor Amenity Space*

- 9.36 In terms of private gardens, saved Appendix 3 sets out the following guidance:

*Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5m. Ideally, a range of garden sizes should 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. Larger family or executive style homes will be expected to provide a garden of greater depth. Generally all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.*

- 9.37 Following discussions during the course of the application, efforts have been made to increase garden sizes across the site. All of the proposed properties now exceed the recommended average minimum depth of 11.5 metres. This, combined with the new connection to the canal towpath and play-on-the-way items, is considered sufficient to provide a satisfactory level of outdoor amenity space for future occupiers. As previously mentioned, the play equipment and new footpath would also serve wider benefits in terms of connectivity and safety.

### Environmental and Ecological Implications

#### *Planning Policies*

- 9.38 Policy CS26 states that development and management action will contribute towards the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Policy CS29 seeks to ensure that development minimises impacts on biodiversity and incorporates positive measures to support wildlife.
- 9.39 Paragraph 186 (a) of the NPPF advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated.

#### *Chilterns Beechwoods Special Area of Conservation – Habitat Regulation Assessment*



- 9.40 The Chilterns Beechwoods Special Area of Conservation (“SAC”) includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (“SSSI”) and the Tring Woodlands SSSI.
- 9.41 As part of Dacorum’s emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to these protected sites and an increase in adverse activities e.g. trampling. To limit this impact, a Habitat Regulations Assessment (“HRA”) is required for any development that results in an additional residential unit within the ‘zone of influence’.
- 9.42 As the proposals involve new residential units, suitable mitigation will be needed in-line with the Council’s Mitigation Strategy. The Strategy provides that each new residential unit shall provide a financial contribution Strategic Access Management and Maintenance (“SAMM”) measures at the Ashridge Estate and a contribution towards Suitable Alternative Natural Green Space (“SANG”) via a legal agreement.
- 9.43 As the proposals involve nine units, the application would benefit from ‘floating’ council-led SANG. Council-led SANGs currently have capacity to accommodate the proposed development and the applicant has secured credits at the time of submitting the application. The following charges are applicable: SAMM = £913.88 per unit and SANG = £4,251.71 per unit, which are payable prior to the commencement of development. The agreed figures/details will be captured via the S106 agreement. As such, it is considered the proposals will provide adequate mitigation to remove, beyond reasonable scientific doubt, any adverse effect on the integrity of the Chilterns Beechwoods SAC from recreational pressure associated with residential growth.

### *Ecology*

- 9.44 The site is located adjacent to the Grand Union Canal, Aylesbury Arm, Local Wildlife Site (LWS), which is considered as an important ecological route. Measures to protect this habitat are therefore important if the proposals are approved.
- 9.45 The application documents include a Preliminary Ecological Appraisal (PEA), which is supported by a Phase 1 Habitat Walkover Survey, Environmental DNA (eDNA) Surveys of nearby waterbodies and ditches, and Reptile Surveys. The ecological baseline identifies the site as ‘other neutral grassland’ with species indicative of wet conditions. The hedgerows on the site are considered priority habitats, with one qualifying as being important under the Hedgerows Act. The PEA identifies the site as having potential habitat for badgers, hedgehogs, nesting birds, reptiles and great crested newts. The further surveys revealed no reptiles or great crested newts on the site. The Ecology Department at Hertfordshire County Council have reviewed the documents and have concluded that the information provided details a ‘reasonable assessment of the ecological conditions on the site’ and they have no reason to doubt the overall conclusions.
- 9.46 Considering the proximity to the LWS and other ecological sensitives, it is considered necessary to impose three planning conditions relating to ecology, should permission be granted. These include:
- Construction Environmental Management Plan (CEMP);
  - Landscape and Ecological Management Plan (LEMP); and
  - Lighting Design Strategy.

- 9.47 Subject to the imposition of the above conditions, the proposals are considered acceptable in ecological terms. In particular, the LEMP would ensure that ecology and biodiversity is incorporated into the development. It should also be noted that the application was submitted prior to the requirements for Biodiversity Net Gain (BNG) and although the determination period was reset during the course of the amendments, it was not considered reasonable to subsequently require BNG.

#### *Impact on Trees*

- 9.48 The proposals would involve the removal of two Category B (moderate) and one Category C (low) quality trees. The proposals also include the partial removal of one Category C group along the site frontage. Supplementary planting is proposed in order to address the tree loss. Around 40 new trees would be provided either stand-alone or within existing and new hedgerows to bolster them. The proposals also include new native hedgerows and other landscaping details that can be seen on the Proposed Site Layout Plan (A1-01, Revision 20). A comprehensive landscaping scheme would be captured via a planning condition if permission is granted.
- 9.49 Dacorum Borough Council's Trees and Woodlands Team have highlighted that eight of the trees proposed for retention are Ash, noting that 'in all likelihood, they will need to be removed in near future due to Ash Dieback...'. Whilst the applicant 'admirably refers to retaining most of the existing site trees', they consider that in this instance they believe it '...to be the wrong decision'. This is because the Ash Dieback fungal disease is impacting 80-90% of Ash trees nationwide and it is predicted that within the next five to ten years, it is highly probable that all of the Ash trees would need to be removed due to the hazard they present to homeowners and their homes.
- 9.50 The above has been discussed with the applicant who has confirmed that the trees fall outside of the application site 'red line' boundary. They have explained that the Canal and River Trust monitor trees along the canal network in terms of their condition and whether they pose a hazard. As the trees are outside of the application and the development seeks to avoid any impact on them, it is considered that this point can be picked up with the Canal and River Trust separately. They have been made aware of the comments from the Trees and Woodlands Team and that they will need to closely monitor these trees going forward.

#### Impact on Highway Safety and Parking

##### *Planning Policies*

- 9.51 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the NPPF23 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.*' Attention should also be given to the Local Transport Plan (LTP), specifically Policies 1 (Transport User Hierarchy) and 5 (Development Management).

##### *Assessment*

- 9.52 The Highways Department at Hertfordshire County Council have responded to the application and have not raised any significant concerns over highway safety, noting that the 'speed survey of the adjacent highway...found 85<sup>th</sup> percentile speeds to be between 24-27mph. Therefore, visibility splays have been provided based on this and are illustrated on drawing A1-01 P 20. The main access and internal layout would provide satisfactory manoeuvrability for private vehicles and a fire tender. The refuse lorry would be required to wait on the highway network but this 'is deemed acceptable for the classification of the

adjacent highway network and its speeds.' A secondary access would be provided for the private driveways for the two detached units, which has also been considered acceptable on highway and pedestrian safety grounds.

- 9.53 The site is located within close proximity to Wilstone Bridge. The agent has confirmed that the canal bridge can accommodate additional traffic associated with the proposed development without causing damage to the structure. The weight limit would apply to all traffic and any larger vehicles over this weight would need to use an alternative route. The Transport Statement confirms that the housing development of nine units would not generate significant heavy goods vehicle movements following construction. No specific concerns have been raised by the Highway Authority in this regard.
- 9.54 The proposals comprise a two-metre footway fronting the site, which would ensure inclusive mobility for two wheelchair users to pass another. The footway would connect to the existing footway network along Tring Road and would therefore connect the development to Wilstone and its amenities. It would also serve a wider benefit by providing a safe walkway for existing residents in Wilstone to access the canal towpath without the need to walk along this stretch of Tring Road (in the road).
- 9.55 All of the works to the highway network would need to be agreed and constructed via a Section 278 Agreement with the Highway Authority, who have confirmed that the entire footway (including the new section outside of the site) could be captured through this process.
- 9.56 The Highway Authority have raised no objections on highway safety grounds subject to the inclusion of conditions relating to highways improvements and visibility splays. It was not considered that the 'off-site highways improvements' condition is required, as this would be dealt with separately as part of the S278 process. They have also requested that a number of informatives be added to the decision notice, should the application be approved. Taking all of this into account, the proposals are considered acceptable on highway safety terms.
- 9.57 Turning to parking, the proposals would provide four three-bed properties and five four-beds. The site is located within 'Accessibility Zone 3' whereby the Car Parking Standards (2020) SPD would requires:
- 3-bedrooms = 2.25 allocated spaces or 1.5 unallocated spaces
  - 4-bedrooms = 3 allocated spaces or 2.4 unallocated spaces
- 9.58 Based on all of the spaces being allocated, 21 allocated parking spaces would be required for the proposals. As the scheme is below ten units, no additional visitor parking is required. The Proposed Site Plan illustrates that a total of 21 parking spaces would be provided (including the internal garages and space on the driveways for the detached units). The proposals therefore provide a policy-compliant level of parking spaces. To ensure that the garages are retained for parking, a specific condition would be added if the application is approved.
- 9.59 The proposal would provide integrated cycle stores within the front porches, which exceed the requirements of the Parking SPD. A condition would be imposed, if approved, ensuring that sufficient electric vehicle charging infrastructure is provided in-line with policy requirements.

#### *Fire Safety*

- 9.60 The Fire and Rescue Team at Hertfordshire County Council have reviewed the proposals and have identified that the access is adequate to comply with Building Regulations. The

Water Officer has highlighted that a condition relating to fire hydrants would be required to ensure there is an adequate water supply available for use in event of an emergency. This condition would be added if the application is approved. Subject to this, the proposals are considered acceptable in terms of fire safety. The access also provides adequate space for other emergency vehicles.

## Other Material Planning Considerations

### *Climate Change and Sustainability*

- 9.61 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors. DBC has declared a climate emergency and therefore, sustainable design and construction is a key consideration.
- 9.62 The proposals should be designed in accordance with DBC's 'Be Lean, Clean and Green' principles (see Figure 16 (p.121) of the Core Strategy). Policy CS29 requires new development to comply with the highest standards of sustainable design and construction.
- 9.63 The proposal has been supported by an Energy Statement, which identifies several measures to follow a low carbon approach, including:
- Fabric first approach;
  - Better than Part L fabric compliance;
  - Use of solar panels;
  - Use of high efficiency boilers or air source heat pumps;
  - All dwellings to be designed to limit water use to no more than 110 litres/person/day; and
  - An overall reduction in CO2 emissions compared to Part L 2021 targets.
- 9.64 These measures would be satisfactory in providing a sustainable development in terms of energy efficiency and low carbon. Planning conditions would be included, if approved, to ensure that these measures are followed through.

### *Flood Risk and Drainage*

- 9.65 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.
- 9.66 The application site is situated entirely within Flood Zone 1, indicating that there is a less than 1 in 1000 year probability of the site flooding and therefore at a low risk of fluvial flooding. The risk of flooding from rivers, seas, groundwater sewers and reservoirs is also considered to be low.
- 9.67 The application is supported by a Drainage Assessment that sets out how the site would be drained. The application proposes roof runoff will be captured by a combination of rainwater and downpipes and discharge into the permeable paving sub-base and then via below-ground drainage network to the attenuation tank. The remaining hardstanding surface water runoff is proposed to discharge into the permeable paving and thereafter into the attenuation tank prior to discharging into the Grand Union Canal at a restricted rate. A linear drainage channel will be added to the site entrance, which would discharge through a

drainage pipe network around the attenuation tank and connect to the system downstream of the flow control and discharging towards the Canal.

- 9.68 The Drainage Assessment states that the discharge rates would be managed to ensure that they do not exceed the current levels and concludes that there would be no increased run-off rate and the proposed development would not impact/change levels of water in the canal.
- 9.69 Although this application is not a major and therefore the Lead Local Flood Authority (LLFA) are not a statutory consultee, they have provided advice. They have requested some further confirmation on the drainage proposals, namely the flow control rate as there is a discrepancy in the documentation provided. They have also requested evidence of the drainage calculations and details regarding surface water flood paths. The applicant has consulted their drainage engineers on this point and therefore members will be provided with an update on this matter via the addendum or through a verbal update at the committee meeting.
- 9.70 Aside from requesting some further information, the LLFA have not raised any specific concerns with flood risk or the drainage proposals. They have made some recommendations such as a condition regarding finished floor levels, which would be added if the application is approved.
- 9.71 The Canal and River Trust have not raised any concerns over the proposed drainage strategy, the capacity of the canal or the implication of managing the water within it. Overall and subject to final details being provided, the drainage proposals are considered to satisfactorily address flood risk subject to the condition recommended by the LLFA.

#### *Utilities*

- 9.72 Thames Water have provided comments in relation to sewerage, wastewater and surface water drainage. They have not raised any concerns but have provided a number of informatives, which would be added to the application if it is approved.
- 9.73 No comments were received from other utility providers (e.g. Affinity Water, EDF Energy, etc.).

#### *Archaeology*

- 9.74 The application site is not within an Area of Archaeological Significance. However, there is a designated area (No. 13) located around 100 metres to the south. As there are limited details of the earlier uses of the site and limited archaeological investigations in this area, the Archaeology Unit at Hertfordshire County Council have suggested that the proposals may impact on heritage assets of archaeological interest.
- 9.75 Taking the above into account, it has been recommended that planning conditions be applied, if approved, to secure a sufficient level of investigation via an Archaeological Written Scheme of Investigation. The conditions should also comprise a post-investigation assessment. The archaeological conditions would ensure that the proposals would have an acceptable impact in terms of buried archaeology.

#### *Social Infrastructure*

- 9.76 The proposed development is not considered of a scale that would require any significant social infrastructure contributions (e.g. education, health, etc.). However, the application is liable for Community Infrastructure Levy contributions. The Growth and Infrastructure Unit at

Hertfordshire County Council have stated that they reserve the right to seek these contributions if required for infrastructure in the area, if needed.

*Community Infrastructure Levy*

- 9.77 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 2023, for residential within Zone 2 is £225 per sq.m.

*S106 and Planning Obligations*

- 9.78 This application is delegated with a view to approval subject to the completion of a Section 106 legal agreement. The agreement would include the following matters.

<b>Matter</b>	<b>Contribution</b>
Footpath, play area and management company	Provision of footpath, play-on-the-way proposals and associated management arrangements.
SANG and SAMM	£913.88 per unit to provide SAMM mitigation. £4,251.71 per unit to provide SANG mitigation.

*Affordable Housing*

- 9.79 The application originally proposed 11 units. This would have triggered a policy requirement to provide affordable housing (i.e. 10+ units in this area). Although the applicant was willing to provide affordable housing, unfortunately from a layout and urban design perspective, the scheme 'did not reflect a coherent design' and the buildings did not positively respond to their surroundings (see superseded plans and the comments from Urban Designer in Appendix A). The original proposals were also considered to be 'dominated by vehicular infrastructure' and would have provided 'worryingly small gardens'. The proposal for 11 units, whilst providing some welcomed affordable housing, would have provided an unacceptable design/layout with knock-on effects on the living conditions of future occupiers (e.g. minimal garden sizes). The proposals were reduced to nine units and although the loss of affordable housing is regrettable, it is not considered that the larger proposal could have been supported.

*Impact on the Waterway Infrastructure*

- 9.80 Saved Policy 106 of the DBLP states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canal-side environment.
- 9.81 The Canal and River Trust (CRT), who are joint applicants for this application, have responded to the application stating that they:

*...wish to ensure that the historic character, appearance and setting of the canal corridor and designated assets are not adversely affected by any subsequent additions or alterations, and considering the proximity to the waterway, that landscaping to be retained and the structural integrity of the canal infrastructure are not adversely affected.*

- 9.82 They have been party to the discussions regarding the evolution of the scheme and have helped shape the proposals. Overall, the proposals are considered to make a positive contribution to the canal-side environment.

- 9.83 CRT have requested that permitted development rights are removed to ensure that the structural integrity of the canal is safeguarded and to ensure that the significance of the neighbouring heritage assets are preserved. Therefore, they have requested that plots 1 to 7 have the following permitted development removed: *Classes A, B, C, E and F of Part 1; and Class A of Part 2, Schedule 2; and Classes A-I of Part 14*. Whilst it is understood that any significant groundworks may impact the structural integrity of the Canal, it is not felt that certain permitted development rights (e.g. roof lights, dormer windows or solar panels) would impact the Canal, nor would they impact the setting of the heritage assets. As such, the suggested condition would be tailored to only remove the permitted development rights that are considered necessary to make the development acceptable.

#### *Heritage Assets*

- 9.84 The Planning (Listed Building and Conservation Areas Act 1990, Sections 16 and 66 require local planning authorities 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.
- 9.85 The specific historic environment policies within the NPPF are contained within paragraphs 195-214. Paragraph 203 states that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 205 outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. Paragraph 206 provides that any harm to or loss of significance of a designated heritage asset should require clear and convincing justification. Paragraph 207 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 208 states that this should be weighed against the public benefits of the proposal.
- 9.86 The site is situated near to Wilstone Bridge and its associated lock, which are Grade II listed. This structure is grade II listed and would appear to have been constructed at the time the canal was built. The proposed new development would be within the setting of the bridge and the lock as it would be adjacent to the site. The bridge gains significance mainly from its architecture and materials but also from its surroundings. The majority of the significance of the bridge is gained from the canal whilst a low level is gained from its prominence in the rural setting. The significance of the locks is gained mainly from the surrounding canal. The proposed development is not considered to significantly impact views of the bridge when examined from the tow path in both directions. However, it is considered that there would be a low level of harm, at the 'less than substantial' level to the setting of the heritage assets. There are public benefits arising from the development, namely the provision of the enhanced connection to the canal and the play-on-the-way features. The provision of much needed housing in the context of the council's lack of a five-year must also be considered. Overall, the public benefits of the proposal are considered to outweigh the harm identified.

#### *Land Contamination*

- 9.87 The Environmental and Community Protection (ECP) Team have reviewed the Paddock Geo Engineering Preliminary Contamination Risk Assessment Report (ref. P23-114pra) dated June 2023 and consulted their own records. They have confirmed that '...there is no objection to the proposed development'. However, they highlighted that it would be necessary for the developer to demonstrate that the potential for land contamination to affect

the proposed development has been further considered and where it is present will be remediated.

- 9.88 This is necessary because of the residential end use proposed, which will be particularly vulnerable to the presence of any ground contamination and the fact that there is some uncertainty over the historical uses of the site, particularly circa 2000. As such, two planning conditions have been recommended and would be included if permission is granted.

#### *Noise*

- 9.89 The ECP Team have reviewed the application in relation to noise impacts and have not raised any concerns.

#### *Air Quality*

- 9.90 No significant impacts regarding air quality have been identified by the ECP Team.

### Response to Neighbour Comments

- 9.91 The public consultation has elicited around 15 comments, the majority (14) of which are objecting to the proposed development. One comment was neutral. There are some key themes arising from the comments many of which have been discussed in detail throughout this report.

- 9.92 The key themes already addressed are as follows:

- Impact on wildlife and the Chilterns Beechwoods SAC
- Impact on trees
- Flood risk
- Over development in Wilstone
- Lack of affordable housing and housing mix
- Out of character
- Traffic and highways impacts

- 9.93 A number of other points have been raised and some further comments have been added below.

- Lack of amenities in the village

- 9.94 Some of the residents have raised the point that Wilstone has a limited number of amenities to serve the development. This is acknowledged, as Wilstone sits lower on the sustainability and settlement hierarchy for housing. However, as discussed in the 'Principle of Development' section, it does not mean that the provision of housing is unacceptable here.

- Safety of walkers

- 9.95 A concern has been raised regarding the safety of walkers. It is considered that the revised scheme with the additional footpath connection would provide overall benefits in terms of the safety of walkers along this stretch of Tring Road.

## **10. CONCLUSION**

- 10.1 The application lies on the settlement edge and within the Rural Area. In this instance, the benefits of the development include nine new dwellinghouses and any associated social and



economic benefits. The proposals would provide a new footpath connection into Wilstone, which would serve wider benefits (i.e. providing a safer, more attractive route for existing residents to the canal towpath).

- 10.2 The provision of nine residential units is given substantial weight considering the lack of the council's five-year supply of housing and it is recognised that small sites typically deliver homes quicker than larger schemes. Having applied the 'tilted balance', it is concluded that any harm arising from the development does not significantly and demonstrably outweigh the benefits.
- 10.2 The growth of Wilstone in recent years is acknowledged by the local planning authority and internal discussions are taking place in relation to this and how growth in the settlement should be managed in the future. However, it is not considered that this point would warrant a reason for refusal, particularly when considering the proceeding paragraph.
- 10.3 The applicant has worked with the local planning authority and produced a revised scheme, taking account of the points raised by council officers. The proposals are therefore considered acceptable in terms of their design, housing mix and residential amenity.
- 10.4 The application was submitted prior to the requirement for Biodiversity Net Gain. However, conditions relating to ecology would be imposed ensuring that ecology and biodiversity is incorporated into the development and managed thereafter. No specific concerns have been raised in terms of existing ecology on the site or the impact on trees. The applicant has agreed to providing mitigation towards the Chiltern Beechwoods SAC and these details would be finalised via a legal agreement should planning permission be granted.
- 10.5 No unacceptable highway impacts have been identified and it is considered that the proposed footpath incorporating 'play-on-the-way' would provide a safer connection to the canal towpath, serving a wider benefit to existing residents in Wilstone and users of the canal. These details would also be secured via legal agreements.
- 10.6 The proposals are also considered acceptable on climate change, sustainability, flood risk and drainage, utilities, archaeology, the impact on the waterway infrastructure, land contamination, noise and air quality.
- 10.7 For the reasons outlined in this report, the application is considered to provide a high quality development and would contribute towards the council's five-year land supply. No specific reasons for refusal have been identified and therefore the following recommendation is made.

## **11. RECOMMENDATION**

- 11.1 That planning permission be DELEGATED with a view to APPROVAL subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation and the footpath, play area and associated management responsibilities.

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

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

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

2. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. 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).

3. **Prior to occupation of the development hereby approved, details of the proposed bin stores shall be provided to and approved in writing by the Local Planning Authority. The approved bin stores shall be provided prior to occupation.**

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. **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).

5. **Prior to occupation of the development hereby approved, a Sustainability and Energy Compliance Statement shall be submitted to and approved in writing by the local planning authority. The Compliance Statement shall provide detail on energy demand and supply, carbon emissions, waste and materials, water supply and demand and**

**climate resilience. It shall provide details of measures to demonstrate and achieve reduced regulated carbon emissions against Part L 2021 (Building Regulations) as per the Energy Statement (Revision 4) by Cass Design, dated February 2024.**

Reason: To ensure that the development combats climate changes, provides a sustainable development and reduces carbon emissions in compliance with Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), as well as Section 14 of the National Planning Policy Framework (2023).

- 6. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall describe how it is planned to incorporate ecology and biodiversity as part of the development. The LEMP should refer to the recommendations set out in the Ecology Department's consultee comments and shall include the habitat creation measures set out at points (a) to (d) and the integrated bird and bat boxes. The development shall be carried out in accordance with the approved LEMP.**

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

- 7. 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:**

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

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

Reason: To 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).

- 8. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these measures have been provided 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).

9. **Prior to commencement of the development, a Lighting Design Strategy (LDS) shall be submitted to and approved in writing by the Local Planning Authority. The LDS shall take account of the Principles of Lighting Design for Bats (Document ID74, paragraphs 12 and 13), and any necessary lighting requirements to secure road adoption or highway safety (if applicable). The strategy shall:**

- **Identify those areas/features on site that are particularly sensitive for birds and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;**
- **Demonstrate that the canal waterway is protected from excessive glare and that additional lighting does not raise its illumination above 0.5 lux; and**
- **Show how and where external lighting will be installed, including street lighting (through the provision of appropriate lighting contour plans and technical specifications), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

**All external lighting shall be installed in accordance with the specifications and locations set out in the LDS, and these shall be maintained thereafter in accordance with the LDS.**

Reason: To ensure habitat protection and enhancement within the landscape of the development in compliance with saved Policy 113 and Appendix 8 of the Dacorum Borough Local Plan (2004), Policies CS10, CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (December 2023).

10. **The dwelling 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).

11. **Prior to occupation of the development hereby approved, details of fire hydrants or alternative emergency water supply to protect the development from fire 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/used until such measures have been implemented in accordance with the approved details.**

Reason: To ensure that the development complies with Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013).

12. **Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number A1-01 P 20.**

**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 (December 2023).

13. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification), no development within Plots 1-7 (inclusive) and covered by Class A, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes B, C, D and I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority.**

Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 180 and 189-190 of the National Planning Policy Framework (December 2023) and the National Planning Practice Guidance.

14. **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 garages for Plots 8 and 9 hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

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 (December 2023) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

15. **(a) 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.**

**(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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).

16. Any contamination, other than that reported by virtue of Condition 15 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).

17. Finished floor levels shall either be set a minimum of 300mm above all sources of flood risk or be a minimum of 150mm above the surrounding ground levels, sloping away from all doorways.

Reason: To provide flood resilience in any exceedance flood events in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (December 2023).

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

G4611\_A1-01\_Site Plan\_REV20

G4611\_A1-02\_Plots 1\_2\_3\_Plans\_Elevation

G4611\_A1-03\_Plots 4-7\_Plans\_Elevations

G4611\_A1-04\_Plots 8-9\_Plans\_Elevations

G4611\_A1-06\_Ramp Sections\_REV02

LN00728 -OUT-L-100 - General Arrangement Plan

LN00728-OUT-L-400 - Softworks Plan

P20-553 Flood Risk Assessment & Drainage Strategy - Issue 02

**RECORD - P20-553 WIP SK01 P6 DRAINAGE STRATEGY  
200224 Energy Statement HE5348 - Wilstone Rev4**

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

**Informatives:**

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

2. Environmental Health Informatives

(a) Land Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>  
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)

(b) 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.

(c) Waste Management

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.

(d) 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 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.

#### (e) 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>

### 3. Thames Water Informatives

#### Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near  or diverting  our  pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.



<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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 Comments

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.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

4. 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.

5. UK Power Networks

Please note there are HV and LV overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

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.

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.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Natural England	<p>NATURAL ENGLAND'S ADVICE – OBJECTION</p> <p>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 an LPA-owned strategic SANG (1-9 dwellings only); and,</li> <li>o financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England notes that a Habitats Regulations Assessment (HRA) has not been produced.</p>

Natural England requires further information in order to determine the significance of potential adverse impacts of the development proposal on the Chilterns Beechwoods SAC 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:

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

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 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. 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 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](#)

Annex A.

#### Planning Statement

On page 20 of the Planning Statement accompanying the planning application, a case is made for the 'tilted balance'. The Planning Statement acknowledges that Footnote 7 of NPPF (2021) Paragraph 11 (d) makes clear that areas or assets of particular importance include habitat sites and/or designated as SSSIs, as well as AONBs.

The Chilterns Beechwoods SAC is a habitats site as defined by the NPPF, and comprises Ashridge Commons and Woods SSSI. The planning application sits within the Impact Risk Zones for both the Chilterns Beechwoods SAC and the Chilterns AONB.

Paragraph 182 of the NPPF states that 'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'. The Impact Risk Zone (Zone of Influence) for the Chilterns Beechwoods SAC has been determined to be 12.6km, within which this development application sits.

Paragraph 176 of the NPPF further states that 'development within [National Park or AONB] settings should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'. The proposed development is for a site within or close to a nationally designated landscape namely Chilterns AONB. However, the Planning Statement for this proposal makes no reference to the Chilterns AONB.

Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

The Planning Statement is incorrect in stating that planning permission should be granted on the basis of the 'tilted balance', as an appropriate assessment for the Chilterns Beechwoods SAC has not been carried out, and no account has been taken of the setting of the Chilterns AONB.

#### SANG provision

Please refer to Dacorum Borough Council's website for their criteria for allocating strategic SANG capacity to development proposals Appendix A - Draft Mitigation Strategy 2.pdf (dacorum.gov.uk). As proposed, the development proposal does not meet any of the defined criteria for making a financial contribution to a DBC-owned strategic SANG, contrary to the assertion in the Planning Statement.

The developer has the following options, outlined below.

1) The developer could choose to reduce the development proposal to nine homes or fewer, in order to meet criterion 2 of Dacorum Borough Council's Allocations Protocol for strategic SANG.

2) The Planning Statement that accompanies the planning application makes reference to two nearby planning applications (23/00414/MFA and 20/01754/MFA), both of which also need to provide SANG to mitigate the adverse effects of the developments on the integrity of the Chilterns Beechwoods SAC. The developer for this scheme may wish to consider a joint approach with these other two applications in order to provide a bespoke SANG solution for all three sites. Natural England can provide charged advice on the requirements of a bespoke SANG through its Discretionary Advice Service (DAS).

	<p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Fiona Martin via <a href="mailto:fiona.martin@naturalengland.org.uk">fiona.martin@naturalengland.org.uk</a>.</p> <p>For any new consultations or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p> <p><u>Further comments</u></p> <p>NATURAL ENGLAND'S ADVICE</p> <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)</p> <p>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>Lead Local Flood Authority</p>	<p>Thank you for consulting us on your application on 14 March 2024 regarding the full planning application for the construction of 9 dwellings including the creation of a new vehicular access, parking, and landscaping.</p> <p>We understand the applicant proposes roof runoff will be captured by a combination of rainwater and downpipes and discharge into the permeable paving sub-base and then via below-ground drainage network to the attenuation tank. The applicant proposes the remaining hardstanding surface water runoff will discharge into the permeable paving and thereafter into the attenuation tank prior to discharging into the Grand Union Canal at a restricted rate of 0.6 - 0.8 l/s. A linear drainage channel will be added to the site entrance which will discharge through a drainage pipe network around the attenuation tank and connect to the system downstream of the flow control and discharging towards the canal.</p> <p>As this is a non-major application the LLFA is not a statutory consultee and can only offer advice to the LPA:</p>

	<ul style="list-style-type: none"> <li>- We note the drainage strategy states "connection to canal and works on tow path subject to Canal &amp; River Trust Approval". We advise the LPA to seek evidence of agreement from the Canal and Rivers Trust that the applicant is able to discharge the site water into the Grand Union Canal.</li> <li>- The drainage strategy shows a flow control restriction at 0.8l/s however sections 7.18 and 9.3 of the FRA suggests 0.6l/s. We recommend this is confirmed and updated accordingly. We would recommend the lower rate based on recent flood risk issues in the Long Marston area which may be associated with water levels in the canal.</li> <li>- We would recommend finished floor levels should be set a minimum of 300mm above all sources of flood risk or 150mm over finished ground levels, whichever is more precautionary.</li> <li>- We recommend the LPA seeks evidence of drainage calculations for all rainfall return periods up to and including 1% AEP plus climate change event, including a 1 in 30-year AEP + 35% climate change event. Please note that we will only accept calculations informed by FEH 2013 or 2022. The CV on the rainfall calculations for winter and summer should be 1.0. We recommend that the applicant provide half drain down times for all attenuation features proposed in the drainage strategy. Considering the submerged outfall, we recommend calculations for a surcharged outfall are provided.</li> <li>- We suggest using these greenspaces to implement SuDS features to provide more attenuation storage for surface water runoff. Above-ground multi-beneficial SuDS such as rain gardens, tree pits and SuDS planters may be feasible in these locations and would help fulfil the SuDS pillars of amenity, water quality and biodiversity while also providing some attenuation. SuDS planters specifically can be designed to attenuate roof runoff on a plot-level basis, thereby promoting source control and reducing the requirement for storage in larger, potentially below-ground features.</li> <li>- We note that there is a surface water flood risk on the site. We would advise that the LPA seeks evidence of how the applicant plans to deal with the surface water flow path.</li> <li>- We strongly recommend that the applicant incorporate exceedance flow paths for surface water for all events greater than the 1 in 100-year + climate change event.</li> <li>- For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage <a href="http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/">webpage</a> <a href="http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/">http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/</a> this link also includes HCC's policies on SuDS in Hertfordshire.</li> </ul> <p>Please note if the LPA decide to grant planning permission, we wished to be notified for our records.</p>
Affordable Housing (DBC)	Thank you for requesting comments on affordable housing.

This application falls within the Dacorum Local Plan area. Attention should be paid to the relevant policies therein.

#### Qualifying Sites

The Council will seek affordable housing on:

1. Sites of 10 or more homes gross; or with a site area of 0.5 hectares or more; or if the proposed floorspace is 1000 sq. metres or more.
2. Sites for 6-9 homes in the Chilterns Area of Outstanding Natural Beauty.

#### Quantum

The proportion of affordable housing required is set out below:

Type of Site    Affordable housing percentage

- |    |   |      |
|----|---|------|
| 1. | All except those in rows 2-4 below            | 35%  |
| 2. | Local allocations 1                           | 40%  |
| 3. | Other greenfield sites                        | 40%  |
| 4. | Rural/First Homes/Entry level exception sites | 100% |

1 as defined in the Dacorum Site Allocations Development Plan Document

2 a small proportion of market housing may be permitted if necessary to make a scheme viable

Where the application of the above percentages result in a fraction of an affordable home this shall be rounded to the nearest whole number. If the requirement is for half a home this shall be rounded up.

Therefore 35% applies to this site. If the scheme achieves 11 dwellings this would equate to 4 affordable homes.

The amount of affordable housing will only be reduced or waived where it is fully justified. For example where vacant building credit applies; where it is deemed unviable; and where prior approval for change of use from office to residential is applied for under permitted development rights.

Only where robustly justified might affordable housing be provided off-site, or a financial contribution made in lieu.

#### Mix and Tenure

Taking account of paragraphs 001 and 015 in the PPG relating to First Homes and Policy CS19 of the Dacorum Core Strategy, the Council will seek the following split of affordable homes on schemes other than those that are exempted, such as Build to Rent, 100% affordable and Exception schemes.

Tenure    Percentage of Affordable Housing

First Homes - as per Planning Practice Guidance - Minimum 25%



Other affordable home ownership - shared ownership preferred - Maximum 19%  
 Affordable housing for rent - social and/or affordable rent and/or Dacorum affordable rent - Minimum 56%  
 Total 100%

Ordinarily the Council would seek 25% First Homes on site as per government guidance, however in this instance with only 4 Affordable Housing dwellings required we would take the approach that this may not be appropriate on a small development and due to First Homes being more suited to one and two bed flats.

Other affordable home ownership - These should be aimed at those with lower deposits. A variety of homes for shared ownership with an emphasis on 3 and then 2 bed houses would be preferable here.

Any unavoidable service charges should be fair, affordable, and kept to a minimum.

Affordable housing for rent - These must be owned and managed by registered providers of affordable housing unless they have come forward as part of a Build to Rent scheme. Rents must comply with the Government's rent standard.

The Council's priority is to ensure that affordable housing for rent is genuinely affordable to those in housing need. The paper 'Affordable Rents in Dacorum', produced in May 2022, advises that providing affordable rents at 60% of market values (including service charges) would be a sensible start point for affordable rented housing, subject to the viability of delivering housing at these costs. The Council, therefore, encourages developers and registered providers, where possible, to deliver

- o Social rents; or
- o Dacorum affordable rents (as described above).

Where these are not viable Affordable rents must be set at least 20% below local market rent (including service charges where applicable) or at Local Housing Allowance rates, whichever figure is the lower.

There is a greater need for 2 bed 4 person, 3 bed 5 and 6 person and 4 bed 6 to 8 person affordable houses for rent on suburban, village and greenfield sites. 1 bed 2 person and 2 bed 4 person flats are generally more appropriate on flatted developments.

The mix of affordable homes should generally reflect the open market dwellings and the South West Herts Local Housing Needs Assessment. The latter has been adapted below to accommodate the First Homes requirement. The following should act as a guide only across the council area:

Type	Affordable housing for rent	First Homes	Affordable home ownership
1 bed flat	20%	50%	None or few
2 bed flat/house		30%	50% 30%

3 bed house 40% - 70%  
4+ bed house 10% - None or few

#### Accessibility

The Government announced in July 2022 its intention to amend the Building Regulations to make M4(2) the minimum standard for all new homes. In addition the South West Herts Local Housing Needs Assessment suggested the level of provision in the table below:

Building Regulations standards	LHNA recommendations
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M4(2) accessible and adaptable dwellings	All new homes should be compliant
--	-----------------------------------

M4(3)(a) wheelchair adaptable dwellings	Up to 5% of market properties
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M4(3)(b) wheelchair accessible dwellings	Up to 10% of affordable homes
--	-------------------------------

The Council, therefore, encourages all affordable dwellings to which it allocates or nominates a person to live, to meet the above standards unless this is not possible for viability or other reasons (such as the suitability of the site or building to accommodate wheelchair users and its proximity to services and facilities and public transport).

M4(3)affordable dwellings should have their own direct ground floor access, a wetroom/level access shower (as opposed to a bath) and be offered for rent, unless otherwise agreed.

#### Design

As with all housing, affordable housing should be built to a high standard of design and amenity. In particular the Council will expect a tenure-neutral approach, so that it is not possible to distinguish between the affordable and open market housing.

The Council will require proposed housing developments including affordable housing to comply with the NPPF, the National Design Guide, any future guidance from Homes England and other relevant local policies and guidance.

The Council will consider the distribution of the affordable homes across a development on a site by site basis, particularly on sites for 50 or more homes. Affordable housing should be distributed appropriately in groups across the site, as should any blocks of flats for affordable housing.

On larger sites which will be developed in phases there should be between 25% and 50% affordable housing in each phase with a fully policy compliant percentage achieved cumulatively through the whole site.

We ask that unit sizes should be broadly in line with the Nationally

	<p>Described Space Standards.</p> <p>Occupancy</p> <p>The council's nomination rights, and the occupancy of the affordable housing, will be controlled through the s106 agreement. Unless otherwise agreed, no more than 50% of the private units [on a residential phase] are to be occupied until all relevant affordable units [on that phase] have been completed and transferred to a Registered Provider. The Council works with registered providers to support the delivery of affordable homes and can provide contact details of upon request.</p> <p>The applicant will need to supply an affordable housing plan at the earliest opportunity illustrating the location, tenures, sizes, mix and the wheelchair user dwellings that will be supplied, taking in to account the points above.</p> <p>Should the applicant advise that a proposal is unviable in light of any policy requirements, specific site characteristics and other financial factors, they must provide an open book financial appraisal of the development. This would be independently assessed by a consultant of the council's choosing, at the expense of the applicant. Negotiations would be undertaken to secure any affordable housing contribution, preferably on-site, unless exceptional circumstances prevail. If it is determined that little or no affordable housing is viable, the Council may seek an appropriate viability review mechanism in the s106 to ensure that an uplift in the value of the development is reflected in a deferred contribution towards affordable housing.</p>
Canal & 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>The Trust is a joint applicant in this case and owns the site. Given the Trust's involvement in the development, we have already sought to ensure that matters relevant to our role as statutory consultee have been addressed throughout the scheme's evolution.</p> <p>The Trust would however wish to ensure that the historic character, appearance and setting of the canal corridor and designated assets are not adversely affected by any subsequent additions or alterations, and considering the proximity to the waterway, that landscaping to be retained and the structural integrity of the canal infrastructure are not adversely affected.</p> <p>Therefore, 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 to</p>

advise that a suitably worded condition is necessary to remove permitted development rights for plots 1-7(inc) to address this matter.

#### Condition - Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification) no development within Plots 1-7(inc) and covered by Class A, B, C, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes A-I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to ensure any development preserves or enhances the significance of the designated heritage assets in accordance with Policies 106 and 119 of the Dacorum Borough Local Plan 1991-2011 and Policy CS27 of the Dacorum Core Strategy 2013, and in the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 174 & 183-184 of the National Planning Policy Framework and in the National Planning Practice Guidance.

Please do not hesitate to contact me with any queries you may have.

#### Further comments

Thank you for your consultation on amendments.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural, and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust is a joint applicant in this case and owns the site. Given the Trust's involvement in the development, we have already sought to ensure that matters relevant to our role as statutory consultee have been addressed throughout the scheme's evolution, including the amendments to the scheme.

As advised previously though the Trust would still wish to ensure that the historic character, appearance and setting of the canal corridor and designated assets are not adversely affected by any subsequent additions or alterations, and considering the proximity to the waterway, that landscaping to be retained and the structural integrity of the canal infrastructure are not adversely affected.

Therefore, based on the information available our substantive response

	<p>(as required by the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that a suitably worded condition is necessary to remove permitted development rights for plots 1-7(inc) to address this matter.</p> <p>Condition - Permitted Development</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification) no development within Plots 1-7(inc) and covered by Class A, B, C, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes A-I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority. Reason: In the interests of the visual amenities of the locality and to ensure any development preserves or enhances the significance of the designated heritage assets in accordance with Policies 106 and 119 of the Dacorum Borough Local Plan 1991-2011 and Policy CS27 of the Dacorum Core Strategy 2013, and in the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 180 &amp; 189-190 of the National Planning Policy Framework and in the National Planning Practice Guidance.</p>
Tring Rural Parish Council	<p>Neutral - The Tring Rural Parish Council do not object to this application. The focus of the council's concerns is invariably flooding and drainage. However, it is noted that this proposed development site is entirely within zone 1 for flood risk, as is the immediate surrounding area. Furthermore, the council is not aware of any flooding issues in the immediate vicinity. The council leave it to the expertise of the planning officers to consider the comprehensive Flood Risk Assessment, although it is understood that such an assessment was not strictly necessary as the site is entirely zone 1.</p> <p><u>Further comments</u></p> <p>No further submission.</p>
Environmental And Community Protection (DBC)	<p>Having reviewed the planning application submission, in particular the Paddock Geo Engineering Preliminary Contamination Risk Assessment Report (ref. P23-114pra) dated June 2023, and having reviewed the ECP Team records 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 further considered and where it is present will be remediated.</p> <p>This is necessary because of the residential end use proposed, which will be particularly vulnerable to the presence of any ground contamination and the fact that there is some uncertainty over the historical uses of the site, particularly circa 2000. As such the following planning conditions should be included if permission is granted.</p>

It should also be noted that the above referenced report recommends that further land contamination assessment should occur.

The report does not appear, however, to have identified that for an unspecified period around 2000, an area around the site entrance was cleared of vegetation and in use for an unspecified purpose. As such this information should be made available to the applicant, so that it can be taken into account by their environmental consultant.

Contaminated Land Conditions:

Condition 1:

(a) 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.

(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.

Condition 2:

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

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.

Informative:

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

Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> 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)

Please let me know if you have any questions, otherwise I would be grateful if you would pass the necessary information on to the applicant.

Good afternoon Martin, apologies for the delay in replying to this one.

Following consultation for the above application, this team would not look to add formal conditions in regards to noise, air quality etc.

Please find the below informative comments in regards to the proposed development however, 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.

#### 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 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.

#### 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



	<p><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>If you need anything further please let me know.</p>
Hertfordshire Ecology	<p>Ecological Summary: The site is adjacent to the Grand Union Canal, Aylesbury Arm Local Wildlife Site important as the banks and tow path of this section supports a diverse range of plant species including fen and marsh indicator species. Images on street view show the grassland to be dominated by tall herb and grass species. The grassland is identified in the ecological base line as semi improved based on phase 1 surveys and could qualify as the UK habitat type other neutral grassland. The ecological survey assessed it as other neutral grassland, species indicative of wet conditions such as such as meadow sweet reed canary grass were present, and the report assessed the area as being probably derived from flood plain meadow or pasture. Areas of ruderal vegetation and scrub are also noted with some areas of nettle and other species characteristics of nutrient enrichment. The hedgerows on site are all priority habitats with one hedgerow qualifying as being important under the hedgerows act. Hertfordshire Environmental Records Centre has records of otters in the near vicinity and nearby land parcels are highlighted as having high potential for this species. The Preliminary Ecological Appraisal highlighted the site as providing potential habitat for badgers, hedgehogs, nesting birds, reptiles and great crested newts. A common toad was found on site.</p> <p>Ecological sensitivity: The site is adjacent to the grand union canal an important ecological route and Local Wildlife Site measures to protect this habitat are essential if the proposal is to proceed.</p> <p>Surveys: The Phase 1 Habitat walkover survey was carried out on 12th May 2023 and within the optimal season, and a UK habitats assessment carried out. The provision of complete species lists, or Quadrat data and condition sheets would have been preferred and if a metric calculation is required should be provided as supporting information. The indicative species list provided, shows it is a complex mix of wetland, ruderal and meadow species. The potential presence of orchid species indicates that the grassland has some botanical interest, nevertheless the species listed do not indicate it is of wildlife site quality.</p> <p>EDNA surveys of nearby waterbodies and ditches and Reptile surveys of the site were carried out in 2021 and 2023 and found no evidence of great crested newts or reptiles.</p> <p>Over all the ecological surveys listed above, notwithstanding the above comments, provide a reasonable assessment of the ecological conditions on site and I have no reason to doubt there over all conclusions.</p> <p>Ecological constraints that should be avoided: The site contains priority habitats which should be retained or compensated for. Nevertheless, these are not of distinctiveness or rarity so as to represent a fundamental constrain to the principle of this development.</p>

Hedgerow H2: qualifies as an important hedgerow under the hedgerow acts and requires written permission from LPA if it is to be removed. I am pleased to see and support its retention. This hedgerow should be maintained and managed to maximise its biodiversity value.

Mitigation: The Requirement for precautionary mitigation measures for badgers, dormice, and herpetofauna species/ habitats are outlined in section R5 of the Preliminary Ecological Appraisal R5. This should be amended to exclude dormouse for which there is no evidence of their presence and to include the two priority species hedgehogs and hare for which the site contains habitat potential. I support the inclusion of these mitigation measures within a CEMP This should be informed by suitable ecological guidance, and I advise is secured by Condition.

In addition, environmental protection measures to ensure the canal and Local Wildlife Site is not negatively impacted should form part of the CEMP.

Whilst it is acknowledged that the retention of the northern hedgerow and position of access routes should provide a degree of light screening for the waterway. In order to ensure that it retains its function as an ecological corridor for bats, a lighting plan demonstrating that the water way is protected from excessive glare and that additional lighting does not raise its illumination above 0.5 lux should be provided.

Compensation: In order to demonstrate that any permission granted for this application is consistent with the principles relating to the mitigation hierarchy embed within the NPPF, compensation measures for the loss of the grassland, a single tree and the area of scrub on the eastern boundaries are required. The landscaping plan includes replacement and additional planting. This includes the addition of native hedgerow along the eastern boundary wildflower meadow and woodland ground cover planting. In order for these to make a meaningful contribution to biodiversity I advise the following measures:

- a. The native hedgerow should be a mixed hedgerow composed of a minimum of 4 native shrub species and managed for biodiversity.
- b. The wildflower meadow mix should be for species adapted to the wet conditions and include the species associated with marsh and wet grassland habitats already present.
- c. The proposed tree planting in this wildflower meadow area should be of a low density and include shrub species managed by rotational coppicing to ensure the wildflower species are not shaded out.
- d. The tree cover above the woodland ground cover planting should be deciduous to allow vernal and pre vernal species and be of species that cast only a dappled shade.

Ecological Opportunities: The area is identified within the Hertfordshire Ecological Network map as existing habitat not listed as S41 priority habitat and represents an opportunity for enhancement of existing habitat to improve the ecological network. Its connection to the Grand

Union Canal an effective linear ecological connection to numerous other habitats heightens the benefits of the retention and enhancement of some or all the existing areas of grassland and hedgerows.

If the application is approved the opportunity should be taken to enhance the existing habitat by suitable planting and management. In addition, it would be a suitable location for Integrated bird and bat boxes within any new dwellings adjacent to this beneficial aquatic habitat.

Landscape and Ecological Management Plan: The compensation and enhancement opportunities listed above and any additional measures to improve the biodiversity of the site should be outlined within a Landscape and Ecological Management Plan and I advise secured by condition.

Biodiversity net gain: No Biodiversity Metric has been submitted with the application although recommended within the Preliminary Ecological Appraisal. Measurable biodiversity net gain is not now expected to become a mandatory requirement until January 2024. However, its provision would allow the LPA to assess the level of biodiversity change resulting from the proposal. Its absence however, unless a requirement of local policy, cannot be used as a reason for refusal.

Habitat Regulations assessment: The proposed development will result in an increase in residential accommodation. 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 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 combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.

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.

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).

As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.

Further comments

ECOLOGICAL IMPLICATIONS

	<p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation:</p> <p>Application can be determined (with any conditions listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o A biodiversity net gain should be demonstrated using the statutory metric.</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>o Amended Soft works plan (revision 3)</li> </ul> <p>Comments:</p> <p>Since our previous response 29/09/2023, the site lay out has been amended which has resulted in a change to the proposed landscaping and soft. In the absence of a biodiversity metric the overall net gain or loss is hard to quantify. However, the greatest change is an apparent reduction in public green space which can be managed for biodiversity and controlled through planning. For example, the increase in area of the private garden spaces for properties 8 and 9. Whilst I support the use of species rich lawn mix within these garden spaces the retention of these cannot be guaranteed. Likewise, it is difficult to assess the impact to BNG of changes to the northeast corner with the creation of the new path and changes to the lay out. And landscaping. The value of some of the proposed BNG measures could be compromised by their exposure to disturbance, trampling etc, such as the wildflower meadow area under the tulip tree, within the new car parking spaces.</p> <p>For the LPA to be confident that the development will be policy compliant and deliver a biodiversity net gain. I advise that this should be demonstrated using the statutory biodiversity metric and measures outlined as to how any short fall in Biodiversity units will be achieved whilst meeting the trading rules. This can be secured as a Pre-Commencement Condition.</p> <p>I trust these comments are of assistance.</p>
Thames Water	<p>Waste Comments</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>With regard to SURFACE WATER drainage, Thames Water would</p>

	<p>advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p> <p>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>
Hertfordshire Highways (HCC)	<p>This is an interim to start a discussion to enable the site to be acceptable. Firstly, HCC Highways would like to see the raw speed survey data quoted in the transport statement to ensure that the 85th percentile number is accurate.</p> <p>Secondly as per inclusive mobility the width of a footway should be a minimum of 2 metres. This is stated in section 4.2 of Inclusive mobility where it states;</p> <p>"Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters."</p> <p>This ensures that the site is accessible to all people especially to be able to reach the village centre.</p> <p>Once this has been provided then HCC Highways can make an informed recommendation.</p> <p><u>Further comments</u></p> <p>Interim</p>

Following emails the raw data for the speed survey has now been produced, however, within our previous interim we requested the footway be widened as per inclusive mobility the width of a footway should be a minimum of 2 metres. This is stated in section 4.2 of Inclusive mobility where it states;

"Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters."

This ensures that the site is accessible to all people especially to be able to reach the village centre

The footway is currently proposed at 1.8 metres. Once this has been provided then HCC Highways can make an informed recommendation.

#### Final comments

#### AMENDED PROPOSAL

Construction of 9 dwellings including the creation of a new vehicular access, parking and 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 subject to the following conditions:

#### 1) Highway Improvements - Offsite

##### A) 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 off-site highway improvement works as indicated on drawing number A1-01 P 20 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

##### B) Implementation / Construction

Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details for works including;

- Footway of 2 metres in width from the site linking to existing footway to the south of the sites location
- Bell mouth Access for 7 dwellings along ring Road
- Dropped kerb for access for two dwelling which will access across the proposed 2 metre wide footway.

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).

2) Provision of Visibility Splays - Dimensioned on Approved Plan

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number A1-01 P 20.

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).

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 for the construction of 9 dwellings including the creation of a new vehicular access, parking and landscaping a Land West Of Tring Road, Tring Road, Wilstone. Tring Road is a 60 mph unclassified local access route that is highway maintainable at public expense. Tring Road in relation to HCC's new Place and Movement Planning Design Guide is allocated as a P1/M1 (e.g. Rural Lane).

#### Highway Matters

The existing site is a field on the edge of Wilstone. The applicant has carried out a speed survey of the adjacent highway network along Tring Road and found the 85th percentile speeds to be between 24 mph and 27 mph and as such has illustrated visibility splays in relation to these speeds on drawing number A1-01 P 20 for the proposed two accesses. The applicant is proposing two new accesses to the site. The first being a bellmouth to access 7 of the 9 dwelling in the location of a previous field gate. This access has been shown that it can accommodate a fire vehicle turning on site as well as private cars. The surface of the internal road network will be for shared use. A refuse truck is proposed to wait within the highway network as opposed to going into the site which is deemed acceptable for the classification of the adjacent highway network and its speeds. There is proposed to be another access to the south of the larger bellmouth which will accommodate access for two of the dwellings. This access has not been illustrated on any drawings to its layout but owing to the proposed footway should be constructed as a dropped kerb to a maximum of 7.2 metres (6 dropped kerbs and 2 risers) which would accommodate two properties. There is proposed to be a 2 metre footway fronting the site which ensure as per inclusive mobility two wheelchair users to pass one



	<p>another.</p> <p>This two metre footway should connect to the existing footway network along Tring Road and will connect the development to Wilstone and its amenities. All of these should be constructed under a section 278 agreement - please see informative 1 - in line with the suggested conditions by HCC Highways.</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 (in relation to entering into a Section 278 Agreement) and conditions.</p>
Trees & Woodlands	<p>Regarding this app, I have no issues to raise in principle but need to raise a serious longer term concern.</p> <p>The Arb Report accurately notes the presence of moderate (x9) and low (x5 plus x3 groups) quality trees, and of these x12 individual trees are Ash.</p> <p>It is proposed to remove two Cat B (mod) and one Cat C (low) quality trees and partially remove one C group along the frontage of the site. Mitigation planting is planned in order to address tree loss.</p> <p>Of the trees noted as Ash for retention (T5, 6, 7, 8, 9, 10, 11, 12, 13), these are all located in a row on the canal side - and in all likelihood, they will need to be removed in near future due to Ash Dieback (ADB). ADB is a fungal disease that is killing 80 - 90% of affected Ash trees nationwide. ADB is prevalent across the Tring area and the Borough Council are soon to embark on a five-year long series of Ash removal projects that will involve thousands of trees in Dacorum.</p> <p>The DAS admirably refers to retaining most of the existing site trees, but in this instance I believe this to be the wrong decision. Although a date cannot yet be fixed, it is highly probable in the next 5 to 10 years that all site Ash will need to be removed due to the hazard they present to homeowners and their homes. At that stage, the LPA will have no control concerning replanting.</p> <p>It seems sensible to mitigate against the devastating impact of ADB now, when tree removal operations could occur on a clear site rather than when surrounded by new houses, landscaping, cars and people. Removal now would cause a considerable visual impact but would enable sensible tree replacement to be controlled via the planning process. This would also enable construction works to be completed more efficiently as site operations would be less constrained by tree protection measures.</p> <p>ADB is going to significantly change our urban and rural landscapes, but more importantly has already caused injury and death within the tree contracting industry due to the unpredictable nature of the fungus' effect on the structural integrity of trees. Accordingly, ADB works are becoming more reliant on mechanisation, which will be very difficult to</p>

	complete should the new dwelling that are proposed be built.
Urban Design (DBC)	<p>As discussed, please find below some initial thoughts on the application at Land West of Tring Road. I am happy to talk these through with the applicants once they have decided their next steps if it would help with any future submission.</p> <p>Key considerations that should be incorporated to any future submission:</p> <ul style="list-style-type: none"> <li>o Units adjacent to no. 71 should follow the existing building line and front onto Tring Road. With this in mind, units 8 - 11 should front onto Tring Road, with their primary residential amenity space to the rear. Following the existing settlement pattern should result in a landscaped set back from the road as well.</li> <li>o Buildings should positively respond to Tring Road and the adjacent recently approved scheme to create a sense of arrival into the village. As such, it is suggested that the proposed unit in the north eastern corner of the site, immediately adjacent to Wilstone Bridge should create a landmark feature. Employing a corner typology would allow the building to respond positively to views from Wilstone Bridge, whilst adhering to the above suggestion of fronting onto Tring Road.</li> <li>o The existing layout does not reflect a coherent design. The orientation and layout of the units is jarring and not cohesive. The form and building lines should respond to neighbouring units, and follow a degree of symmetry, ensuring the spaces between buildings is both attractive and functional.</li> <li>o All rear gardens must adhere to policy requirements for minimum back garden space standards: "Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m. Ideally a range of garden sizes should be provided to cater for different family compositions, ages and interests." [Local Plan: Appendix 3]. At present it appears a number of units have worryingly small rear gardens.</li> <li>o Any car parking should be well-screened and where possible allow for flexible use dependent on demand. Large areas of surface car parking should be avoided, with successive spaces limited to a maximum of 4, with landscaped verges and tree planting breaking up areas of consecutive spaces. At present the location of the main car parking area is in a prominent location within the scheme and would be not only dominant within the development but highly visible from the road and main access point.</li> <li>o Where parking spaces are between dwellings, they should be set back from the primary frontage.</li> <li>o The outdoor storage of bins and bike stores should be designed in from the outset, to ensure that they are in practical and functional locations within the plots. With this in mind, we would expect to see integrated or well-designed bin storage, which is well-screened and does not dominate residential amenity space.</li> </ul>

	<p>o The proposed extension to the footpath along Tring Road should continue the full extent of the site boundary, providing pedestrian connection to the towpath.</p> <p>o The central area of the development is currently dominated by vehicle infrastructure and at present there do not appear to be any pedestrian footpaths within the development. Whilst the access road only serves a small number of units, we would expect to see some sort of provision for pedestrian movement across the site. This should enable pedestrians to move safely from the car parking areas, to access homes and to connect into the wider footpath and towpath connections.</p> <p>o The appearance and design of the proposed units should respond to and reflect local existing and future character of neighbouring areas. The appearance of the buildings should be of a high-quality, employing brickwork detailing, a subtle mix of materials, and a coherence across the site.</p> <p><u>Further comment</u></p> <p>Having reviewed the latest revisions to the scheme I have compiled the following, in summary, they have generally responded to the majority of previous comments which is welcomed:</p> <p>o It appears there are elements of play-on-the-way which are all welcomed. The appearance and proposed materials should be conditioned with any decision to ensure they are of a high quality;</p> <p>o The introduction of the link to the towpath is welcomed and supported;</p> <p>o The integrated cycle stores, located at the front of the dwellings, immediately adjacent to the primary entrances are considered to be appropriate and acceptable from a design perspective. This will encourage and promote sustainable choices through design.</p> <p>o The revisions to the layout are acceptable from a design perspective. With greater spacing between units 3no and 4no it has created a more functional and practical space, which is supported.</p> <p>o The shared bin storage is also considered to be an improvement, however, in this prominent location, in close proximity to the main entrance from Tring Road, the design and materials will be important to ensure this is an attractive feature.</p> <p>Generally, we welcome the revisions to the scheme and consider them to be an overall improvement to the application. Sample materials will need to be conditioned to ensure high-quality appearance that responds to the sites context.</p>
Hertfordshire Property Services (HCC)	<p>I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters. Should the Borough Council be minded to permit this Full application, a number of detailed matters should be given careful consideration.</p> <p>Minerals</p>

In relation to minerals, the site is not located within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 - 2016, adopted 2007. 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. BGS data does not identify superficial sand and gravel deposits on the site and the council therefore has no mineral concerns.

#### Waste

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.

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

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;

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 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 project. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the development. The SWMP must be implemented throughout the duration of the development, from initial site preparation works, through to final completion of the construction phase, and during the operational phase of the proposed development.

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 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

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)

Waste management actions for each waste type (i.e., will the waste be re-used, recycled, recovered or disposed)

Space for Later Recordings

Space for the recording of actual figures against the estimated figures

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 too

Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste

	<p>arisings compared to the estimates</p> <p>If a SWMP is not produced at the planning application stage, the Waste Planning Authority requests the following pre-commencement condition be attached to any approved planning application:</p> <p>'Condition: Before the commencement of the development hereby permitted, a Site Waste Management Plan (SWMP) for the for the site/each phase of the development (use as necessary) has been submitted to and approved in writing by the Local Planning Authority 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 for the duration of the development hereby permitted.</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>Hertfordshire Fire &amp; Rescue (HCC)</p>	<p>Following information sent to us from Highways Agency, with regards to the above planning application, we have examined the drawings and note that the provision for access appears to be adequate to comply with the building regulations 2010. I have been in touch with our Water Officer who has already made comment on this application with regards to the request for hydrants.</p> <p>We have no further comments at this stage.</p> <p>This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue services. This is to ensure there are adequate water supplies available for use in the event of an emergency.</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for your consultation regarding the above application (received 22 September 2023) for the full planning permission for the construction of 11 dwellings including the creation of a new vehicular access, parking, and landscaping. We have reviewed the application as submitted and wish to make the following comments.</p> <p>We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA), Drainage Strategy and supporting information relating to:</p> <ul style="list-style-type: none"> <li>o Increased vulnerability of use on a greenfield site which has not fully assessed the risk of flooding the development may have elsewhere from the drainage scheme.</li> <li>o Not complying with NPPF, PPG or local policies (Policy CS29 Sustainable Design and Construction, Policy CS26 Green infrastructure, policy C231 Water Management).</li> </ul> <p>Reason</p>

	<p>To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.</p> <p>We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed. Please be aware that the reasons for objection, highlighted on the technical response are mainly due to the Flood Risk Assessment referring to preliminary design. For a full planning application all SuDS features, four pillars of SuDS and discharge locations should be final and confirmed within the layout of the development.</p> <p>Informative</p> <p>In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to Autumn 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.</p> <p>Informative to the LPA</p> <p>Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify the us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application Reference: 23/02195/MFA, Proposal: Construction of 11 dwellings including the creation of a new vehicular access, parking, and landscaping Address: Land West of Tring Road Tring Road Wellstone Tring Hertfordshire</p> <p>In relation to security, footpaths at the rear of properties have been proven to generate crime. I would therefore ask that the footpath is:</p> <ul style="list-style-type: none"> <li>. as wide and straight as possible</li> <li>. well lit ( if possible )</li> <li>. devoid of hiding places</li> </ul> <p>Although this is a small development in a low crime area, I would always advise building to the police minimum security standard Secured by</p>

	Design.
Historic Environment (HCC)	<p>Thank you for consulting us on the above application.</p> <p>The proposed development area is located to the north of Area of Archaeological Significance No13, as identified in the Local Plan. This notes that Wilstone is a village of medieval origin, first documented in 1220. The main focus of the early settlement appears to have been focused around Chapel End. Earthworks of ridge and furrow surround the village, the closest to the proposed development area being present on the recreation ground to the west [Historic Environment Record no. 18721]. There is evidence supporting medieval occupation from sites in the village such as the timber-framed buildings of Wilstone Great Farm [HER 10796]. The Half Moon public house [HER 13394] dates from the early post-medieval period.</p> <p>No evidence of earlier use of the proposed development area has been identified, and the Archaeological and Heritage Assessment (Environmental Dimension Partnership Ltd, 2023) submitted with the planning application, while recognising that few archaeological investigations have been carried out in the general area, assesses its potential to contain archaeological remains (heritage assets) of medieval and earlier date as low. The area has been shown on historic mapping to have been used as agricultural land throughout the post-medieval and modern periods. There is, therefore, the possibility that earlier remains will survive below the ground, and if so, they may be well preserved.</p> <p>I believe that the proposed development is such that it should be regarded as having the potential to have an impact on heritage assets of archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none"> <li>1. the archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;</li> <li>2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include: <ol style="list-style-type: none"> <li>a. the preservation of any remains in situ, if warranted,</li> <li>b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,</li> <li>c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),</li> <li>d. such other provisions as may be necessary to protect the archaeological interests of the site;</li> </ol> </li> <li>3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;</li> <li>4. such other provisions as may be necessary to protect the archaeological interests of the site;</li> </ol>



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 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).

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:

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.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

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.

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.

I hope that you will be able to accommodate the above recommendations.

Please do not hesitate to contact me should you require any further information or clarification.

Further comments

ARCHAEOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

Our advice on this application remains the same as that given in Alison Tinniswood's letter P04/23/2195-1, dated 30/10/2023:

The proposed development area is located to the north of Area of Archaeological Significance No13, as identified in the Local Plan. This notes that Wilstone is a village of medieval origin, first documented in 1220. The main focus of the early settlement appears to have been focused around Chapel End. Earthworks of ridge and furrow surround the village, the closest to the proposed development area being present on the recreation ground to the west [Historic Environment Record no. 18721]. There is evidence supporting medieval occupation from sites in the village such as the timber-framed buildings of Wilstone Great Farm [HER 10796]. The Half Moon public house [HER 13394] dates from the early post-medieval period.

No evidence of earlier use of the proposed development area has been identified, and the Archaeological and Heritage Assessment (Environmental Dimension Partnership Ltd, 2023) submitted with the planning application, while recognising that few archaeological investigations have been carried out in the general area, assesses its potential to contain archaeological remains (heritage assets) of medieval and earlier date as low. The area has been shown on historic mapping to have been used as agricultural land throughout the post-medieval and modern periods. There is, therefore, the possibility that earlier remains will survive below the ground, and if so, they may be well preserved.

I believe that the proposed development is such that it should be regarded as having the potential 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 archaeological field evaluation of the proposed development area, via trial trenching, prior to development commencing;

2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:

a. the preservation of any remains in situ, if warranted,

b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,

c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),

	<p>d. such other provisions as may be necessary to protect the archaeological interests of the site;</p> <p>3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results;</p> <p>4. such other provisions as may be necessary to protect the archaeological interests of the site; '</p> <p>I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 211, 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>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>Please do not hesitate to contact me should you require any further information or clarification.</p>
Education (HCC)	<p>Hertfordshire County Council's Growth &amp; Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021.</p> <p>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> <p>I trust the above is of assistance if you require any further information please contact the Growth &amp; Infrastructure Unit.</p>
Environmental And Community Protection (DBC)	<p>Regarding the above planning application, I have reviewed the additionally submitted information and the recommendations for land contamination planning conditions within the memo sent out to you on the 13/10/2023 have not change.</p> <p>Pollution Team</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.

#### 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.

#### 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

	<p>significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 23/02195/FUL, Construction of 9 dwellings including the creation of a new vehicular access, parking, and landscaping . Land West of Tring Road Tring Road Wilstone Tring Hertfordshire</p> <p>In relation to security and crime prevention the superseded layout is significantly better.</p> <p>I would ask that the dwellings are built to the police security standard Secured by Design</p>
<p>Affinity Water - Three Valleys Water PLC</p>	<p>Affinity Water has no comments to make regarding planning application 23/02195/FUL.</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.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted.</p>
Refuse, Cupid Green Depot	There should be space to store 3 x wheeled bins and a curb side caddie and space to present 2 x wheeled bins and the curb side caddie outside the boundary nearest the road on collection day. The collection vehicle is a 26t rigid freighter.
Tring Rural Parish Council	Tring Rural Parish Council do not object to this application. The focus of the, council's concerns is invariably flooding and drainage. However, it is noted that this proposed development site is entirely within zone 1 for flood risk, as is the immediate surrounding area. Furthermore the council is not aware of any flooding issues in the immediate vicinity. The council leave it to the expertise of the planning officers to consider the comprehensive Flood Risk Assessment, although it is understood that such an assessment was not strictly necessary as the site is entirely zone 1.
UK Power Networks	<p>Please note there are HV and LV overhead cables on the site running within close proximity to the proposed development. 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>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.</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>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
28	15	1	14	0

### Neighbour Responses

Address	Comments
67 Tring Road Wilstone Tring	<p>My objections are for the following reasons:-</p> <p>- The direct impact this will have on the SSSI site at Ashridge.</p>

<p>Hertfordshire HP23 4PE</p>	<ul style="list-style-type: none"> <li>- Loss of a natural habitat for wildlife.</li> <li>- The area is prone to significant flooding.</li> <li>- Local amenities are already at bursting point (Doctors and Schools).</li> <li>- The impact on the safety to walkers.</li> <li>- There is already considerable over-development within Wilstone.</li> </ul> <p>Further to previous comments made we would like to add the following:-</p> <ul style="list-style-type: none"> <li>- The previous development plan allowed for 2-Bed houses which have now been removed. The village and local area is in desperate need of 'affordable-housing' and this new proposal provides none for the younger generation and this is inexcusable. Time and time again developments are passed with no thought for the young house buyers. Dacorum, please take a stand on this urgent matter that needs to be addressed.</li> </ul>
<p>90 Tring Road Wilstone Tring Hertfordshire HP23 4PD</p>	<p>90 Tring Road, Wilstone</p> <p>OBJECT</p> <p>Planning application 23/02195/MFA Proposal: construction of 11 new houses, land off Tring Road.</p> <p>This application is contrary to policies CS1, CS2, CS7, CS10, and CS20 of the core strategy.</p> <p>This proposed development is on the opposite side of the road to our bungalow at 90 Tring Road. Our bungalow is single story.</p> <p>Wilstone has a good mix of all age groups. The village has no school. The children use the school bus to travel to both primary and secondary school which the secondary school is over subscribed. In 2022 Tring secondary school had 480 applicants for year 7 with only 240 place available. Due to further development in Tring there will be further pressure for school places.</p> <p>This local shop is the hub of our community. A large number of volunteers help run the shop along with many local teenagers as part of their D of E award scheme.</p> <p>Wilstone has had its fair share of new housing:</p> <p>Wilstone has approx. 280 homes and since 2012 has seen the approval of 74 new homes meaning an increase of over 25% of the entire village. This does not include the 28 further homes by Rectory Homes which is currently with planning and not yet granted.</p> <p>Planning application: 4/01533/12/MFA - Dixon's Wharf, Dixon's Gap, Wilstone. Change of use from B1 (business) to C3 (dwelling house) and construction of 21 dwellings.</p> <p>Granted permission 08/11/12 a previously developed location within the designated rural area".</p>

2. Planning application: 4/02833/16/MFA - Victory House, Wilstone Bridge, Tring Road

Demolition of existing buildings and construction of 8 new homes. Granted permission 16/03/17. Planning officer's report to committee highlighted the brownfield status of the site and to grant permission would "improve the appearance of a previously developed, derelict site".

3. Planning application: 4/01331/17/FUL - 17 Tring Road, Wilstone  
Demolition of house and garage and construction of 3, 3 bedroom dwellings

Granted permission 14/09/17.

4. Application 4/02469/18/FUL demolition of agricultural barn and replace single dwelling. Granted Jan 2020

5. Application 19/03229/FUL demolition of garage and construction of a single dwelling. Granted Jan 2020

6. Application 4/01803/18/FUL Construction of 3 bed dwelling on garden land behind Tring Road.

7. Application 21/00854/FUL Demolish storage yard and construct 6 new homes outside village boundary. Granted and completed currently homes on the market.

8. Current application 20/003864/FUL land off 36-44 Tring Road build 6 new homes on behalf of Dacorum Council. With planning officer

Traffic through village

The Glanville transport report on file dated 2019 trip rates only apply to estimated households in the village.

Trip rates household privately owned

8-9am peak inbound 0.085 outbound 0.447 two-way 0.532

17.00 -18.00 inbound 0.404 outbound 0.170 two-way 0.574

daily 7am-19.00pm 2.313 inbound outbound 2.283 two-way 4.596

trip rates traffic generation 15 houses

8-9am inbound 1 outbound 7 two-way 8

17-18.00pm inbound 6 outbound 3 two-way 9

7am-19.00pm inbound 35 outbound 34 two-way 69

Tring Rural Parish Council carried out their own survey on village traffic also in 2019 which greatly differs from Tring Trial villages survey.

Tring Rural Parish Council in 2019 shows that between 7-10am 408 vehicles passed through the village averaging 1 every 26.4 seconds of which 167 (40.9%) exceeded the speed limit with the highest recorded speed 55-60mph.



Between 3-6pm 448 vehicles passed through the village at a rate of 1 every 24 seconds of which 171 (38.2%) were speeding with the highest recorded speeds in 40-45mph.

1852 vehicles were recorded in a 24 hour period. (Graph forwarded to planner showing traffic from 00.00 to 23.00)

Wingrave Road which Tring Road joins at the T junction over the canal bridge between 7am-7pm a total of 3805 vehicles passed. During a 24 hour period 4426 vehicles passed.

#### Traffic/ junction

Living at the junction of Tring Road and Grange Road I know first-hand how dangerous this junction along with Tring Road is.

Mostly we reverse out of our driveway due to its layout and be on high alert. Traffic from both directions travel at speed and especially from around the bend. The peak time volumes can have bursts of continuous traffic. The speed limits are in the main not observed by cut through traffic. Last summer cars travelling in opposite directions damaged each side of their cars as the view at this bend is obscure until you are near to the bend.

#### Effects on the Environment

Rectory Homes has paused building on 28 homes which is opposite this application. This is due to the economic climate and the Chiltern Beechwoods area of Conservation. This site currently has seven homes built on site which are now boarded up and hopes to reopen the site in autumn 2024.

The effects of this building site has had a big impact on the village. All vehicles over 10 ton have to access the site through the village as the canal bridge has a weight restriction off 10 ton. Tring Road leading into the village the majority of the grass verges have eroded away along with the road due to these heavy vehicles. The road through the village is very narrow. The terraced homes before the village hall have only a very small frontage and a number of these houses have young children. There is no protection against cars or heavy laden vehicles as there is no pavement from the village hall through the village right up to New Road. It is becoming more increasingly difficult at times to manoeuvre around the bend at the village hall.

The road has also narrowed by The Forge in the centre of the village as cars now park on Tring Road which vehicles have to give way to oncoming traffic. The village roadway is not suitable for constant movement of heavy vehicles.

If this build goes ahead along with Rectory Homes building work we will be looking at building work in our small village continuing for a number of years possibly 2030. Can the village sustain this environmentally without damage to the village considering all building materials will have to come through the village to reach the site due to the 10 ton restriction at the canal bridge. I have also witnessed a number of over

	<p>10 ton vehicles ignoring the restrictions and using the bridge.</p> <p>Current building</p> <p>Rectory has also applied for a further 28 homes on land behind the current site which is with planning. That would be in total 56 new homes accessing Tring Road with this application of 11 a total of 67 new homes.</p> <p>Wilstone currently has a number of homes for sale which have been on the market for more than six months. Do we really need a further 11 homes?</p> <p>What Wilstone needs is new affordable homes for young people who have lived in the village all their life and want to remain in the village. A good example would be the 6 new family homes Dacorum Council have just completed in Grange Road, homes for young families. We do not need new homes in price ranges of approx 700k just affordable homes.</p>
<p>71 Tring Road Wilstone Tring Hertfordshire HP23 4PE</p>	<p>We live at Nr 71 Tring Road and our property makes up the third boundary to the proposed development and we have the following reasons for objecting to the scheme.</p> <p>The properties along this side of Tring Road are bungalows and yet you are proposing houses which is not in keeping with the rest of the properties along Tring Road before the canal.</p> <p>In your brochure you state there is significant shortfall of market and affordable housing in the Dacorum and that is why you are putting forward this scheme. The proposed design is for affordable housing based on a design to match the properties in Wilstone Wharf. These properties sold for between £620 and £725 thousand. How can this be classified as affordable even as shared ownership.</p> <p>The village has only got a part time voluntary village shop, there are no schools within the village or doctors. The schools within the catchment area are already struggling to accommodate the growing population of Tring and the surrounding villages. The doctors surgeries are under staffed and are struggling to accommodate existing patients. This development will only add to these problems.</p> <p>This is a valuable ecological area, it supports, deer, foxes and a vast variety of birdlife and other animals and plants. Although they may not be endangered at the moment, but if we continue to remove their habitat they will be.</p> <p>The land is part of the flood plain for the reservoirs at Marsworth, that is why the existing adjoining properties have had their levels increased.</p> <p>Currently the Rectory Homes site is for 28 properties (Now Stopped). They have also put plans in for a further 28 homes connecting to the stopped site. Across the canal 6 new dwellings have been built plus a further 6 houses have been built along Grange Road. This is a total 40 new residential buildings which have been granted planning permission with</p>

	<p>a further 28 awaiting a decision within the last two years. With this proposed development of 11 homes this would bring the total new properties in this VILLAGE to 79. The current infrastructure (Drainage, Telecommunications and parking) cannot cope with the existing properties never alone the new properties.</p> <p>The entrance to the site is between the existing single track hump back bridge over the canal and a narrow bend which has already got the access road for the Rectory Homes site of a possible 56 houses. With your proposed development of 11 homes this would make this congested area even worse. With this being a village in a rural setting this stretch of road has no footpath and is regularly used by dog walkers and ramblers joining the canal towpath and cyclist who have to regularly use the gate way of this land to avoid on-coming traffic. This is because it is only just wide enough for two cars to pass. If a bus or larger vehicle is using the road the on-coming vehicle has to wait in the passing bay this side of the bridge. With the additional vehicles from your development this only make the matters worse.</p> <p>Will this development be adopted by the local authority who will maintain the communal areas or will it remain the responsibility of the Canal and River Trust. If it is to remain under the control of the Canal and River Trust what assurance will we get that they will actually maintain these areas; as the current land has never been maintained in the 10 years we have lived here. In fact the hedge along Tring Road is now so overgrown it has reduced the already narrow road by at least 600mm.</p> <p>Following the mitigation strategy set out by Dacorum Borough Council to Protect Ashridge Commons and Woods, what measures have been included within this proposed development. In the Mitigation statement any development of 10 or more homes is classified as a larger development the mitigation statement makes the following comment</p> <p>Currently there is no SANG in place for larger developments outside the catchment area of Hemel Hempstead. This means that developments will not be able to proceed, unless they can bring forward their own SANG solution.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This site is suitable for the inclusion of integrated Swift bricks within the fabric of the new dwellings, which at present do not appear to include any biodiversity enhancements, other than a suggestion for e LEMP to be produced at a later stage</p> <p>Swift bricks conform to BS 42021:2022 and are universal as they provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, Starling and House Sparrow, making inclusion a real biodiversity enhancement.</p> <p>For this development Swift bricks would be ideally located high up on the north facing gable end of plots 8-10, away from windows.</p> <p>Bearing in mind the scale of the development and the lack of clarity in terms of biodiversity enhancements so far, I would suggest that Swift bricks are secured by way of a condition, the wording adapted from BS</p>

	<p>42021:2022: "no development shall take place until written details are approved by the LPA of the model and location of 4 integrated Swift bricks, such bricks to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p> <p>Please do not make a pre-occupation condition as integrated bird boxes have to be installed at the construction stage and requiring details after this has taken place is therefore not appropriate.</p>
<p>4 Chapel Fields Wilstone Tring Hertfordshire HP23 4SL</p>	<p>I object to this application because it would significantly increase traffic across the small canal bridge at the north of the village and along the high street. It would also mean turning a rural area into more of an urban sprawl and put further pressure on already stretched local services. Wilstone is a village and this development would damage its character and the existing community. There are many towns nearby where the developers could build these houses without impacting our existing and cherished way of life. In addition, further concreting over green space would increase rainfall run off adding to the already significant flooding issues, and put further pressure on drainage and effluent systems that are already overflowing. I urge the planning authorities to turn this down and ask the developers to focus on towns that can cope with more development - Wilstone already has development sites in progress that represent a 20% increase in homes and this has got to stop before the village is totally ruined and unrecognisable</p>
<p>9 New Road Wilstone Tring Hertfordshire HP23 4NZ</p>	<p>As this development is already adjacent to another large development (Rectory Homes) and accessible by the same inadequate road access, close to a small canal road bridge, without an alteration to the road access this creates a significant safety risk to pedestrians and other road users alike.</p> <p>In addition, Wilstone remains a small village with limited housing need. Two developments have recently been agreed to by the Planning Officer, one of which the developer (Rectory Homes) has since mothballed due to a lack of demand, and current housing value. If Dacorum Council is willing to allow developers to take this approach, despite the promise of affordable housing, it really should assess whether there is truly demand for further sustainable development in this small village.</p> <p>The housing volume being requested here is also highly limited, and what demand there is for housing in a small village, with limited public services, will be fully met by the Rectory Homes development (should it ever be completed).</p>
<p>71 Tring Road Wilstone Tring Hertfordshire HP23 4PE</p>	<p>We live at Nr 71 Tring Road and our property makes up the third boundary to the proposed development and we have the following reasons for objecting to the scheme.</p> <p>1) The properties along this side of Tring Road are bungalows and yet you are proposing houses which is not in keeping with the rest of the properties along Tring Road before the canal.</p>

2) In your original application it was stated that there is a shortfall of affordable housing in Dacorum and yet the proposed scheme has no affordable housing proposed. It also states that Wilstone is outside of the 'rural area' for the purposes of affordable housing, and yet we are surrounded on all boundaries by farming and a rural landscape. Also we fall under Tring Rural for Building Control, so to say we are not rural to me is incorrect and therefore the development is incorrect for the needs of the council.

3) In the original scheme the unit adjacent our property was at least 4-5m away from the red line boundary of the site with a blank wall facing us and the front of the house was orientated to look into the proposed site. In the planning statement you state you have reorientated and moved this unit further away from our property. In actual fact the rear corner of the house is within 2-3m of the red line boundary, the elevation facing us has now got two windows that can look into our property; also, the orientation of the house has the rear elevation looking into our property. In the planning statement it states these changes have been done to further protect our amenities, in actual fact they have made them worse.

4) In the planning Statement it is stated there are 2 no two-bed, 6no three-bed and 3no three bed and that you will be providing 25.5 spaces although you only need to provide 20.4 spaces. The actual scheme proposed has the following accommodation schedule

4No 3 bed 6-person houses  
3No 4 bed 6-person houses  
2No 4 bed 8 person houses

There are 15 parking bays for units 1-7 and possibly 2/3 cars parking per plot for 8 & 9. This gives a total allocation of 21 parking spaces, yet there is the potential for 58 people with cars to live on the scheme. The village already has an issue with on and off-street parking which will only be made worse with the proposed scheme

Clearly this Planning Statement isn't in full alignment with the proposed scheme so how can anything in it have any credibility to fact

5) In the planning Statement it states that a footpath will be constructed from the southern side of the bellmouth and this would connect to the existing footpath. The drawings show the footpath stopping at the north side of the existing drainage ditch that runs along side our property, and there currently is no footpath outside the front of our property.

6) Policy CS1 identifies Wilstone as a SMALL VILLAGE and allows developments in rural settlements which support the vitality and viability of local communities. With this and other pending applications will no longer be a small village. In the planning statement it states that the proposed development won't damage the existing character of the site and that the hedge along the north boundary will screen views into the site from the canal. However, the scheme is for contemporary houses which are totally out of character to the rest of the houses in the village except for the houses to the north of the canal which will be screened from new development and are therefore not connected.

7) Under Policy CS2 planning statement they state that until recently the site was considered outside the defined settlement of Wilstone but because of the developments to the North and East of the site it can now be considered an infill site. The two sites north of the scheme were built on brown field sites and the site to the west is still awaiting a decision. Therefore, if it wasn't considered an infill site then why should it be considered one now.

8) Policy CS7 allows small scale development will be permitted in Aldbury, Long Marston and Wilstone. We already have 2 small scale schemes completed, we have a further larger scheme started and have 2 further schemes in planning and this now makes three. I therefore say we have provided enough small-scale developments in this village and its time to say enough is enough to continually rip up green belt land. There are existing Brownfield sites within the Dacorum borough which should be developed before any consideration should be given to developments of green belt

9) The village has only got a part time voluntary village shop, there are no schools within the village or doctors. The schools within the catchment area are already struggling to accommodate the growing population of Tring and the surrounding villages. The doctor's surgeries are under staffed and are struggling to accommodate existing patients. This development will only add to these problems.

10) This is a valuable ecological area, it supports, deer, foxes and a vast variety of birdlife and other animals and plants. Although they may not be endangered at the moment, but if we continue to remove their habitat they will be.

11) The land is part of the flood plain for the reservoirs at Marsworth, that is why the existing adjoining properties have had their levels increased.

12) Currently the Rectory Homes site is for 28 properties (Now Stopped). They have also put plans in for a further 28 homes connecting to the stopped site at the junction of Tring a further nine self-build houses have been proposed. Across the canal 6 new dwellings have been built plus a further 6 houses have built along Grange Road. This is a total 40 new residential buildings which have been granted planning permission with a further 37 awaiting a decision within the last two years. With this proposed development of 9 homes this would bring the total new properties in this VILLAGE to 86. The current infrastructure (Drainage, Telecommunications and parking) cannot cope with the existing properties never alone the new properties.

13) In the first application there was one vehicular access and egress from the site now the proposal has two vehicular access and egress points. These access and egress points are between the existing single track hump back bridge over the canal and a narrow bend which has already got the access road for the Rectory Homes site of a possible 56 houses. With your proposed development of 9 homes this would make this congested area even worse.

	<p>14) The original scheme allowed for dust carts to access the site leaving Tring Road free. However, the proposed scheme has the waste removal from Tring Road on a narrow and obscured bend which will leave both road users and the waste removal operatives vulnerable to accidents</p> <p>15) With this being a village in a rural setting this stretch of road has no footpath and is regularly used by dog walkers and ramblers joining the canal towpath and cyclist, who have to regularly use the gate way of this land to avoid on-coming traffic. This is because it is only just wide enough for two cars to pass. If a bus or larger vehicle is using the road the on-coming vehicle has to wait in the passing bay this side of the bridge. With the additional vehicles from your development this only make the matters worse.</p> <p>16) On drawing L-400 softworks plan it shows the existing retained scrub (which also contains trees) will be retained and yet the drawing P20-553 SK01 rev P6 has the surface water drainage outfall including a swale going through this area of retained scrub. Therefore, the drainage scheme cannot be built the way they are intending.</p> <p>17) Will this development be adopted by the local authority who will maintain the communal areas or will it remain the responsibility of the Canal and River Trust. If it is to remain under the control of the Canal and River Trust what assurance will we get that they will actually maintain these areas; as the current land has never been maintained in the 10 years we have lived here. In fact, the hedge along Tring Road is now so overgrown it has reduced the already narrow road by at least 600mm.</p> <p>18) Following the mitigation strategy set out by Dacorum Borough Council to Protect Ashridge Commons and Woods, what measures have been included within this proposed development. In the Mitigation statement any development of 10 or more homes is classified as a larger development the mitigation statement makes the following comment</p> <p>Currently there is no SANG in place for larger developments outside the catchment area of Hemel Hempstead. This means that developments will not be able to proceed, unless they can bring forward their own SANG solution.</p> <p>Although this scheme may only be 9 houses it has the potential for 58 people to live in this area and it is footfall in the Ashridge Estate not house numbers. If this development was for 10 2 bed 4-person houses would fall under the restriction and would house 40 people and would therefore has less footfall effect on the area of concern.</p>
Councillor Smith-Wright	<p>As I am the Ward Councillor for Tring Rural I wondered if you could call me to discuss 23/02195/FUL as I have several concerns and am considering 'calling it in' for the reasons below.</p> <p>1. Hazardous Access and Increased Traffic: The proposed site access is situated close to a blind bend, posing significant safety risks for cars</p>

and pedestrians exiting the site. The proximity to the canal bridge further complicates this issue of traffic congestion. With the additional traffic from this development opposite at Rectory homes, it is highly likely that this area will experience unacceptable levels of congestion for a small village from the potential 54 household cars, as well as delivery vehicle and increased traffic in the immediate facility. Which I think is inappropriate and dangerous. The dependency on cars also contradicts the Dacorum's sustainable plan.

2. Canal Bridge Limitations: The canal bridge next to the development has a weight restriction and is already appears to be suffering from a degraded road surface. That infrastructure is ill-equipped to handle increased traffic, especially heavy vehicles.

3. Flooding Risk and Water Management Issues: The proposed sites gardens are directly backing onto the canal that has been at dangerously high levels recently in the floods this area experienced. The Canal and River Trust is facing challenges in managing water levels locally, the canal at this point in Wilstone regularly tops over and cascades around the lock gate and the sides of the canal are often under water. And with the overflow and water release incidents of letting water out into the villages that The Canal & River trust carried out such few weeks ago - all these villages in Rural Tring are in danger of flooding, especially vulnerable homes such as these that would back onto the canal.

4. Negative Impact on Immediate Local Residents: The residents of Dixons Wharf, face onto the development directly from the FRONT of their properties. There will be extensive light intrusion and noise pollution which will directly impact their rights. No 7 Dixons Wharf is especially close to the perimeter of the new build.

5. Lack of Affordable Housing and Overdevelopment: Again, this area is being ambushed by developers building 9 unobtainable houses. Out of most people's reach. The absence of affordable housing in the plan should not be allowed, especially given the increase in the number of houses in Wilstone over the last few years. In the UK the average earnings are £30,000. So, people on that salary can afford a house for £280,00 (8 times their salary). These houses will be over £600,000 + so will not be providing affordable houses for essential workers. Many of the expensive homes in Rural Tring such as Puttenham, Wilstone and Gubblecote have been left unsold. This development seems to contribute to overdevelopment without addressing local housing needs.

6. Environmental Degradation: The proposed development site serves as an important green field soak away for Wilstone which is a medieval village of historical significance. The hedges must be preserved as flood prevention and eco systems to survive. The field is a flood prevention soak away, it is also an ancient natural habitat corridor for local wildlife, including bats, badgers, deer, and birds. Ducks and their chicks have for many years used this field to access routes to Marsworth Reservoir. The construction will destroy this nature ark impacting the local ecosystem significantly. Which would balance the eco system with Rectory homes opposite.



	<p>7. Inadequate Amenities and Pedestrian Access: A part time shop run by locals, a pub on the brink of survival. There is very little to offer residents. The lack of a footpath from this site to the village forces residents to rely on cars, as the amenities do not support walking. This reliance on vehicles contradicts the desire for a village experience and increases carbon footprint. The best access to the village or the playground on foot would be along the dangerous road, over the bridge and then along the towpath to the recreation ground.</p> <p>9. Water Drainage Concerns: Rectory Homes' opposite made modifications to water drainage which have already impacted the canal, with blocked ditches and waterlogged towpath leading to water seepage into the canal. The proposed development which is even closer and densely built could worsen these drainage issues. Attached is a photo of the new barns next to Dixons Wharf showing the high water level. I see this development has planned a run-off for surface water into a pipe that will run straight into the canal. Another source of water into an already full canal system..</p> <p>10. Infrastructure &amp; Design Concerns: This area frequently experiences power outages and has precarious overhead electrics. The current sewage system in Wilstone is full and additional housing could overburden these systems. The type of two story urban designed buildings in a cul de sac is out of keeping with the village. The next-door houses in Tring Road are bungalows with appropriately sized gardens. There 2 c inadequate car parking spaces per house with no extra parking for children's cars. Wilstone already has a parking issue.</p> <p>In conclusion, this additional development is a flood risk and is an excessive over development of a small plot of land, with a dangerous access, built on a flood soak away and natural habitat. This proposal offers few amenities and encourages a reliance on cars to access the essential services.</p> <p>Wilstone has had to shoulder its fair share of new developments. And while development is necessary for community growth, it fields unnecessary to pick a village apart and create a sprawl. These villages need to be preserved for the beauty they bring to residents and visitors; they are vulnerable because of the proximity to water. The Water table is very high in all these villages which is why they flood often.</p> <p>Whatever is built here must be balanced and in harmony with the rest of the village, sustainable, safe for pedestrians, well placed that benefits a village and is not be detrimental to the local bio diversity, environment and infrastructure.</p> <p>Further comments</p> <p>Thanks very much for the chat today and as discussed, I would like to confirm that I would like to call in 23/02195/FUL.</p>
<p>The Old Packing Station Station Road</p>	<p>I have two concerns about this proposal:</p> <p>1 The first relates to the existing row of trees along the northern site</p>

<p>Long Marston Tring Hertfordshire HP23 4QS</p>	<p>boundary which runs alongside the canal towpath. The Tree Survey in the application documents raises a series of problems relating to these trees with recommendations regarding the actions required, but the application does not appear to clarify what work will actually be undertaken as part of the development. The issues raised are as follows:</p> <ul style="list-style-type: none"> <li>- The row of 9 ash trees along this boundary are squashed together and many of them are multi-stemmed, having probably started out life as a hedge. As a result and through the lack of any maintenance/management, they are now overgrown and choking each other ('etiolated' as the Tree Survey puts it). They are around 6 storeys in height and overhang the canal, partially obstructing the towpath and forcing people to duck around them in places. They therefore need to be judiciously pruned (in width and height) to ensure their longer term health and to respect their immediate environs.</li> <li>- To varying degrees of severity, the trees are being attacked by ivy. According to the tree survey, the ivy needs to be severed at the base of each trunk/stem in order to kill it off and give the trees a chance of survival.</li> <li>- It seems the willow tree which is immediately adjacent to the Grade II Listed Wilstone Bridge has been periodically pollarded over time and according to the tree survey, now needs to be pollarded again. This is to avoid it causing structural damage to the bridge and address its encroachment onto Tring Road and the towpath.</li> </ul> <p>In view of the above, it would be irresponsible to ignore the problems that have already been identified because when the proposed development is complete it would be extremely difficult to deal with them. The application should therefore be amended to confirm that the above work will be undertaken at the appropriate time or a condition attached to any approval to achieve the same objective.</p> <p>2 The second point relates to dwellings 8, 9 &amp; 10 which present their back gardens to Tring Road. In the current proposal the substantial hedge along this boundary is to be removed, making way for an extension to the public footpath (which ideally should lead all the way to the bridge).</p> <p>If this is accepted in principle, then in my view these three new dwellings should be flipped around so their fronts face the road, to present a more inviting sense of arrival to the village. This would also be more respectful to the traditional pattern of existing the housing along the street as a whole.</p> <p>The negative effects of presenting backs onto key streets is widely accepted and it seems this point has already been raised by the Planning Officer. It has also been reinforced by the comments from the Conservation and Design Officer and it is surprising therefore that Dacorum's advice has not been heeded.</p>
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**ITEM NUMBER: 5e**

<b>24/00609/FUL</b>	<b>Demolition of existing garage and construction of a 4 bed dwelling and 3 bed dwelling</b>	
<b>Site Address:</b>	<b>21 Wood Lane End, Hemel Hempstead</b>	
<b>Applicant/Agent</b>	<b>Mr Cukoj/Mr Harris</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead</b>	<b>Adeyfield East</b>
<b>Referral to Committee:</b>	<b>The application is referred to the Development Management Committee at the request of Councillor Pesch.</b>	

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) to secure mitigation under the Chilterns Beechwoods Mitigation Strategy.

**2. SUMMARY**

2.1 The proposed residential use of the site is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. The resulting dwellings are considered to be satisfactory in terms of their design, bulk, scale, site coverage and height and would not result in any significant harm to the character and appearance of the area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. Adequate arrangements for off-street parking are available within the curtilage of each property 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, 21 Wood Lane End, is located on the north western side of Wood Lane End and is one of three detached properties (Nos 17, 19 and 21) with substantial rear gardens between the residential developments at Oatridge Gardens and Whitmore’s Wood. Two further detached dwellings (No.23 and 25) and a pair of semi-detached dwellings (Nos.27 and 29) are located to the north east of the site, whilst it has been resolved to grant planning permission<sup>1</sup> for the construction of 7 units on a vacant plot of land at the junction of Wood Lane End and Whitmores Wood (formerly No.31) Maylands Wood extends beyond the rear boundary of the site and between commercial units to Mark Road and residential units in Briery Way.

3.2 21 Wood Lane End is a substantial detached dwelling constructed in render with low brick plinth walls and featuring a projecting bay window with tile hanging between ground and first floors and mock tudor gable roof projection. A later single storey brick garage has been constructed set back from the frontage with a parapet brick wall concealing a flat felt roof. The garage extends onto the common boundary with No.23. There are a number of dilapidated sheds within the rear garden to the property.

3.3 Whitmores Wood comprises a range of more modern dwellings constructed in brick beneath plain tiled gable roofs. These properties often utilise rendered panels at first floor level and/or gable end additions (including garage/porch projections and first floor front projections)

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<sup>1</sup> Subject to the completion of a legal agreement for HRA mitigation.

## **4.0 PROPOSALS**

- 4.1 The current application seeks permission for the demolition of the existing garage, construction of a new access road and provision of two residential units within the rear garden of No.21. It follows the submission of three applications for pre-application advice (4/01110/19/PRE, 23/02485/PRDB and 23/02505/PRCB) and subsequent discussions to address the concerns raised therein.
- 4.2 Plot 1 would comprise a four bedroom detached dwelling with integral single garage. It would be constructed in brick with brick soldier courses and white render applied to the garage and external walls to bedroom 3. A dark composite tile would be used on the roof. Two parking spaces would be provided to the front of the dwelling in addition to the single garage
- 4.3 Plot 2 would comprise a modest three bedroom detached dwelling. It would be constructed from brick with contrasting brick soldier course and render at first floor level to all elevations. It would have a gable end roof constructed with a dark composite tile. Plot 2 would be located central to the plot with two parking spaces provided to the rear of the property.
- 4.4 Two parking spaces would be retained within the front garden to No.21 and a turning head would be located between plots 1 and 2 at the rear of the site.

## **5. REPRESENTATIONS**

### Consultation responses

- 5.1 These are reproduced at Appendix A.

### Neighbour Responses

- 5.2 These are reproduced at Appendix B

## **6. PLANNING POLICIES**

National Planning Policy Framework (Dec 2023)

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

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS4 – The Towns and Large Villages  
CS8 – Sustainable Transport  
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  
CS26 – Green Infrastructure  
CS29 – Sustainable Design and Construction  
CS31 – Water Management

CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

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

Policy 10 – Optimising the Use of Urban Land  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Saved Appendix 3 – Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

Area Based Policies  
Car Parking Standards SPD (2020)  
Energy Efficiency and Conservation  
Environmental Guidelines  
Hertfordshire County Council - Place and Movement Planning Design Guide  
Roads in Hertfordshire  
Water Conservation

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1 The Council is currently not able to demonstrate a five year supply of housing land as required under paragraph 11 of the NPPF and as such a presumption in favour of new sustainable development is enacted. The Council is obliged to grant planning permission unless the policies in the NPPF provide a clear reason for the refusal of the case, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.2 The application site is located within a residential area of Hemel Hempstead wherein the principle of providing new dwellings would be acceptable in accordance with Policies CS1, CS2 and CS4 of the Core Strategy. The proposals would comprise a sustainable form of development and the new dwellings would support the delivery of new homes to address the housing requirements identified in Policy CS17 of the Core Strategy. Such matters provide a strong policy support for the grant of planning permission in this case.

### Layout and Design

- 8.3 The quality of the built environment and the public realm is important in shaping places and enhancing the quality of life. The creation of high quality, beautiful and sustainable buildings and places is fundamental to the aims and objectives of planning policy as set out in the NPPF. Good design is encouraged and should consider the context of the application site on a settlement, neighbourhood and site basis as set out in Chapter 10 of the Core Strategy. A high quality design is expected in accordance with Policies CS10, CS11, CS12 and CS13 of the Core Strategy.
- 8.4 The Dacorum Strategic Design Guide provides helpful guidance on how to consider development sites and some design principles dealing with public realm and landscaping,

- parking, the layout of streets and the height and mass of buildings in a number of scenarios/settlement typologies.
- 8.5 General standards for the layout of residential development are set out in Saved Appendix 3 of the Local Plan 1991-2011.
- 8.6 The Council will need to consider the layout and design of the proposed development in the context of Policies CS10, CS11 and CS12 of the Core, Saved Policy 10 and Appendix 3 of the Local Plan 1991-2011 and Area Based Policies SPG. Saved Policy 10 seeks to optimise the use of urban land and as such it is important that any residential development of the site would not prejudice the provision of additional residential development to the rear of neighbouring properties and between the site and Oatridge Gardens.
- 8.7 The proposed development would be a form of tandem development, which the Council recognises under Saved Policy 10 of the Local Plan as being a relatively inefficient use of urban land and one which may often cause harm to neighbouring units and/or highway safety as a result of its access arrangements. Notwithstanding such concerns, the Council should take a pragmatic approach as to the assembly of land and delivery of suitable housing schemes.
- 8.8 In this context, it is important to recognise that significant time has elapsed since the adjacent developments and in particular Whitmore Woods were constructed. Neighbouring land is within different ownership and would prevent the natural extension of the site. There are significant constraints in accessing and assembling land to the west of the site. The argument regards the optimisation of land thus appears to be a theoretical one and one which though slightly harmful to the aims and objectives of planning policy, ultimately should not prevent development in this case in light of the presumption at paragraph 11 of the NPPF. It is noted that the development of the site would not prevent the development of land to the west of the site in the event that it became available for residential development.
- 8.9 The proposed development would otherwise be acceptable in accordance with the principles set out in Policies CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.10 The siting and layout of the proposed development would reflect the location of residential units within the Whitmore Wood development providing commensurate gardens to new residential units and appropriate separation distances in accordance with Saved Appendix 3 of the Local Plan. Plot 1 is located an acceptable distance from Maylands Wood to the north and is appropriate in terms of its juxtaposition with 20 Whitmores Wood. The relationship between Plots 1 and 2 reflects that between residential properties in Whitmores Wood. Plot 2 would be located in excess of 23m from the rear elevation of existing properties in Wood Lane End.
- 8.11 The individual residential units are considered to be appropriate in terms of their layout, design, bulk, scale, site coverage, height and use of materials in accordance with Policies CS10 and CS12 of the Core Strategy resulting in a satisfactory appearance to the development of this site. Each residential unit provides a decent level of indoor space in accordance with the National Minimum Space Standards.

#### Impact on Neighbouring Properties

- 8.12 A number of neighbouring properties have expressed concerns with regards to the impact of the proposed development upon their residential amenities as set out in Appendix B. The impact on the amenity of the main neighbours to the site is set out in detail below

### *23 Wood Lane End*

- 8.13 The owners of No.23 have instructed an agent to raise objections to the development. They have, amongst other matters raised detailed concerns with regards to overlooking, overbearing impact, noise and disturbance, as well as a loss daylight/outlook..
- 8.14 Plot 2 of the proposed development would be located almost 30m from the rear elevation of No.23 and to the north west of this property. This is significantly in excess of the back to back distance considered acceptable in the development plan and as a consequence there would be no significant detriment to their privacy or any other to Wood Lane End. There would be no material alteration in the relationship between the application property and the neighbour nor would the relationship between the proposed units be materially different to those between the neighbour and Whitmore's Wood.
- 8.15 In terms of overbearing impact, the buildings would not be located immediately to the rear of the neighbouring property and given the juxtaposition of dwellings; it is difficult to understand any concerns with regards to overbearing impact. If anything the development is likely to be less intrusive given the removal of the garage to the boundary and its replacement with a lower or commensurate form of boundary treatment.
- 8.16 The proposed development given its limited height would not breach a 25 degree angle to the windows in the rear elevation thereto and as a consequence would not result in any loss of daylight or sunlight to this property. There is no need to undertake a detailed assessment of the impact of development on the vertical sky component to the property in view of the clear compliance with policy in Saved Appendix 3 and having regard to the BRE guidance on daylight. Given its orientation the impact on sunlight to this property is limited.
- 8.17 The proposals would result in the removal of an existing garage located on the common boundary with the application site to facilitate the provision of an access road into the site to serve the two dwellings within the garden. Although it is accepted that this will result in vehicles passing between the application site and the neighbouring dwelling, the scale of the proposed use is limited and domestic in nature; such that it is not considered that it would be unduly harmful to the amenities of the neighbour. It is noted that the Environmental Health team have no objections to the proposals on the basis of noise or disturbance to neighbouring residential units.

### *11 Whitmore's Wood*

- 8.18 The proposed development seeks to provide a new dwelling (Plot 2) central to the application site and in line with the residential property at 11 Whitmore's Wood. A gap of circa 5m would be provided between the proposed flank elevation of Plot 2 and the neighbouring property. There is a single flank window at first floor level to 11 Whitmore's Wood to an en-suite.
- 8.19 Although the proposed development would result in some adverse impact to the en-suite, it would not result in any significant loss in either daylight or sunlight to the principle windows and habitable rooms of this dwelling in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan. Plot 1 would be located to the north west of the front elevation and given its height and juxtaposition would not be harmful to the amenities thereto. Plot 2 does not result in any breach of a 45 degree angle to the windows to habitable rooms within the rear elevation of 11 Whitmore's Wood and despite a modest projection beyond the rear elevation is not intrusive or overbearing to this property. Indeed the removal of tree G4 may improve levels of light to the rear elevation of this unit.

- 8.20 There is no reason to consider that the use of the access road beyond 11 Whitmore's Wood would cause any significant harm as a result of noise and general disturbance beyond that which might be experienced as a result of the use of dwellings in Whitmore's Wood. As such there do not appear to be grounds to justify the refusal of planning permission under Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

*Other Residential Units*

- 8.21 No significant harm to the residential amenities of other properties in the vicinity of the application site has been identified as a result of the development.

Access and Parking

- 8.22 A number of concerns have been expressed with regards to the widening of the access onto Wood Lane End and the impact of the development on matters of highways safety. These concerns are not shared by the highway authority who have no objections to the development following the receipt of amended plans illustrating appropriate details in respect of the widening of the existing access and crossover, visibility splays and tracking diagrams.
- 8.23 The use of the upgraded access to the application site would be marginally increased as a result of the proposed development, but it is evident that such intensification in the use of the site would not have any significant adverse impact on the surrounding highway network given the limited trip generation. The impact on the highway network is acceptable in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards.
- 8.24 The proposed access is sufficient in width to ensure that larger vehicles such as fire tenders can enter and exit the site in a forward gear and is considered to provide a satisfactory means of access to the site as set out within the response of the highway authority. Passing vehicles can utilise bays off the drive in the unlikely event of cars exiting and entering the site at the same time. As such there should be no objections to its use and the residential development under Policies CS8 and CS12 of the Core Strategy, Saved Policies 51 and 54 of the Local Plan 1991-2011 and the Car Parking Standards SPD (2020)
- 8.25 The access drive and exit onto Wood Lane End is considered to be safe with appropriate visibility splays falling within highway land. As a consequence and despite the concerns of neighbouring parties its use is considered to be acceptable and would not compromise highways safety in the vicinity of the application site. It is recommended that the visibility splays are subject to a planning condition requiring them to be maintained in a south west direction to ensure that this remains free from obstructions.
- 8.26 The provision of two off-street parking spaces for the existing property and plot 2 is appropriate given the size of these properties and in accordance with the Car Parking Standards whilst the provision of three spaces for the four bedroom property to plot 1 would also be acceptable in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).
- 8.27 In relation to the neighbour's concerns that the collection of bins might block the pavement adjacent to the application site. There is clearly sufficient space to locate these within the entrance to the site and on a temporary basis to allow bin collection when required and without significantly impeding vehicular access to the site.



### Impact on Trees

- 8.28 The application is accompanied by an Arboricultural Survey by Arbtech dated 30th January 2024. Trees within this report are categorised A-C (High to Low Quality) in accordance with BS5837:2012
- 8.29 The widening of the access to the application site would result in the removal of a group of 4 Leyland Cypress trees (G2) (C.2) whilst the access road and parking areas will also see the removal of G4 (Various species) (B.2) and trees 9 (Spruce) (B.1) and 10 (Cherry Laurel) (C.1). A group of predominately Ash trees (G.5) (C.2) will be substantially pruned given that it overhangs the site boundary and would directly affect the construction of plot 2. None of these trees are considered to be worthy of preservation through the provision of a Tree Preservation Order, with most being relatively poor quality specimens, and as such there should be no objection under Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan.
- 8.30 The loss of these trees should be mitigated by the provision of a detailed landscaping scheme for the site in accordance with Policies CS11 and CS26 of the Core Strategy. It is noted that the group of trees (G2) to the frontage are likely to be replaced by five new trees outside of the visibility splay to the access as indicated in the submitted plans. Additional tree planting is proposed within the front gardens of Plots 1 and 2 and alongside the proposed access road.
- 8.31 The construction of the access beyond the existing residential unit would utilise a no-dig construction and cellular grid overlaid in shingle to prevent damage occurring to the roots of trees upon the boundary and within the site. The approach is considered to be acceptable under Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan. A detailed landscaping scheme for the site should be secured by a planning condition.

### Impact on Ecology

- 8.32 A Habitat and Protected Species report has been submitted with the planning application and this has been reviewed by the County Ecology Unit. The survey indicated that the site comprises built development, hard standing and rye grass with a low biodiversity value and with little potential to provide habitat for protected species, Maylands Wood, a semi-ancient deciduous woodland, is located beyond the northern boundary of the site, however there is little interaction between the wood and the site given the location of boundary fencing.
- 8.33 There are no reasons for the refusal of this application on ecological grounds. A standard landscaping condition should be sufficient to deliver improvements in the ecological and biodiversity value of the site although it should be noted that the scheme is exempt from statutory biodiversity net gain given the date of its submission. The applicant's attention should also be drawn to the protection of species via an informative to this permission.

### *Chilterns Beechwoods Special Area of Conservation*

- 8.34 The application site is within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC) 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 ensure that the integrity of the SAC is not adversely affected by new planning proposals.
- 8.35 The Council has established that the SAC is subject to recreational pressure arising from residential developments in the Borough. The Council cannot be certain that increased

recreational pressure would not arise as the result of new residential development either alone or in combination with other developments and that this will not have a detrimental impact upon the SAC.

- 8.36 The Council approved a mitigation strategy on the 15<sup>th</sup> November 2022 to allow for the adverse impacts arising from development upon the SAC to be mitigated through payments towards the towards Strategic Access Management and Maintenance (SAMM) measures at the Ashridge Estate and to provide a contribution towards the provision of Suitable Alternative Natural Green space (SANG) via a legal agreement. This would utilise Council led Strategic SANG where there is capacity to do so.
- 8.37 A contribution of some £1,827.76 towards SAMM and a contribution of £8,503.42 towards SANG will need to be secured via a legal agreement prior to the grant of planning permission.
- 8.38 In the event of the completion of this agreement, there should be no grounds for objection to this application under Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

#### Developer Contributions and Infrastructure

- 8.39 All developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The properties constructed at the site are liable for the payment of the Community Infrastructure Levy (CIL) in accordance with the adopted Charging Schedule.
- 8.40 There are no additional requirements for the development to contribute towards the cost of infrastructure.

#### Other Material Planning Considerations

##### *Contamination*

- 8.41 The Council's scientific officer has identified the potential for the site to be subject to contamination as a result of historic land uses both on the site and in its immediate vicinity. Accordingly they have recommended conditions dealing with the investigation and where necessary remediation of contamination at the application site to ensure the protection of health of future users and in accordance with Policies CS31 and CS32 of the Core Strategy.

##### *Drainage*

- 8.42 The proposed development is minor in nature and is located outside of an area of identified flood risk. As such there is no requirement for the applicants to provide details of their drainage strategy for the site nor is it considered necessary for this to be provided by a planning condition. I note that permission is required from Thames Water Development Services to discharge surface water to the sewer and/or amend existing infrastructure to accommodate the development. There have been no fundamental concerns raised by Thames Water in respect of capacity and as such there do not appear to be any material planning grounds on which to object to these proposals under Policies CS31 and CS32 of the Core Strategy or the Water Conservation SPD. I consider that such arrangements can be considered further under the consideration of a more generic condition covering sustainable construction.

##### *Sustainability*

- 8.43 There are few details provided in respect of the use of any sustainable construction measures or proposals as required under Policies CS28, CS29, CS31 and CS32 of the Core Strategy. It is accepted that the properties are likely to be thermal efficient buildings and that they incorporate EV charging infrastructure in accordance with the Building Regulations.
- 8.44 Notwithstanding such matters, it is considered that additional measures to reduce the use of energy, conserve water and respond to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues could be incorporated. Whilst some of these measures will be addressed through the submission of details under a landscaping condition, it is considered that a specific condition requiring the submission of further details to address the requirements of Policies CS12, CS26, CS29, CS31 and CS32 is appropriate in this case.

#### Neighbours Comments

- 8.45 The concerns raised by neighbouring parties have been addressed above with the exception of those covering procedural matters including the content of the application form, appropriate certificate of ownership and notification of neighbouring parties.
- 8.46 Officers do not consider the application to be flawed nor that there are errors within the submitted application that might misdirect the case officer in consideration of this case. There does not appear to be any dispute that the application site as outlined in red is located fully within the applicant's ownership as set out within the application form. The incorrect assertion is that notification of the application should have been provided to the neighbour in advance of submission and that Certificate B on the application form should have been completed to reflect this position.
- 8.47 The neighbour's suggestion is that Certificate B should have been completed as the visibility splay for the site entrance crosses their land. The visibility splay would cross to the front of the neighbouring unit clipping the common boundary between the two dwellings. There does not appear to be any legal requirement to notify them in respect of the splay as it does not form part of the operational development in the application. It would be for the Council to consider whether the visibility splay is capable of being conditioned and that visibility can be maintained to their satisfaction in perpetuity should the need to do so arise as a result of this development and in the interests of highways safety.
- 8.48 There are no impediments to visibility to the south west of the site entrance and of on-coming traffic as it approaches Maylands Avenue. The boundary of the application site to the south west falls within the applicant's control or that of the highway authority. Landscaping along this boundary has been removed to accommodate the entrance and set back within the site. To the north east of the site entrance, the common boundary wall and front wall to the neighbouring property would touch the back edge of the indicative visibility splay. It might not be possible for the applicants to prevent an increase in height of these boundary features however a reduction in visibility towards Maylands Avenue is not considered to be demonstrably harmful to highway safety. There do not appear to be records of any accidents associated with the use of the current access whilst the users of the site may, in the event of an increase in the height of the boundary compensate by exiting the site off centre to the access drive where they might have a clearer view of traffic to the north east of the site.
- 8.49 In any event, the lack of notification under the Certificate of Ownership has not prejudiced the neighbour's consideration of the application as their concerns are clearly recognised in the consideration of this case.

8.50 All of the relevant neighbours to this case were notified by consultation letter as set out in our records for this case; notwithstanding the claims of No.11 that no consultation letter was received. The occupants of this property have commented on the merits to the proposals and likewise have not been prejudiced in the consideration of this application.

## 9. CONCLUSION

9.1 The proposed residential use of the site is considered to be acceptable in accordance with Policies CS1 and CS4 of the Core Strategy. The resulting dwellings are considered to be satisfactory in terms of their design, bulk, scale, site coverage and height and would not result in any significant harm to the character and appearance of the area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy. Adequate arrangements for off-street parking are available within the curtilage of each property in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020).

## 10 RECOMMENDATION.

10.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) and subject to the following planning conditions.

### Conditions and Reasons:

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

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

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

**LO-001 (Location Plan)**  
**PL-001 Revision C (Block Plan)**  
**PL-002 Revision A (Plans and Elevations)**

**Arboricultural Survey by Arbtech dated 30<sup>th</sup> January 2024**  
**Design and Access Statement by bhd Architecture, Planning and Design dated March 2024**  
**Habitat and Protected Species Report by Paul Hicking Associates dated March 2024**

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

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.

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.);
- measures to encourage and increase the biodiversity value of the application site
- details of finished floor, ridge and eaves heights in respect of existing and proposed ground levels and neighbouring properties and
- details of any external lighting and associate lux levels
- retained historic landscape features and proposals for restoration, where relevant.

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 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. No development shall take place until tree protection measures have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The tree protection measures shall be retained for the duration of construction activity in accordance with the approved details.**

Reason: To ensure the adequate protection of trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan

**6. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**(i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**(ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**(iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).The development hereby permitted shall not be occupied until:

- 7. All remediation or protection measures identified in the Remediation Statement referred to in Condition 6; above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted. For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).

- 8, 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 Policy CS32 of the Dacorum Borough Core Strategy and the National Planning Policy Framework (December 2023). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

9. **The development hereby permitted shall not be occupied until details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details prior to occupation.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy.

10. **Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing number PL-001 C, shall be completed and thereafter retained in accordance with details/specifications that have been submitted to and approved in writing by the Local Planning Authority**

Reason: To ensure that adequate provisions are made for access to the site in the interests of highways and pedestrian safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

## **INFORMATIVE**

### Article 35

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

### Highway Informatives

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

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.

#### 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.

#### 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.

#### 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.

#### 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.



### 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>

### Protected Species

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.

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.

## **APPENDIX A: CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Councillor Pesch	<p>I would like to “call in” the above application if you are minded to recommend approval/</p> <p>The reasons being are:</p> <ol style="list-style-type: none"><li>1) The access to the new properties is not wide enough for emergency and refuse vehicles to pass through with ease.</li><li>2) There will be loss of privacy and increase noise levels to the residents of Number 23 with constant traffic passing right up to their boundary.</li><li>3) Safety issues regarding the boundary fencing and the possibility of accidents/vehicles hitting the fencing and coming into the garden.</li><li>4) Damage to the sewage pipes which are only 0.8 of a meter below ground level.</li><li>5) Adverse impact on the surrounding trees.</li></ol>

	<p>6) Impact on highway and pedestrian safety.</p> <p>7) The overall design will have a negative impact on the residential area.</p>
<p>Hertfordshire County Council – Ecology</p>	<p>Recommendation:</p> <p>The application can be determined with no ecological objections subject to the HRA issues being addressed.</p> <p>Summary Advice</p> <ul style="list-style-type: none"> <li>• Protected Species Informative</li> <li>• No direct impact on the adjacent woodland should result from development.</li> <li>• Application is exempt from BNG requirements; however trees/grasslands are being removed and a landscaping scheme should be conditioned.</li> </ul> <p>Comments:</p> <p>The application site is in an urban area, however Maylands Wood, designated for its ancient &amp; semi-natural woodland, is adjacent to the back garden.</p> <p>A Habitat and Protected Species Report has been submitted in support of the application, whereby the application site was assessed for its potential to host protected/notable species.</p> <p>The site was concluded to have negligible potential for most species. However, a total of 12 bird species were observed on site, which includes red list and amber list species. Whilst the main dwelling is to be retained, the garage will be demolished. The report states that the garage has negligible roosting potential for bats, therefore no further surveys were recommended.</p> <p>Given the above, and the presence of the adjacent woodland, I advise the following informative should be added to any permission granted:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>In order to protect breeding birds, their nests, eggs and young,</i></p>

*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.*

Woodland:

The ecological report states that the adjacent woodland is already separated by a panel fence, and gate. This fence should be retained to ensure no detrimental impact on the woodland occurs. Under no circumstance should this fence be removed, and the trees within this woodland be directed affected by the proposals.

BNG:

Biodiversity Net Gain has been mentioned in the ecological report, which states that the development is exempt. Whilst this application was submitted prior to the commencement of Mandatory Biodiversity Net Gain for small sites, I consider that the trees/grassland to be removed should be compensated, specifically due to the importance of the adjacent habitat. In the absence of a landscape scheme, the development does not comply with the aims outlined in the NPPF surrounding biodiversity.

If the LPA wishes to be consistent with the NPPF and enhancing biodiversity in the absence of Mandatory Biodiversity Net Gain, then I advise that a landscape scheme should be submitted, which, if sought, could be submitted as a condition of approval.

The landscape scheme should include the following:

- Native tree planting to compensate for the loss of trees on site.
- One hedgehog gap in the fence which links the garden to the adjacent woodland – this allows hedgehogs to move/forage freely and creates wildlife corridors.
- One bat and bird box per dwelling to create new roosting/nesting opportunities for the bats/birds occupying the adjacent woodland.

Chilterns Beechwoods SAC:

The proposed development comprises the construction of two dwellings. This suggests a net increase in residential accommodation. 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 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

	<p>(alone or in 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 in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.</p>
Hertfordshire Highways	<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) Existing Access – Widened or Improved  Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing number PL-001 C, shall be completed and thereafter retained in accordance with details/specifications that have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)</p> <p>Highway Informative</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) 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</p>

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 construction of 4 bed and 3 bed residential dwelling in rear garden. Existing property to be retained apart from the demolition of existing garage and covered passageway to create new private driveway at 21 Wood Lane End, Hemel Hempstead. Wood Lane End is a 30 mph unclassified local distributor route that is highway maintainable at public expense. As per Hertfordshire County Councils (HCC) new design guide (Place and Movement Planning Design Guide - PMPDG) Wood Lane End is classified as a P2/M2 (e.g. Multi Function Road). The amendments are in relation to a new site layout drawing which shows an extended

dropped kerb.

#### Highway Matters

The existing dwelling on site has a single width dropped kerb which serves a large hardstanding and a garage. The proposal is to demolish the garage and create a private drive to the rear to serve the two new proposed dwellings. To accommodate this the applicant is proposing to extend the existing dropped kerb to 7.2 metres which is the largest dropped kerb HCC Highways currently allows as per our Dropped kerb policy. HCC Highways allows dropped kerbs for accesses up to 2000 movements a day as per PMPDG which is well above anything this access will encounter. Visibility is deemed to be adequate for the access owing to the nature of Wood Lane End. The widened access should be constructed under a section 278 agreement with HCC - please see informative and condition 1 above.

Parking is a matter for the Local Planning Authority and therefore any parking arrangements need to be agreed by them. The narrow access to the rear of the site would not allow two vehicles to pass. However, this access will only be served by two dwellings and therefore it is not considered to greatly impact safety on the highway network if two vehicles were to meet.

#### Drainage

Drainage should be provided on site to ensure that surface water does not discharge onto the highway network as this is a punishable offence under the highways act 1980.

#### Refuse / Waste Collection

HCC Highways deems that refuse collection will happen from the highway network and not from inside the site. This is to ensure that no refuse vehicle is reversing into the highway network when collecting waste. The Dacorum Borough Council are in charge of refuse collection and therefore ultimately it would be up to them as to how waste is collected from the three dwellings on site.

#### Emergency Vehicle Access

The emergency vehicle shown within drawing number PL-001 C is larger than the one currently used by Herts fire and rescue which is 8.1 metres long. As per Hertfordshire Fire and rescue, the minimum width needed for a fire appliance to access a site is 3.1 metres and 3.7 metres for operation. The drawing illustrates that a fire appliance can access all buildings in case of an emergency and turn on site. Therefore, HCC Highways deems that the site is safe for an emergency vehicle to access in case of an emergency.

#### Conclusion

HCC Highways would not wish to restrict a granting of permission for this proposal subject to the inclusion of the included informative and conditions within HCC Highways response.

<p>Contaminated Land Officer</p>	<p>Having reviewed the planning application 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 addition of new dwellings to a site that had previously been occupied by clay pits and brick kilns associated with a brick works.</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 where necessary for appropriate decisions to be made to ensure that the future site is safe and suitable for its intended use.</p> <p><u>Contaminated Land Conditions:</u></p> <p><u>Condition 1:</u></p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <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> <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</p>
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approved by the Local Planning Authority.

- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

**Condition 2:**

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

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

**Informative:**

The above conditions are 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)



<p>Environmental Health</p>	<p>With reference to the above planning application, whilst it is noted that the building works are already underway, 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><b>Working Hours Informative</b> 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><b>Construction Dust Informative</b></p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p><b>Waste Management Informative</b> 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> 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</p>
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	<p>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>
Thames Water	<p><b>WASTE COMMENTS:</b></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>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>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><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</p>

	- Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
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**APPENDIX B: NEIGHBOUR RESPONSES**

Address	Comments
<b>Neutral or Supporting Comments</b>	
17 Wood Lane End	<p>There have already been a number of trees and mature shrubs that have been removed from the rear garden of this property, which has opened up sight lines from Whitmores Wood into the rear of our property.</p> <p>We would like to see more detail with regards to landscaping proposals that would both improve privacy levels but also benefit the natural environment and habitat</p>
19 Wood Lane End	I support my neighbour's application, it would not impact me and I believe such space should be used to create homes for the people of Hemel.
<b>Objections</b>	
23 Wood Lane End	<p>LRJ Planning Ltd has been instructed by Mr and Mrs Togher who are the legal owner occupiers of 23 Wood Lane End, Hemel Hempstead, Hertfordshire, HP2 4RA to review and draft a formal response to the above planning application that has been lodged with the Council.</p> <p>Following a review of the submitted plans and the supporting documents with my clients, they have serious concerns with the application proposed and therefore OBJECT to the application for the reasons detailed below.</p> <p>The following is a summary of my clients' objection to this speculative proposal for two dwellings:</p> <ul style="list-style-type: none"> <li>i) The proposal will inflict severe harm on the residential amenity of my clients' property and neighbouring properties through an unacceptable increase in overlooking, overbearing impact, noise and disturbance, as well as a loss daylight/outlook;</li> <li>ii) This insensitive development will result in an adverse impact on the character and appearance of the area;</li> <li>iii) Adverse impact on highway and pedestrian safety;</li> <li>iv) The development will impact on biodiversity interests at the site and Chilterns Beechwoods Special Area of Conservation (SAC);</li> <li>v) The proposal will have an adverse impact on trees;</li> <li>vi) The effect on surface water and foul drainage;</li> <li>vii) Application defects – ownership certificate; and</li> <li>viii) Party Wall Act.</li> </ul> <p>In December 2023, the Government published the latest version of the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are</p>

expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that “applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Courts have held that Central Government’s policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions. The development plan consists of the Dacorum Core Strategy 2006-2031 (adopted September 2013) and the Dacorum Borough Local Plan 1999-2011 (adopted April 2004)). A summary of the relevant planning policies is produced at Appendix A

#### **DETAILED GROUNDS OF OBJECTION**

##### **i) Severe harm on Residential Amenity**

The proposal will result in the construction of two substantial two-storey dwellings along with access road directly adjacent to my clients’ property. It will result in irreversible harm and blight my clients’ property.

In relation to the impact on the amenity of neighbouring properties, Paragraph 135 of the NPPF is particularly important and it states:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users (our emphasis); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Paragraph 135 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 191 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. This principle is reflected in local planning policies.

This proposal would result in the provision of a significant development adjacent to my clients’ dwelling. The creation of two substantial two-story dwellings, with associated access, access drive and parking areas adjacent to No.23 will lead to an intensification of development on the boundary that will inflict substantial harm. No.23 will be totally enclosed by development at two-storey in height.

The development would basically result in the enclosure of their residential property through this insensitive development. The proposal would have the following significant harmful effects:

- Increased sense of overlooking and loss of privacy;
- Overbearing impact;
- Loss of day light, outlook, extensive overshadowing;
- Increase in noise and disturbance.

#### Loss of Privacy

As a result of the orientation of the two new dwellings, and access road that will run on the boundary with No.23, the resulting relationship is clearly unacceptable and No.23 will be totally enclosed and overlooked by residential development. The rear of my clients’ property is afforded a high degree of privacy due to the existing separation distances maintained. The proposal would result in the introduction of first floor windows in the front elevation directly overlooking No.23.

This windows serving the dwelling on plot 2 would allow direct and wide views into currently private areas of my clients’ property, including their well-used rear garden area. The proposal would demonstrably harm the enjoyment of their dwelling house, as they would be constantly overlooked.

#### Overbearing Impact

The proposed two-storey dwelling on plot 2, which is positioned on the boundary of No.23 would due to its size and orientation, overshadow and have an oppressive impact upon users of its associated private amenity space. This matter has not been addressed in this scheme.

As a result of the proximity of the dwelling on plot 2 close to the boundary and its overall, size, scale, mass and poor design, it will appear as an imposing and obtrusive structure from my clients’

property that will clearly have an unacceptable overbearing impact. It is evident that the width of the dwelling and its overall height with a pitched roof will accentuate the dominance of the dwelling.

Loss of day light, outlook, extensive overshadowing

My clients' rear garden and dwelling is sited to the south east of the application site will be harmful. Given the substantial size of the development in respect of my clients' property and the path of the sun it is imperative that a Daylight and Sunlight Assessment is provided in support of the application to demonstrate that there will be no impact on my clients' property and light levels to the rear of their property. Daylight is the light received from the sun, which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky. The guidance states that the VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 times its former value. Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.

The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light, outlook or excessive overshadowing at my clients' property.

Noise and disturbance

My clients are concerned that due to the nature of the use within this part of the site, that it will encourage significant activity at the site for extensive periods of the day and night. The following activities are likely to result in unacceptable harm:

- Increase in noise from users at the site at all times of day and night including from vehicles entering and leaving the site, the opening and closing of doors;
- Being awakened by maintenance and large vehicles servicing the site;
- Light pollution from internal and external lighting; and
- Lights from vehicles.

The noise and disturbance that will be unacceptable and the intense nature of this development within the part of the site is quite simply harmful and unacceptable. The harm will be compounded by the light pollution that will emanate from external lighting from the use and vehicles at the site. The development will result in a poor internal and external living environment for my clients.

Overall, the introduction of significant built form along the boundary with my clients' property would have a significant adverse effect on the level of amenity enjoyed through extensive overlooking, overshadowing, overbearing impact, loss of outlook/daylight, as well as an unacceptable increase in noise and disturbance. The proposal would infringe on my clients' right to a private family life and home under Article 8 of the Human Rights Act 1998. The proposal is contrary to the NPPF and local planning policy.

ii) Adverse Impact on Character and Appearance of the Area

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). Paragraph 132 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Notably, paragraph 40 of the National Design Guide stipulates that “well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary.” Paragraph 49 goes on to say that the “identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. In addition, paragraph 51 describes that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

The above is echoed in local planning policies. Ultimately these policies highlight that new development should be of a high quality and be compatible with the surrounding pattern of development.

The site makes a valuable contribution to the wider area and allows a degree of spaciousness that enhances the quality of the local environment. The plans illustrate that the proposed development would completely fill the site. There would be a minimal separation off all boundaries. The provision of a two dwellings, together with associated access and parking areas will dominate and subsume the area. Given these factors the proposal would result in a contrived and cramped form of development. Additionally, the dwellings and associated access drive appear squeezed into the site.

Ultimately, the dwellings will appear as contrived and incongruous to the detriment of the character and appearance of this street scene.

The development will be extremely prominent from my clients' property and appear as visually oppressive. It will spread laterally and

vertically through the site, which results in the proliferation of development with an important space within this local environment.

As a result of the poor design and insensitive position of the development, it would appear as a dense form of development that has no appreciation for the surrounding form of development. It would appear as an alien. This harm is compounded as the development would have a limited separation distance with the boundary with the host properties. Along with the size, scale, height, associated access, hardstanding and parking areas the development would be extremely prominent and significantly harden the site.

Overall, this proposal will result in a development that will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. The dwellings appear that they have been squeezed into the site and result in a loss of spaciousness. It would appear as an incongruous development, poorly related to the surrounding development, as well as a cramped form of development. Accordingly, the proposed development is therefore clearly contrary to the NPPF that seeks high quality design

### iii) Effect on Highway Safety

Paragraph 115 of the National Planning Policy Framework 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.

The increase in traffic entering and leaving the site will be incredibly dangerous and pose significant risk to all road users. It is clear that the highway network is heavily trafficked and the creation of an access serving two additional dwellings is going to be prejudicial to highway and pedestrian safety.

The proposed site plan is again ambiguous as it does not illustrate how larger vehicles, including delivery vehicles can access, park and turn safely within the site. No tracking plans or details of the access arrangements have been provided. It has not been demonstrated that suitable access to the development can be provided. Moreover, the visibility splays required for the development intersect land that is under the ownership of my clients.

In addition, Paragraph 6.8.9 of Manual for Streets stipulates that in respect of refuse collection, residents should not be required to carry waste more than 30m to the storage point. In this case, future occupants of the dwellings will have to transport waste far in excess of this distance. The proposed refuse arrangements are therefore unacceptable.

Due to the narrow width of the access serving the site, it appears that it is not capable of accommodating a larger vehicle. This raises serious doubt if the street becomes blocked about how emergency vehicles can gain quick and easy access to the site, as well as



neighbouring properties if there was a fire or accident. Has the Fire Authority been consulted on the application?

With inadequate access for a fire appliance the level of risk is too high and the development must fail on this ground alone.

Finally, the risk posed by vehicles regularly passing so close to our clients' property boundary is concerning, as it could lead to potential accidents. Additionally, there's the danger of vehicles turning and potentially entering their rear garden, which further compounds the risk.

The proposal would increase the number of vehicles using this part of the highway network, thus increasing the conflict with pedestrians. Agreeing to this as laid out in the Planning Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. Accordingly, the proposal is clearly contrary to the NPPF and Manual for Streets.

#### iv) Impact on Biodiversity and Special Area of Conservation

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

My clients' understood that given the adjacent wooded area a wide range of birds and other wildlife including bats that use the site. The proposal will lead to the destruction of the local environment. The increase in lighting adjacent to the wooded area will result in undue harm.

The "Habitats Directive" under Article 12 sets out legal protection for bats and their roosts. The Habitats Directive is translated into UK law by the Conservation of Habitats and Species Regulations 2017. It should be noted that all bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017

It is an offence to:

- deliberately kill, injure, disturb or capture them
- damage or destroy their breeding sites and resting places (even when bats are not present)
- possess, control or transport them (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb bats while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection.

From the plans and information provided, it is not clear how the development will result in any biodiversity enhancements. Indeed, there will be a net loss of biodiversity. An increase internal and

external lighting will further impact on bats within and around the application site.

Finally, my clients endorse the position adopted by Natural England who object on the basis that further information required to determine impacts on designated sites - development within 12.6 kilometres of Chilterns Beechwoods Special Area of Conservation (SAC)

It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act and will lead to the destruction of the local environment and have a direct impact on protected species.

v) Impact on trees

In respect of trees, Paragraph 136 of the NPPF states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

The plans detail the removal of trees within the site. However, no Tree Survey, Arboricultural Impact Assessment and tree constraints plan has been provided to understand the level of harm that will be caused has been provided in support of this application. My clients are further concerned that the development will impact on trees within their rear garden. Again, no detail has been provided on this, which represents a further failure of the scheme.

i) Foul and Surface Water Drainage

Given the nature of development proposed and the nature of the existing ground conditions, my clients are concerned that surface water is being disposed to the main sewer. My clients are also concerned about the proposal overloading the main sewer. Moreover, The sewer located behind my clients' house is the final connection in a row of four houses. It is relatively shallow, and they are concerned about the potential damage from passing traffic. Thames Water has been contacted several times during their residency due to concerns about its condition. It is imperative that this matter is investigated further.

vii) Application Defects

My clients note that on the Application Form that the Applicant has completed Certificate A pursuant to Article 14 of the Town and Country Planning (Development Management Procedure) (England)

Order 2015 (“DMPO 2015”), certifying that the Applicant has satisfied the requirements of Article 13 of the DMPO 2015.

As the Council will be aware, Article 13(1) of the DMPO 2015 requires the Applicant to give requisite notice of the Application to any person (other than the Applicant) who, on the day 21 days before the date of the Application, is the owner of the land to which the Application relates.

Section 65(8) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act”) defines an “owner” as any person who, inter alia:

- is the estate owner in respect of the fee simple; and
- is entitled to a tenancy granted or extended for a term of years certain of which not less than seven years remain unexpired.

Furthermore, the PPG clarifies that Certificate A (Sole Ownership and no agricultural tenants) should only be completed if the Applicant is the sole owner of the land to which the Application relates, and there are no agricultural tenants. It reiterates that “An ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years” and an “...’agricultural tenant’ is a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates” (PPG: Paragraph: 026 Reference ID: 14-026-20140306)

The Applicant’s agent made a declaration in respect of Certificate A within the Application Form. Accordingly, the Ownership Certificate provided as part of the Application is therefore technically incorrect as it appears that the visibility splays encroach onto land under the ownership of No.23, which is my client’s object.

As the Council will be aware, the submission of a valid Planning Application for Planning Permission requires, inter alia, compliance with the National Information Requirements. One of these requirements dictates that a correct Ownership Certificate and Agricultural Land Declaration must be provided, which is a clear and apparent failing in this present application.

It is concerning that the correct Certificate Ownership was not provided given it is a basic but fundamental requirement for the validation of any Planning Application.

Pursuant to the PPG, “an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000” (PPG: Paragraph: 025 Reference ID: 14-025-20140306).

In addition, sections 65(5) and (6) of the 1990 Act states that a Local Planning Authority “shall not entertain” an application unless such requirements are met, and that any person who knowingly or recklessly issues a false or misleading certificate is guilty of an offence.

As the Council will be aware, the Application will be at risk of legal challenge in the event that it has been validated and a decision made on the same without satisfying the requisite legal requirements.

viii) Party Wall Act 1996

My clients object to any development that would cause structural harm or damage to their property and will seek to cover full costs for any damage. In addition, they would like to place it on the public file that they do not provide consent for any work on land or property under their ownership.

Given the proximity of the development to No.23, at the appropriate time my clients will be raising an objection under The Party Wall Act 1996.

### **SUMMARY**

There are compelling reasons why this application should be refused as the proposal comprises inappropriate development of this site. In particular the following harm will result:

- Unacceptable impact on living conditions at No.23– The proposal will have an adverse impact on neighbour amenity as a result of the significant size of the development and associated works. The proposal will totally enclose No.23. It will result in an unacceptable impact through loss of privacy, outlook, daylight, extensive shadowing, increase in noise and disturbance and have an overbearing impact on my clients' property.
- Detrimental impact on character and appearance of area- The two dwellings with access road and parking area in the site will result in a loss of spaciousness. Ultimately it comprises a cramped form of development that will be detrimental to the overall character and appearance of the area.
- Severe harm to highway safety - The proposal will result in an unacceptable impact for all road users as a result of an increase in traffic (residents, visitors, servicing and delivery vehicles) on a sensitive part of the highway network;
- Destruction of the local environment - My clients are concerned that the proposal will have an unacceptable impact on biodiversity including protected species as well as trees. Further to this proposal will have an impact on the SAC;

### **Appendix A – Relevant Planning Policies**

Dacorum Core Strategy 2006-2031 (adopted September 2013)

- NP1 - Supporting Development
- CS1 - Distribution of Development
- CS4 – The Towns and Large Villages
- CS10 - Quality of Settlement Design

	<ul style="list-style-type: none"> <li>• CS11 - Quality of Neighbourhood Design</li> <li>• CS12 - Quality of Site Design</li> <li>• CS17 – New Housing</li> <li>• CS29 – Sustainable Design and Construction</li> <li>• CS32 – Air, Soil and Water Quality</li> <li>• CS35 – Developer Contributions</li> </ul> <p>Dacorum Borough Local Plan 1999-2011 (adopted April 2004)</p> <ul style="list-style-type: none"> <li>• Policy 10 – Optimising the Use of Urban Land</li> <li>• Policy 13 - Planning Conditions and Planning Obligations</li> <li>• Policy 18 – The Size of New Dwellings</li> <li>• Policy 21 – Density of Residential Development</li> <li>• Policy 51 – Development and Transport Impacts</li> <li>• Policy 54 – Highway Design</li> <li>• Policy 99 - Preservation of Trees, Hedgerows and Woodlands</li> <li>• Saved Appendix 3 – Layout and Design of Residential Areas</li> </ul> <p>Supplementary Planning Guidance/Documents</p> <ul style="list-style-type: none"> <li>• Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)</li> <li>• Accessibility Zones for the Application of Car Parking Standards (2020)</li> <li>• Planning Obligations (2011)</li> <li>• Roads in Hertfordshire, Highway Design Guide 3rd Edition (2022)</li> <li>• Dacorum’s Area Based Policies Supplementary Planning Guidance (SPG) (2004)</li> </ul>
25 Wood Lane End	<p>I write to object to the above planning application for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The increase of traffic flow on the road that has already become very heavy at peak times</li> <li>2. The nature of the design is not in keeping with the area/road</li> <li>3. Weekly bin collection will result in numerous bins and waste being lined along the narrow pavement, resulting in health and safety issues for pedestrians and immediate neighbouring properties.</li> </ol>
11 Whitmore’s Wood	<p>Loss of light to window of en-suite shower and WC on side and overshadowing of front and back gardens of No 11 by proposed plots</p> <p>Overlooking and loss of privacy to front and rear gardens of No 11</p> <p>Noise and disturbance resulting from use of shingle private driveway, passing bay, parking bays, gardens, bin/bike stores and houses</p> <p>Visual intrusion to back, front and side of No 11 from proposed plots</p> <p>Design, appearance and type of materials of proposed plots different eg black rainwater goods vs brown of existing</p> <p>Have not received this letter although all my neighbours have</p>

# Agenda Item 6

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/01804/RET	W/24/3341794	Land Adj to Fir Croft/Alexandra Road, Chipperfield	Written Representations
2	23/02208/FUL	W/24/3341865	Grove Farm, Puddephats Lane, Flamstead	Written Representations
3	23/01533/ROC	W/24/3341878	Martlets, The Common, Chipperfield	Written Representations
4	23/02883/TPO	TPO/A1910/10064	3 Rivington Gardens, Northchurch	Written Representations
5	22/02203/DRC	W/24/3342616	Land To the Rear Of 49-53 High Street, Northchurch	Written Representations
6	22/02419/DRC	W/24/3342617	Storage Land Rear Of 49 High Street, Northchurch	Written Representations
7	23/02187/OUT	W/24/3342737	1 The Orchard, Kings Langley	Written Representations
8	23/02188/OUT	W/24/3343237	1 The Orchard, Kings Langley	Written Representations
9	23/02341/FUL	W/24/3343381	1 Langdale Cottages, Station Road, Long Marston	Written Representations
10	24/00484/FUL	W/24/3343926	16 Park Road, Hemel Hempstead	Written Representations
11	24/00597/FHA	W/24/3343938	77 Gravel Lane, Hemel Hempstead	Written Representations
12	23/02299/FHA	D/24/3343948	40 Kings Road, Berkhamsted	Householder
13	23/02937/LDP	X/24/3344423	Greymantle, Hempstead Road, Bovingdon	Written Representations
14	24/00665/FHA	D/24/3344620	31 Cemetery Hill, Hemel Hempstead	Householder
15	23/00988/FUL	W/24/3345253	Martlets, The Common, Chipperfield	Written Representations
16	21/04508/MOA	W/24/3345435	Land west of Leighton Buzzard Road, Hemel Hempstead	Public Inquiry

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/03228/FUL</a>	W/23/3325819	39 Crouchfield, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		16/04/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325819">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3325819</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a detached two-bedroom dwelling.</p> <p>The proposed development would be likely to give rise to additional recreational pressure on the CBSAC. The appellant has not submitted any means by which an appropriate level of mitigation can be secured. Consequently, in the absence of any such assurance, I conclude that the appeal would be likely to have an unacceptable effect in the integrity of the CBSAC when considered in combination with other projects.</p> <p>The plot itself would appear small in comparison to most others in the area. The front section would comprise a small triangle, the house would be very close to the boundaries and the rear area would be small also. I consider that the proposal would appear out of place in this area where the great majority of dwellings are set within a plot which addresses the street and runs to the rear. The proposed position of the house and its siting very close to No 39 would mean that it would have a visually awkward relationship which would have a negative effect on the street-scene and character of the area. Additionally, the small and awkward plot size and configuration would fail to harmonise with the surrounding area.</p> <p>The very close proximity of the proposed house to the boundary of No 39 and its projection beyond its rear wall would mean that the new house would be readily visible from the garden and some rooms within No 39. I consider that it would appear significantly overbearing when viewed from the garden at No 39. In addition, it would appear dominant from the nearest rooms which I consider would also be likely to suffer a loss of light as a consequence of the proposal. In relation to the property on the opposite side of the footpath, No 41, whilst it would be further away, I still consider that the proposal would appear overbearing from parts of this property, although not as significantly as at No 39.</p> <p>The proposal does not make provision for any off-street car parking. An appraisal was submitted in support of the application. The Council states that it complies with its requirements but only provides one survey instead of the two stated in the SPD. The survey states that there were 94 on-street car parking spaces available within the survey area which covered a 2 minute walk from the site. It recorded 48 parked cars within this area leaving 46 spare car parking spaces. Assuming the proposed dwelling adds a further 2 cars to the</p>			

	on-street parking total there would still be 44 spare car parking spaces. Whilst I accept that the Council's normal requirement of 2 surveys was not provided, the submitted survey indicates a considerable capacity to absorb additional cars. The National Planning Policy Framework 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. I consider that the evidence before me indicates that the proposal would not have any such effect.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">23/00149/FHA</a>	D/23/3329414	Everglades, Old Watling Street, Flamstead	Householder
	<b>Date of Decision:</b>		19/04/2024	
	<b>Link to full decision:</b>		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329414">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3329414</a>	
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is side extension of existing office.</p> <p>The appellant does not debate that the proposed extension would result in an increase in floorspace of over 60% compared to the original. This would represent a significant increase in built form which would include mass, volume and height. It is patently clear therefore that the scheme would represent disproportionate additions over and above the size of the original building and thus not fall within the above exception. I agree that the appeal scheme could be considered small scale for the purposes of Policy CS5 but, for the reasons set out, it would not be a limited extension to an existing building. 6. I have not considered the proposed increase to the outbuilding alongside previous extensions to the main dwelling. If I were, considering the stated 200% increase in size of the original dwelling due to previous additions, the proposal would still result in disproportionate additions for the purposes of the Framework. The proposal would therefore be inappropriate development in the Green Belt, conflicting with the Green Belt protection aims of the Framework and Policy CS5 of the CS.</p> <p>The proposed increase in the size of the outbuilding would result in it being closer to the entrance of the site. Visually this would be more prominent but, because of the screening, the effect of the proposed development on the Green Belt's visual openness would be limited. There would however be a harmful reduction in the spatial openness of the Green Belt because of the increase in size of the outbuilding, establishing development where there was previously none. In that regard, the extension would not preserve the openness of the Green Belt, thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework. This harm would be in addition to the inappropriateness of the scheme.</p>			



No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">22/03183/FUL</a>	W/23/3322715	Land At Little Heath Lane, Little Heath Farm, Potten End	Written Representations
	<b>Date of Decision:</b>		13/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322715">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322715</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development is described as Proposed Stables, Feed and Hay store, for established equestrian use.</p> <p>Framework paragraph 154 says that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development meets one of a number of stated exceptions. One such exception at paragraph 154. b) is for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport and outdoor recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One of the purposes of the Green Belt, as set out in paragraph 143. c) of the Framework, is to assist in safeguarding the countryside from encroachment.</p> <p>The main parties agree that the proposed development is a form of equestrian use. On that basis, the exception at paragraph 154. b) of the Framework is relevant in the consideration of this appeal. The effect of the development on the openness and purposes of the Green Belt will therefore determine whether or not the proposal would constitute inappropriate development.</p> <p>I do not doubt that the layout, size, and design of the proposed development is, at least partly, informed by the appellant's objective to provide well-ventilated and safe stabling and handling facilities for 4 horses, as well as internal storage for hay and other feed. However, even if the stable building were as small as it could be to achieve these objectives, the development would introduce a relatively large building and a large area of hardstanding in an otherwise undeveloped section of a bigger field/paddock enclosure. In a spatial sense, such development would reduce the openness of the Green Belt.</p> <p>the proposed development would be visible from rear windows within the house at Crossways, as well as from within parts of the grounds of that property. Therefore, even if the development would not be readily visible from publicly accessible locations, it would nevertheless, and albeit to a limited extent, also reduce the visual openness of the Green Belt.</p> <p>Consequently, the development would not preserve the openness of the Green Belt. Furthermore, being located away from other buildings and in an otherwise largely undeveloped field enclosure, the stable building and hardstanding would constitute a form of development that would encroach into the countryside. For these reasons, the proposal would be inappropriate development in the Green Belt.</p>			

	Albeit the limited scale of the proposals would mean that no more than limited harm would be caused to the Green Belt, in accordance with paragraph 153 of the Framework, substantial weight is accorded to that harm. The other considerations in this appeal do not clearly outweigh the harm by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">22/01107/FUL</a>	W/23/3321623	Land Adjacent Lockers Cottage, Bury Hill, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		14/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3321623">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3321623</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is the construction of new dwelling.</p> <p>No legal mechanism has been submitted to secure mitigation at the decision-making stage in accordance with the Council's mitigation strategy. A Grampian condition, requiring an agreement be reached before the commencement of development, has been suggested by the Appellant. However, this would approach would conflict with the mitigation strategy. Also, this would not account for the fact that the Council's SANG sites are being rapidly allocated by approved development and cannot be reserved for prospective schemes that may not proceed. Furthermore, such a condition would not secure the required certainty, to my satisfaction, that suitable mitigation would be capable of being provided to offset the impact on the SAC at the time of making a decision. Accordingly, I am unconvinced that sufficient certainty exists to ensure that the required mitigation would be in place to prevent an adverse impact.</p> <p>The site has a strong historical functional link to the listed building being formerly part of its grounds and contributes to its setting. However, it's setting has evolved with the introduction of surrounding built form placing the building within a residential estate. Furthermore, the key gaps in built form around the listed building are to its front and rear. These gaps would be retained and remain free of development, limiting the overall effect of the proposal on the setting of the listed building being set away from its main elevations.</p> <p>In layout terms, the proposed dwelling would be partly aligned with the largely rectangular footprint of the listed building, presenting a continuation of built form towards 4 Bury Hill Close (No 4). It would be offset from the shared boundary, presenting some separation of built form. Furthermore, the design of the proposal would have a barn-like form. It would include recessed components adding articulation and variety to it's front elevation. The proposal would be clad in black stained weatherboarding with clay tiles, materials that would complement the listed building.</p>			

<p>The form of the proposed dwelling would complement the setting of the listed building. Accordingly, the amended proposal would preserve the significance of Lockers Cottage.</p> <p>Although boundary landscaping would reduce overlooking, much of the existing tree and hedge cover may be removed to allow for construction and to provide reasonable light into these spaces. As such, boundary planting cannot be considered as forming a permanent screen that would maintain privacy.</p> <p>The amended version of the proposal reduces the number of windows. These include only three windows on its north elevation, looking towards No 4. These would serve a landing at first floor and a kitchen and bathroom at ground floor. The first-floor landing window would provide views from an elevated height into the rear garden of No 4. The kitchen and bathroom window would be at a lower level and less likely to result in overlooking due to the fence and separation distance. Nonetheless, as the windows serve non-habitable spaces, the limited overlooking identified could be addressed through the imposition of a condition to require these to be obscurely glazed.</p> <p>The front elevation of the amended proposal would include ground and first floor windows that would look towards Lockers Cottage. These would serve a bedroom at first-floor, a two-storey glazed section serving the living room, and a hallway at ground floor. The living room windows would be alongside the gable end of Lockers Cottage, causing no overlooking into the dwelling and only oblique and limited views towards the rear garden and courtyard at ground floor level. The bedroom window would also only overlook the car parking area of the neighbour. Due to the change in levels and separation distance the amended proposal would not result in substantive overlooking. Accordingly, the amended proposal would not demonstrably harm the living conditions of the occupiers of adjacent neighbouring occupiers through a loss of privacy.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">23/01357/FUL</a>	W/23/3331301	Land To Rear Of 23-26 Brook Street, Tring	Written Representations
<b>Date of Decision:</b>			14/05/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331301">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331301</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described as change the lawn area to the rear of 23-26 Brook Street to hardstanding.</p> <p>A single-storey building adjacent to the development provides a clear visual and physical backstop in the publicly accessible views along the drive. In views between the pavement and the single-storey building, areas of soft landscaping that are characteristic of the area are not readily visible. Instead, together with the drive and the other parts of the appeal site that can be seen in such views, the development forms part of a sizable area of hardstanding, which has a bland and uninteresting appearance. Therefore, albeit to a limited</p>				

	<p>extent, the development is harmful to the character and appearance of the area.</p> <p>I have no reason to doubt that the hardstanding subject of this appeal is visible by occupiers of numbers 23-26 through rear-facing windows within the upper floors of their houses. However, the outlook from these windows also includes the gardens immediately to the rear of these houses; the planted embankment that forms part of the appeal site; and trees that are nestled between and beyond nearby buildings. As such, and even when considered in combination with the other areas of hardstanding on the appeal site, the appeal scheme forms a small and non-visually intrusive part of the outlook from these windows. For these reasons, the development does not cause harm to the living conditions of the occupiers of numbers 23-26 Brook Street, with particular regard to outlook.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	<a href="#">23/00877/FUL</a>	W/23/3331979	35 High Ridge Road, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		15/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331979">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3331979</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is described as demolition of current three bedroom bungalow and replace with two 2 bedroom two storey dwellings.</p> <p>Notwithstanding that the appellant has indicated their agreement to the specified SAMMS and SANG contributions, no Unilateral Undertaking or Section 106 agreement to this effect has been provided. There is insufficient evidence to provide the certainty needed to rule out adverse effects on the integrity of the SAC.</p> <p>Dwelling 2 would be both close to and significantly taller than the study window at number 37. As such, I do not doubt that the proposed development would obstruct a significant amount of daylight from entering the study window. Furthermore, even if the study has a secondary indirect light source, I have not been provided with compelling evidence to conclude that, following the implementation of the development, the amount of daylight available within the room, would enable users of it to secure adequate living conditions. Therefore, and on the evidence before me, I am unable to conclude that the level of daylight that would be available to users of the study at number 37 would not be harmfully reduced by the implementation of the proposed development.</p> <p>The development would cause harm to the living conditions of the occupiers of number 37 High Ridge Road, with particular regard to daylight light and outlook. However, it would not cause harm to the living conditions of the occupiers of number 3 High Ridge Close, with particular regard to privacy and outlook, or the occupiers of number 37 with particular regard to sunlight.</p> <p>The spacing between the 2 proposed dwellings would be smaller than that which is typical between dwellings on High Ridge Road, and less than that</p>			

	<p>identified within the Council's HCA34: Manor Estate character appraisal3. However, it would not be dissimilar to that observed between some nearby dwellings. Moreover, and even though the resultant density of development on the appeal site would exceed that which the character appraisal indicates is typical of the area, the reasonably sized gap between proposed dwelling 2 and the dwelling at number 37, and the large gap between dwelling one and number 33 High Ridge Road, would prevent the development from having either a cramped appearance or a harmful terracing effect.</p> <p>The proposed houses would align well with the dwellings either side of them on High Ridge Road. Therefore, the development would not be prominent within views along this road. The proposed development would not cause harm to the character and appearance of the area.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">23/02040/RET</a>	D/23/3335244	7 Olivers Close, Potten End	Householder
	<b>Date of Decision:</b>		20/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3335244">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3335244</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>[This is Appeal B in the Decision Letter]</p> <p>The development proposed is described as the retention of replacement raised decking and installation of privacy screen.</p> <p>In the case of appeal B, users of the elevated decking on the appeal site, would have clear views of much of the rear outside spaces at number 8, as well as into the nearby glazed openings serving the kitchen and dining room of that house. In terms of privacy, this would cause harm to the living conditions of the occupiers of number 8.</p> <p>In appeal B, the development would cause harm to the living conditions of the occupiers of number 8, with particular regard to privacy. While it would not cause such harm in respect of outlook, this is a neutral consideration.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">23/00277/FUL</a>	W/23/3327913	Kingsway, London Road, Bourne End	Written Representations
	<b>Date of Decision:</b>		22/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327913">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327913</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is the erection of 3 detached dwellings and garage with associated access, parking and landscaping.</p> <p>Paragraph 154 of the Framework sets out that limited infilling in villages is not inappropriate in the Green Belt. The development would largely fill the gap between the petrol station and the nursery. However, it does not necessarily</p>			

follow that the appeal site currently constitutes part of the village. I am advised that Bourne End is not afforded settlement boundaries within the current Development Plan. That being the case, whether the appeal site is within the village of Bourne End must be determined based on the facts on the ground and the evidence.

When travelling from the nearby junction between the A41 and the A4251 towards Bourne End, the character of the area changes markedly beyond the appeal site. Together, the petrol station; the 'Bourne End' sign; and the signs which indicate the start of a 30mph zone, read as a gateway to the village. At this point, the hedgerows, fields, undeveloped land and sporadic properties to the sides of the road also give way to an area within which houses and other built development become dominant.

The appeal site is not deemed to be within a village. Consequently, the proposed development cannot constitute limited infilling within a village. The proposed development would be inappropriate development in the Green Belt. As such, unless very special circumstances exist, the scheme should not be approved.

In both spatial and visual terms, the development would reduce the openness of the Green Belt.

The spacing of the proposed development would not be atypical of other nearby development addressing London Road. The proposed houses would be set well back from London Road. While sizable amounts of hardstanding would be formed to the front of the houses, these would be broken up by areas of lawn. Furthermore, the dwellings would be of modest heights, and the proposed site sections plan indicates that most of the ground floors of the buildings would be beneath the level of London Road to the front of the site. For these reasons, and because of the proposed retention of the well-established band of trees and plants close to the London Road facing site boundary, the development would be well-screened and not prominent from those locations along London Road where it would be visible. The retention of the planting close to the site frontage, will also serve to preserve the sense of verdancy of the stretch of London Road passing the appeal site. The quality of the London Road streetscape will not therefore be harmed as a result of the implementation of the proposals. For these reasons, the proposed development would not cause harm to the character and appearance of the area.

In terms of daylight distribution and having regard to the submitted daylight and sunlight assessment produced by BRE, I am satisfied that each of the 3 appeal site-facing classrooms would individually meet the associated BRE guidelines. If the development was implemented, the BRE assessment demonstrates that in terms of the vertical sky component calculations, the nursery windows facing the appeal site would be marginally below the BRE guidelines. Nevertheless, classrooms 1 and 3 have additional windows in other elevations of the building, and the evidence indicates that a negligible reduction in daylight to these windows would occur.

	<p>The orientation of those nursery windows that face the appeal site, is greater than 90 degrees from due south. As such, these windows are in shade for much of the day. Therefore, even if there were to be a small reduction in the amount of time towards the latter part of the day that these windows would be in direct sunlight, I cannot conclude that this small reduction in sunlight would be harmful to the users of these classrooms. For the reasons given above, the proposed development would not harm the conditions of the users of the neighbouring day nursery, with particular regard to sunlight and daylight.</p>
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### 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 April 2024 and 31 May 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/01836/MFA</a>	W/23/3333545	Rectory Farm, Kings Langley	Public Inquiry
	<b>Date of Decision:</b>		09/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333545">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3333545</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is a comprehensive development comprising 135 residential units, new community buildings (including cafe and farm shop, cycle hub, repair shed, meeting &amp; office space) creation of new public open space and play space, provision of new vehicular and pedestrian access from Hempstead Road, provision of cycle and car parking and associated works.</p> <p>The application was refused for four reasons. Reasons 3 and 4 relate to the absence of a suitable legal mechanism to secure the necessary infrastructure and transport contributions. The s106 agreement would secure the contributions sought from the Council (and Hertfordshire County Council as Highway Authority). Accordingly, I am satisfied that reasons for refusal 3 and 4 have been adequately addressed.</p> <p><u>SANG</u></p> <p>The Appellant's Statement of Case identifies two off-site options for securing SANG. The first is Council-led SANG and the second, a private SANG at Westbrook Hay owned by the Boxmoor Trust (BMT). Although there is no dispute about the suitability of SANG as effective mitigation, the Council has a clear preference for option 2. This is reflected in the drafting of the UU.</p> <p>The Council argued that the allocation of strategic SANG to the development, would not be in accordance with the Allocations Protocol due to; a) the site's Green Belt location, b) the scheme comprises inappropriate development and c) the finite capacity of the Council-led SANG sites.</p>			

I am...satisfied that there is sufficient capacity at Council-led SANG sites to accommodate the proposed development without prejudicing the delivery of future development in the borough.

The Council accepted that the appeal scheme falls within a category of development that will be prioritised, albeit it has the lowest priority out of six categories. Accordingly, and given the Council has not implemented its early warning system nor produced any of its own evidence to demonstrate imminent capacity constraints at its own SAMNG sites, the Council should be doing "all it can" to make strategic SANG available to the appeal scheme in accordance with paragraph 7.1.8 [of the Council's Mitigation Strategy]. That very clearly has not happened in this instance.

The final bullet to paragraph 7.1.5 directly contradicts footnote 12 which states that SANG will be retained for schemes that are allowed on appeal. No explanation was provided by the Council to explain why it decided to rely on the (incomplete) final bullet to paragraph 7.1.5, when it could have relied on footnote 12. Had it done so and made the necessary SANG credits available to the Appellant, there would have been no need for a Grampian condition, the UU or for that matter, the appeal itself. In that scenario the Council's argument c) would also fall away as the Council already accept that absent the SANG issue, very special circumstances have been demonstrated.

I am satisfied that following a grant of planning permission, the allocation of Council-led SANG to the appeal scheme would be in accordance with the SAC Mitigation Strategy. While the Council is correct to say it cannot be compelled to release SANG credits to the Appellant, I consider a continued refusal to do so in light of a grant of planning permission and given my findings above would be the epitome of unreasonableness.

NE has approved the Management Plan for the private SANG at Westbrook Hay. This identifies the site to have a capacity of 3,029 SANG credits. The BMT received board approval in November 2023 to negotiate the sale of SANG credits to the appeal scheme and legal agreements between the trust, Council and Appellant are progressing well and the Council anticipate completion of its legal agreement by around June 2024.

The only real issue between the Council and Appellant in respect of Westbrook Hay is the delivery mechanism. The Appellant favours the use of a Grampian condition which would restrict occupation until the necessary credits have been secured. Appeal decisions where Inspectors have accepted such an approach were discussed at the Inquiry.

I am...satisfied that option 2 put forward by the Appellant removes all reasonable scientific doubt of adverse effects on the SAC. In the absence of any evidence to the contrary and considering the November 2023 board approval, there appears to me to be a very real prospect that the Appellant will be able to secure SANG credits at Westbrook Hay within the lifetime of the permission. That is sufficient to satisfy the PPG test.



I therefore conclude that the proposed development would not adversely affect the integrity of the designated habitats sites alone or in combination with other plans or projects and I consider it to be acceptable under the tests of the Habitats Regulations.

### GREEN BELT

I find there would be limited harm to Green Belt purposes b) and c). There would be limited harm to visual openness and significant harm to spatial openness. I therefore pitch the overall level of harm to purposes and openness as moderate. The balancing exercise required by paragraph 153 of the Framework is carried out in the Planning Balance below.

### LANDSCAPE

Having carefully considered the site sections, I consider the landscaping and topography would combine to screen most built development from receptors along Hempstead Road. In coming to that view, I accept the point that the hedge across the road frontage would need to be cut back to the fence line within the site. However, even accounting for this, I consider the hedge would continue to provide a formidable visual screen along Hempstead Road. While there would be views of the development from the canal towpath, even in winter these would be heavily filtered.

Overall, there would be limited visual harm arising from the loss of the site's open and undeveloped character. There would be some views of upper sections of the apartment buildings from Hempstead Road and also fleeting views through the access points. There would also be views of the development from windows in the houses on the western side of Hempstead Road. However, these would be local and, in most cases, private rather than longer distance public views. Over time, views from these receptors would soften as the structural landscaping matures such that the visual effects of the development would be limited. Overall, I conclude there would be very limited landscape and visual harm arising from the proposal.

### BENEFITS

In my view the delivery of 135 dwellings, 54 of which would be affordable, in an area where there is a chronic under supply of housing and staggering levels of affordability, is the weightiest consideration in the planning balance. I attach very substantial weight to these benefits.

The opening up of large parts of the site for public access and outdoor recreation as well as relieving recreational pressure on the SAC are benefits which attract significant weight. The benefits associated with the community facilities attract significant weight. I also attach significant weight to the 15% biodiversity net-gain which exceeds policy requirements. Finally, I attach significant weight to the economic benefits.

<u>OVERALL CONCLUSION</u>				
<p>Based on the foregoing, it is evident that the benefits or 'other considerations' listed above are of such magnitude that they clearly outweigh the identified harms. On a further matter of judgement, I conclude that very special circumstances exist, which justify permitting the proposed development in the Green Belt. Accordingly, the proposal would accord with Policy CS5 of the Dacorum Borough Core Strategy (2013) and national Green Belt policy in Section 13 of the Framework.</p>				
<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
2	23/01330/FHA	D/23/3332110	7 Olivers Close, Potten End	Householder
<b>Date of Decision:</b>			20/05/2024	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332110">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332110</a>	
<b>Inspector's Key conclusions:</b>				
<p>[This is Appeal A in the Decision Letter]</p> <p>The development proposed is the retention of replacement and additional raised decking and installation of privacy screen.</p> <p>In the case of appeal A, a 1.8m privacy screen is proposed on the parts of the decking that are on or close to the shared boundary with number 8. Such screening would prevent users of both levels of the decking from being able to see into the sections of the garden at number 8 which are closest to the house and which include decking and outside seating areas. The screening would also prevent a harmful loss of privacy for the occupiers of number 8 within their open-plan kitchen/dining room.</p> <p>While views of the lower and/or mid sections of the rear garden at number 8 would be variously possible from the decking and the steps in both appeals, I have no reason to doubt that these areas of the garden are already visible from the rear windows of the house at number 7. Furthermore, on the basis that the steps are reasonably likely to be used for access rather than for idling purposes, any views from them over the property at number 8 would be no more than fleeting. Their use would not therefore result in a harmful loss of privacy for the occupiers of number 8, within either their house or rear garden.</p> <p>In the case of appeal A, the lower level of the decking would be stepped away from the shared boundary. For these reasons, those parts of the developments that would be visible above the boundary fencing from the property at number 8 would not be oppressive in such views. Nor would they result in a harmful sense of enclosure within either the house or garden at number 8. Instead, occupiers of number 8 would continue to retain a good and fairly open outlook, over the length of their sizable garden and the countryside beyond, from within both their house and garden.</p>				

	For the reasons given, in respect of appeal A, the development would not cause harm to the living conditions of the occupiers of number 8 Olivers Close, with particular regard to outlook and privacy.
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#### **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn between 01 April 2024 and 31 May 2024.

**None.**

#### **6.5 ENFORCEMENT NOTICE APPEALS LODGED**

Enforcement Notice appeals lodged between 01 April 2024 and 31 May 2024.

**None.**

#### **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 01 April 2024 and 31 May 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/22/00293/NAP</a>	C/23/3316713	Martlets, The Common, Chipperfield	Written Representations
	<b>Date of Decision:</b>		02/05/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316713">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316713</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The appeal proceeded on grounds (a) (f) and (g). The unauthorised development relates to the construction of a replacement detached outbuilding which now straddles the rear gardens of the two cottages. The outbuilding is divided internally and provides outside storage space for each cottage.</p> <p>In terms of its siting the building does not respond to the original plot layout of the cottages and appears incongruous. Moreover, its overall scale, extending the full width of both plots, has resulted in a building which appears cramped with little space around the building itself. Its box design and form are reinforced by the deep plastic fascia and shallow pitch roof. Considering its domestic fenestration arrangement, including the bulky UPVC windows/doors,</p>			

<p>the building has a crude residential appearance and does not display the simple characteristics of an ancillary utilitarian garden building. I appreciate that the building has been constructed in timber, however, the narrow tongue and groove boarding does not reflect the appearance of wide black weatherboarding, which is a more traditional and common material of construction for outbuildings in the CA. Overall, the design and appearance of the building does not respond to its setting and has a harmful effect on the character and appearance of the host properties and the CA.</p> <p>I recognise that the outbuilding is located within the rear garden of the cottages and thus not readily visible from The Common. However, it is clearly visible from the approach to the Village Hall which is a public building and overlooked from windows within the Village Hall and by neighbouring properties. I conclude that the replacement building has a harmful effect on the character and appearance of the area and fails to preserve or enhance the character or appearance of Chipperfield Conservation Area.</p> <p>the replacement building has a larger footprint and volume than the one it replaced and thus there has been a small loss of openness both visually, and spatially, having regard to the cramped positioning of the building...I conclude that the building would be inappropriate development in the Green Belt.</p> <p>I conclude that the requirements are not excessive to achieve the statutory purpose of the notice and the appeal on ground (f) fails. I conclude that a period of three months is a reasonable time frame within which Steps 1-4 of the notice can be complied with. The appeal on ground (g) fails.</p>
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## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 01 April 2024 and 31 May 2024.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 01 April 2024 and 31 May 2024.

**None.**

## 6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 31 May 2024).

<b>APPEALS LODGED IN 2024</b>	
PLANNING APPEALS LODGED	35
ENFORCEMENT APPEALS LODGED	0
TOTAL APPEALS LODGED	35

<b>APPEALS DECIDED IN 2024</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	29	100
APPEALS DISMISSED	18	62.1
APPEALS ALLOWED	9	31
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	2	6.9

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2024</b>		
Total	18	100
Non-determination	1	5.6
Delegated	15	83
DMC decision with Officer recommendation	1	5.6
DMC decision contrary to Officer recommendation	1	5.6

<b>APPEALS ALLOWED IN 2024</b>	<b>TOTAL</b>	<b>%</b>
Total	9	100
Non-determination	1	11.1
Delegated	7	77.8
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	11.1

## **6.10 UPCOMING HEARINGS**

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Date</b>
1	23/02475/ROC	W/24/3337121	Shootersway, Berkhamsted	05.06.24

## **6.11 UPCOMING INQUIRIES**

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Date</b>
1	23/00662/MFA	W/24/3341434	Land At Icknield Way And Sears Drive, Tring	10.09.24
2	21/04508/MOA	W/24/3345435	Land west of Leighton Buzzard Road, Hemel Hempstead	tbc

## **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 01 April 2024 and 31 May 2024.

**None.**

## **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 01 April 2024 and 31 May 2024.

**None.**