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# DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 8 AUGUST 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM

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

### Membership

Councillor Guest	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.

**Please also note:** By taking part in this meeting you consent to being videoed, this video could be shared with the public or published to form the minutes of this meeting.

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

- (a) 24/00087/FUL - Development of a terrace of three houses with associated access arrangements, following demolition of existing sheds - Rosemary Cottage, 126 High Street, Northchurch, Berkhamsted Hertfordshire, HP4 3QS (Pages 7 - 55)
- (b) 24/00787/FUL - Demolition of existing dwellings and stable/storage buildings and redevelopment with three detached dwellings - End Oak, Water Lane, Bovingdon, Hemel Hempstead, Hertfordshire HP3 0NA (Pages 56 - 80)
- (c) 24/00510/RET - Retrospective Planning Application for Double Garage, Walls, Driveway, Access and Engineering Works - 35 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW (Pages 81 - 94)
- (d) 23/02850/RET - Surfacing of pre-existing forest track with approx 150mm depth of recycled crushed concrete, to facilitate woodland management operations - Development Site, Newlands Wood, Puddephats Lane, Markyate, St Albans, Hertfordshire (Pages 95 - 114)

**6. APPEALS UPDATE** (Pages 115 - 124)

## INDEX TO PLANNING APPLICATIONS

<b>Item No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page No.</b>
<b>5a.</b>	24/00087/FUL	Development of a terrace of three houses with associated access arrangements, following demolition of existing sheds Rosemary Cottage , 126 High Street, Northchurch, Berkhamsted	
<b>5b.</b>	24/00787/FUL	Demolition of existing dwellings and stable/storage buildings and redevelopment with three detached dwellings. End Oak, Water Lane, Bovingdon, Hemel Hempstead	
<b>5c.</b>	24/00510/RET	Retrospective Planning Application for Double Garage, Walls, Driveway, Access and Engineering Works 35 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW	
<b>5d.</b>	23/02850/RET	Surfacing of pre-existing forest track with approx 150mm depth of recycled crushed concrete, to facilitate woodland management operations. The width of the existing track has not been increased (track width approx 3m) and no trees have been removed as part of the upgrade works. This forestry track has been in existence for over 100 years as evidenced by the extracts of OS maps and Google Earth images attached as document NW006 Development Site, Newlands Wood, Puddephats Lane, Markyate	



**ITEM NUMBER: 5a**

<b>24/00087/FUL</b>	<b>Development of a terrace of three houses with associated access arrangements, following demolition of existing sheds</b>	
<b>Site Address:</b>	<b>Rosemary Cottage, 126 High Street, Northchurch, Berkhamsted Hertfordshire, HP4 3QS</b>	
<b>Applicant/Agent:</b>	<b>Mr Simon Booth</b>	<b>Mr Christopher Higenbottam</b>
<b>Case Officer:</b>	<b>James Gardner</b>	
<b>Parish/Ward:</b>	<b>Northchurch Parish Council</b>	<b>Northchurch</b>
<b>Referral to Committee:</b>	<b>Contrary views of Northchurch Parish Council</b>	

**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 expiry of the Article 13 Notice period in respect of Bellwinch Homes Ltd with no new material planning considerations being raised.

**2. SUMMARY**

2.1 The application site is located within a residential area of Northchurch and thus the principle of development is acceptable, in accordance with Policy CS4 of the Dacorum Core Strategy (2013).

2.2 An application for planning permission<sup>1</sup> was previously refused and the appeal dismissed at this site on the basis of, inter alia, harm to the setting of Rosemary Cottage and the Northchurch Conservation Area. The current application results in less than substantial harm at a nominal level and there are public benefits which outweigh this harm.

2.3 The application has been supported by a Building Research Establishment (BRE) Daylight and Sunlight Assessment which quantifies the level of light loss and overshadowing to the interior and gardens of nos. 18 and 20 Kite Field and no. 19 Merling Croft. The BRE report concludes that the proposed development will have a low impact on the light receivable by neighbouring properties. Matters appertaining to loss of privacy, overbearing impacts and noise and disturbance are all considered to be acceptable.

2.4 In terms of design, the proposed dwellings are considered to be congruent with the prevailing local character in terms of height, scale, massing, materials and level of amenity space. The flat roofed dormers add a subtle contemporary aesthetic which distinguishes these dwellings as a product of the 2020s and could be seen as a modern interpretation of the surrounding dwellings. There is sufficient space around the development to allow it to 'breathe', and the density is at the level advocated by Policy 21 of the Dacorum Local Plan.

2.5 Highway and parking matters have been fully considered. The Highway Authority have raised no objections and are satisfied that the development would not result in any adverse impacts on highway safety. The development provides in full for its parking requirements and, as a result, would not cause any significant additional strain on local parking provision. Concerns have been raised by local residents in connection with the potential loss of parking arising from the construction of the new vehicular access; however, this would in reality result in a minimal loss of parking such that any displacement, while perhaps inconvenient for local residents, would not be significant enough to have anything more than a nominal impact on the local highway network.

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<sup>1</sup> 20/02360/FUL.

### **3. SITE DESCRIPTION**

3.1 The application site currently serves as rear curtilage to Grade II Listed Building Rosemary Cottage, a former farmhouse dating back to the 16<sup>th</sup>-17<sup>th</sup> century. Rosemary Cottage is timber framed with brickwork, and comprises a single storey and converted attic. A number of outbuildings survive on the site. The site slopes gently eastwards as part of the valley side to the River Bulbourne.

3.2 Whilst Rosemary Cottage is positioned within the Northchurch Conservation Area, the land to the rear of the site, (i.e. the proposed application site), falls outside the Conservation Area boundary. The application site is within a designated residential area of Berkhamsted, an Area of Archaeological Significance and falls within the Northchurch Character Area Appraisal (BCA20).

### **4. PROPOSAL**

4.1 Planning permission is sought for the construction of three terraced dwellings (2 x 3 bed & 1 x 2 bed) in the existing rear curtilage of Rosemary Cottage. The new dwellings would front Chapel Croft, comprising a one and a half storey form with flat roofed dormers on steeply pitched front roof slopes. The north-eastern elevation of Plot 3 would feature a cat-slide roof. Simple gabled wings are proposed to the rear. In terms of materiality, this would comprise of brick and clay / concrete tiles.

4.2 The new dwellings would be accessed via Chapel Croft and served by a block-paved parking area with provision for six cars.

### **5. PROCEDURAL MATTERS**

5.1 During the course of the application it was brought to the Council's attention that the site location<sup>2</sup> plan includes land in the ownership of Bellwinch Homes Ltd under title HD145781, and that while Certificate B had been signed, an Article 13 Notice had only been served on the current owners of the land. As a result, an updated certificate has now been provided and an Article 13 Notice served on Bellwinch Homes Ltd on 22<sup>nd</sup> July 2024. Applications may not be determined until 21 days after the date of service of any notice. The recommendation, therefore, is that, should Members be minded to approve the application, they delegate authority to Officers to approve the application following the conclusion of the 21 day period, provided, that is, that no new material planning considerations are raised.

### **6. PLANNING HISTORY**

Relevant Planning Applications:

20/02360/FUL - Development of two pairs of semi-detached houses  
*Refused - 1st March 2021*

Appeals:

21/00044/REFU - Development of two pairs of semi-detached houses  
*Dismissed - 22nd February 2022*

6.1 The appeal was dismissed on four grounds:

- 1) Impact on the setting of the Grade II listed Rosemary Cottage and the setting of the Northchurch Conservation Area.

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<sup>2</sup> 556 / TP / 001



- 2) Large unbroken expanse of hard surfacing, resulting in a car dominated frontage.
- 3) Unacceptable and harmful effect on the living conditions of the occupiers of No 20, with particular regard to outlook (visual intrusion).
- 4) Provision of wide expanse of dropped kerb would hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from the site, resulting in an unacceptable in highway safety terms, particularly for pedestrian users.

## **7. CONSTRAINTS**

Area of Archaeological Significance: 21

BCA Townscape Group

Canal Buffer Zones

CIL Zone: CIL1

Parish: Northchurch CP

RAF Halton and Chenies Zone: Yellow (45.7m)

Residential Area (Town/Village): Residential Area in Town Village (Berkhamsted)

Residential Character Area: BCA20

Parking Standards: New Zone 3

Town: Berkhamsted

## **8. 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.

## **9. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2023)

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

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

Relevant Policies:

### Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 – Quality of the Public Realm

CS17 – New Housing

CS18 – Mix of Housing

CS19 – Affordable Housing

CS26 – Green Infrastructure

CS27 – Quality of Historic Environment

CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

### Local Plan

Policy 10 – Optimising the Use of Urban Land  
Policy 13 – Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 55 - Traffic Management  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 118 – Important Archaeological Remains  
Policy 120 – Development in Conservation Areas

Appendix 3 – Layout and Design of Residential Areas

### 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)  
Place & Movement Planning and Design Guide for Hertfordshire (2023)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

## **10. CONSIDERATIONS**

### Main Issues

The main issues to consider are:

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

### Principle of Development

10.1 The application site is located within a residential area of Northchurch, wherein the principle of residential development is acceptable in accordance with Policy CS4 of the Core Strategy (2013).

10.2 The site is also located adjacent to the Northchurch Conservation Area, with the development proposed within the grounds of Grade II Listed Building Rosemary Cottage. Policy CS27 of the Core Strategy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. The NPPF (2023) also attaches great weight to heritage assets, noting that they should be conserved in a manner appropriate to their significance.

10.3 The council cannot demonstrate a five-year housing supply. Whilst the proposal would amount to the construction of four new units within a sustainable location, the proposals benefits should be

balanced against the impact of the proposal on designated heritage assets, in accordance with Paragraph 11 of the NPPF (2019).

10.4 In summary, the principle of residential development is acceptable in the proposed location, provided the development accords with local and national policy.

### **Quality of Design / Impact on Visual Amenity**

10.5 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, preserve attractive streetscapes, protect or enhance significant views within character areas, avoid large areas dominated by car parking, integrate with the streetscape character, and respect adjoining properties in terms of layout, site coverage, scale height bulk, materials etc.

10.6 Saved Appendix 3 of the Dacorum Local Plan states that there should be sufficient space around residential buildings to avoid a cramped layout and that large expanses of car parking should be avoided as far as possible.

10.7 The immediate area is characterised by modest terraced dwellings. Brick is the dominant material but both render and timber cladding are also common. Timber cladding is used to one degree or another on most, if not all, dwellings, ensuring coherence across the estate<sup>3</sup>.

10.8 The dwellings generally form interesting and attractive compositions as a result of staggered building and roof lines, differences in height; the retention of small soft-landscaped front gardens, and coherence in materiality.

10.9 The application site is located within the BCA20: Springwood Character Area which advocates the following design principles for new housing:

## **DEVELOPMENT PRINCIPLES**

### **Housing**

- Design: Conformity to the existing strong design themes is strongly encouraged.
- Type: A variety of dwelling types is acceptable, although acceptability will depend upon the relationship of the proposals to the type of nearby and adjacent development.
- Height: Should not exceed two storeys.
- Size: Small to medium sized dwellings are appropriate.
- Layout: The existing informal layout structure of small groups of houses in culs-de-sac should be maintained.
- Density: Should be compatible with the existing character however may be provided up to 30 dwellings/ha.

10.10 The proposed dwellings seek to emulate the form of the surrounding development, albeit in a slightly more contemporary manner; that is to say, they would utilise larger window openings and flat roofed dormers instead of pitched roof dormers. Zinc was also initially proposed for the roof but it

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<sup>3</sup> The timber cladding is typically employed on dormers and prominent gable-ends.

was subsequently considered that this would not be entirely congruent with the surrounding development and substituted for traditional roof tiles instead.

10.11 The proposed dwellings would be terraced, have a vertical emphasis, feature a staggered building line with relatively steeply pitched roofs, be of a similar scale to dwellings in the immediate vicinity and use similar materials. Other than the subtle contemporary additions, the primary difference relates to the level of space to the front of the proposed dwellings, the development being set further back from the highway and amongst landscaping.

10.12 Parking layout was a matter of concern in the previous application and, indeed, formed a reason for a refusal. Whereas the refused application proposed to place all of the parking directly next to the site boundary, resulting in a *'large unbroken expanse of hard surfacing, creating a car dominated frontage and amounting to poor design.'*, the proposed scheme shows it set back from the highway behind estate fencing and new hedging and finished in a mixture of resin bound gravel and permeable block paving. It is noted, too, that the use of parallel rows for the parking further minimises the visual impact. It is considered that this new layout adequately addresses one of the Inspector's reasons for refusal.

10.13 The set back of the dwellings from the highway also allows for the provision of a good level of landscaping, including at least six trees<sup>4</sup> which would be visible from the public realm and assist in retaining a green and verdant feel to the area. There is also an argument to say that a more open aspect, achieved by the removal of the conifers, would be preferable and enhance the appearance of the area.

10.14 Based upon the size of the site, the development would be built at a density of approximately 33 dwellings per hectare. This is in accordance with Policy 21 of the Dacorum Local Plan, which states that:

*'Careful consideration will be given to the density of all new housing proposals to ensure they make the most efficient use of the land available....Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net.'*

10.15 In accordance with Appendix 3 of the Dacorum Local Plan, all residential development is required to provide private open space for use by residents, with private gardens normally positioned to the rear of the dwelling and having an average minimum depth of 11.5 metres. From scaling from the Proposed Site Layout Plan it has been possible to ascertain the level of amenity space being provided. This has been set out in the table below for ease of reference:

Plot No	Depth (m)	Total Area (m2)
1	10.3	155.5
2	11.5	60.4
3	10.8	152.8

10.16 Appendix 3 provides a number of exceptions where a reduced garden depth can be acceptable; in particular it states that, *'For infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable'*.

10.17 Nos. 17 and 19 Merling Croft have garden depths of 10.1m and 8.6m, while nos. 18 and 20 Kite Field have garden depths in the region of 8.7m and 10.7m. These dwellings can be said to adjoin the application site and thus there is justification for a reduced garden depth and, indeed,

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<sup>4</sup> 10 trees in total are proposed to be planted in the site.

given the generous area of garden, it is clear that it would provide a level of amenity space commensurate with the size of the dwellings.

10.18 In summary, the proposed dwellings are considered to be congruent with the prevailing local character in terms of height, scale, massing, materials and level of amenity space. The flat roofed dormers add a subtle contemporary aesthetic which distinguishes these dwellings as a product of the 2020s and could be seen as a modern interpretation of the surrounding dwellings. There is sufficient space around the development to allow it to 'breathe', and the density is at the level advocated by Policy 21 of the Dacorum Local Plan.

10.19 It is considered that the proposed development would accord with Policies CS11 and CS12 of the Dacorum Core Strategy, Policy 21, BCA20 and Appendix 3 of the Dacorum Local Plan.

### **Impact on Significance of Heritage Assets**

10.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions '*should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' and in relation to conservation areas, special attention must be paid to '*the desirability of preserving or enhancing the character or appearance of that area*'. If it is judged that harm to the heritage asset/s would arise from the proposed development, considerable importance and weight must be attributed to that harm, in order to comply with the statutory duties.

10.21 It is important to note that the setting of a conservation area, unlike the setting of a listed building, is not a statutory consideration but one introduced via Government guidance and included in local planning policy. It therefore does not have the force of statute behind it.

10.22 Policy 119 of the Dacorum Local Plan relates to development affecting listed buildings, and states that development likely to affect the character of an adjacent listed building is of an appropriate scale and appearance.

10.23 The NPPF definition of the setting of heritage asset has been referenced in the Heritage Statement and, for convenience, has been set out below:

***Setting of a heritage asset:*** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

10.24 Saved Policy 120 of the Dacorum Local Plan states that development proposals outside a conservation area which affect its character and setting will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.

10.25 Planning permission was previously refused<sup>5</sup> for the construction of two pairs of semi-detached houses at this site and an appeal subsequently dismissed. In the appeal decision notice, the Inspector ascribed substantial weight<sup>6</sup> to the harm he identified to the settings of the conservation area and Rosemary Cottage, and the unacceptable harmful effects he identified on the character and appearance of the area, the living conditions of the occupiers of No. 20, and on highway safety, as a group, and concluded that the benefits of the proposal did not outweigh the totality of the harms identified.

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<sup>5</sup> See 20/02360/FUL.

<sup>6</sup> See paragraph 29.

10.26 The harm in relation to living conditions and highway safety identified by the Inspector are, as set out in this report, considered to have been dealt with satisfactorily, leaving the matters of the settings of the heritage assets and character and appearance of the area to be addressed. While these remain important issues, it is considered that the Inspector's decision was based upon all of the harms grouped together, resulting in the previous application being found to be unacceptable. It follows that the bar to overcome the remainder of the group harms is considerably lower.

10.27 Turning to the specific heritage harms, the inspector identified harm to both the setting of Rosemary Cottage and the setting of the Northchurch Conservation Area.

10.28 Having established that the significance of Rosemary Cottage derives, in part, from *'its historic interest in being part of the late medieval development of the village, and from its aesthetic interest arising from its timber frame construction with red brick and an old tiled roof.'* and that the site, as part of the setting of Rosemary Cottage *'contributes to the significance of Rosemary Cottage due to it being part of an uncharacteristically long garden which, in conjunction with Rosemary Cottage being set-back from the street frontage, reflects the historic pattern of development which existed prior to the industrialisation of the area'*. the Inspector went on set out his conclusion at paragraph 8:

*'The proposal, for 2 pairs of semi-detached houses with associated garden areas, would largely erode the mostly undeveloped nature of the site. In this respect, the contribution that the setting makes to the significance of Rosemary Cottage would be compromised by the proposal. Whilst the harm to the setting of Rosemary Cottage would be less than substantial, this harm is of considerable importance and weight. This harm must be weighed against the public benefits of the proposal, which are considered below.'*

10.29 The Inspector considered that the significance of the Northchurch Conservation Area relates to its numerous historic buildings, which *'illuminate the rich history of Northchurch which has been continuously occupied since the Roman era.'*; before going on to paraphrase the definition of *setting of a heritage asset* in the NPPF.

10.30 In response to the concerns raised by the Inspector, the scheme has been re-designed, with the following key changes being made:

- The gap between Rosemary Cottage and the proposed development has been increased by 3 m to 26 m, addressing the separation distance issue.
- The width of the application site has been reduced by 5 m, retaining a greater area of garden land with Rosemary Cottage, which incorporates all the existing mature screen planting between the garden and the application site, thereby providing a significant improvement over the appeal scheme.
- The proposal is now in the form of a terrace of three smaller dwellings (2 No. 3-bedroom and 1 No. 2-bedroom) with a staggered building and roof lines.

10.31 The impact on the setting of Rosemary Cottage and of the effects of the proposal on the character or appearance of the Conservation Area, are of great importance and matters of planning judgment.

10.32 The Conservation and Design Team were consulted and raised no significant concerns with regard to the impact in the significance of Rosemary Cottage and the Northchurch Conservation Area, concluding that:

*'Having carefully considered the scheme we believe that it would not have a detrimental impact on the setting of the listed building nor the conservation area. It is a relatively low level*

*small scale development which would sit comfortably with the context. As noted above and on previous refused schemes there would be a loss of the land and therefore the understanding of the building in the wider context would be impacted. As such we would consider the level of harm to be less than substantial and at a nominal level. As such we would not object to the proposals.'*

10.33 It is agreed that the proposed development would cause less than substantial harm at a nominal level. Accordingly, there it is incumbent on the Council to undertake the balancing exercise set out in paragraph 208 of the NPPF.

#### Heritage Balance

10.34 Paragraph 208 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.

10.35 As it has been established that the construction of the dwellings would result in less than substantial harm to heritage assets, albeit at a nominal level, consideration needs to be given to the public benefits, if any, arising from the development.

#### *Provision of New Housing*

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

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

10.38 In light of the size of the scheme, it is considered that it would be deliverable in a reasonable period of time, boosting the local supply of housing and

#### *Economic Benefits*

10.39 It is clear that there would be economic benefits arising from the development should it go ahead. This would initially take the form of the purchase of building materials from local merchants and employment opportunities for builders, plumbers, electricians etc during the construction phase. Later, it is not unreasonable to assume that local residents would patronise local shops and services, thereby contributing (in a modest way) to the local economy.

#### Conclusion

10.40 The proposal would provide three residential units of accommodation in an accessible urban location, on land that is presently underused. It would also provide economic benefits in terms of work for construction professionals and through the future occupiers of the proposal spending on local services and facilities, albeit all those benefits would be limited due to the quantum of units involved.

10.41 As Rosemary Cottage and the Northchurch conservation area are designated heritage assets, the NPPF requires that great weight be given to their preservation. Collectively, moderate weight is given to the public benefits of the proposal. Taking into account the nominal harm identified to the heritage assets, when the public benefits are weighed against the heritage harm, it is considered that these outweigh the harm.

10.42 It follows that the development would accord with Policy CS27 of the Dacorum Core Strategy and Policies 119 and 120 of the Dacorum Local Plan.

## **Impact on Residential Amenity**

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

10.44 Appendix 3 of the Dacorum Local Plan, meanwhile, states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings; significant overshadowing should be avoided and a 45-degree angle of light maintained as a basic minimum to all significant windows of habitable rooms.

### *Loss of Daylight / Sunlight*

10.45 At the request of the planning department, a Building Research Establishment (BRE) Daylight and Sunlight Report was subsequently submitted in support of this application. At the outset, it is important to have in mind that the BRE guidance does not constitute a set of planning rules; rather, it is simply a widely accepted methodology for quantifying the level of light loss and enabling a balanced planning judgment to be made by the decision maker.

10.46 Furthermore, paragraph 129 (c) of the NPPF endorses a flexible approach:

*'....when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

10.47 The impact on daylight and sunlight levels has been assessed for the following properties:

- 18 Kite Field
- 20 Kite Field
- 19 Merling Croft

10.48 The report advises that *'All neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests. All neighbouring amenity areas also pass the BRE overshadowing to gardens and open spaces test.....the numerical results in this assessment demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties.'*

10.49 Impacts on daylight and sunlight are assessed with reference to four parameters:

- Vertical Sky Component
- Daylight Distribution
- Sunlight Availability to Windows
- Overshadowing to Gardens and Amenity Spaces

10.50 Extracts of the relevant sections of the BRE report have been reproduced below for ease of reference:

10.51 Vertical Sky Component Results:

*'All windows with a requirement for daylight pass the Vertical Sky Component test.'*



#### 10.52 Daylight Distribution Results:

*'We have undertaken the Daylight Distribution test where room layouts are known. All rooms with a requirement for daylight pass the daylight distribution test.'*

#### 10.53 Sunlight to Windows:

*'All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.'*

#### 10.54 Overshadowing to Gardens and Amenity Spaces:

*'All gardens and open spaces tested meet the BRE recommendations.'*

#### 10.55 Summary:

10.56 The impact of the development on daylight / sunlight ingress and overshadowing of amenity areas has been fully quantified by a BRE daylight and sunlight assessment. In this case, it has been demonstrated that there would be a very limited impact on the properties assessed. Coupled with the flexible approach advocated to daylight and sunlight by paragraph 129 (c) of NPPF, it is considered that the impact in this regard is acceptable.

#### *Overlooking*

10.57 The first floor windows of Plot 1 would afford some views of the rear garden of no. 17 Merling Croft. This is also true, albeit to a lesser degree, of Plot 2. In the case of Plot 1, the distance between the windows and the common boundary would be in the region of 10.3m and 13.8m to the centre of the garden. It is reasonable to assume that residents not sit at the very edge of their garden and thus 13.8m is the likely distance from which they would be observed.

10.58 Neither the Core Strategy nor the saved policies of the Local Plan specify a minimum separation distance for where the flank elevation of one dwelling faces toward the amenity space of another.

10.59 A lack of a specified separation distance means that whether a particular development is acceptable hinges on compliance with the general provisions set out in Policy CS12; that is to say, that development avoid loss of privacy. The term 'loss of privacy' is not itself defined and is thus open to interpretation. Furthermore, the opening sentence of Policy CS12 does not state that development must avoid loss of privacy. Instead, it uses the less onerous word 'should', tacitly acknowledging that there may be times when a loss of privacy, however it is defined, may be acceptable.

10.60 Whilst not ideal, separation distances of approximately 14m are not uncommon in urban areas. It is also relevant to note that a level of mutual overlooking already exists between nos. 17 and 19.

10.61 Nos. 1 – 7 Chapel Crofts are located on the opposite side of the highway to the proposed development would be located between approximately 22m – 27m away from the proposed development. The degree of separation is generous and, in having regard to the specified separation distance for a back-to-back relationship<sup>7</sup> between dwellings, is considered to be

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<sup>7</sup> Set out in Appendix 3 of the Dacorum Local Plan.

acceptable, it also being noted that that front elevations of dwellings are not generally speaking inherently private.

10.62 A window is proposed at ground floor level on the flank elevation of Plot 3 and two roof lights are to be located within the cat-slide roof.

10.63 Turning firstly to the ground floor window, it is understood from the floor plans<sup>8</sup> that this is to be a secondary server for the living room and presumably fitted with clear glazing. Ground floor windows do not usually give rise to issues pertaining to overlooking; however, this does not apply where there is a difference in levels between adjoining sites, and in this case it is noted that the application site occupies a higher land level than nos. 18 and 20 Kitefield. The proposed section<sup>9</sup> through the site illustrates that views from the window are likely, by virtue of the interposition of a 1.8m boundary fence, to be very limited. Nonetheless, for the avoidance of doubt and in the interests of ensuring categorically that there is no undue levels of overlooking, it is suggested that a planning condition be included which requires a 2m fence to be erected on the boundary prior to first occupation and permanently retained thereafter.

10.64 With regard to the roof lights, it is noted that the lower of the two would serve a kitchen and, as illustrated on elevations<sup>10</sup>, be located 2.9m above finished floor level. The roof light in the upper part of the roof would serve a bathroom and, again, would be located well above the height at which views toward surrounding properties would be readily available.

#### *Visual Intrusion*

10.65 There is no statutory planning definition of visual intrusion or whether development is overbearing. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

10.66 It is important to note that one of the reasons for refusal in respect of the previous application was the impact on the living conditions of the occupiers of no. 20 Kite Field. The relevant paragraphs of the appeal decision are set out below for ease of reference:

*'The site lies immediately adjacent to No 20. The proposed dwelling for Plot 4 would be located closest to No 20. I note that the scale of the dwelling, including its ridge height, would not be excessive. It would only extend across approximately half of the rear boundary of No 20, leaving an open outlook for the remainder, including towards Chapel Crofts. Supplementary planting could also be required by condition, which would soften views towards Plot 4 somewhat. 21.*

*Nevertheless, due to the very limited separation distance between No 20 and the dwelling proposed for Plot 4, the proposed dwelling would appear conspicuously dominant in views from both the conservatory and the ground floor rear windows at No 20. In this way, the proposal would make the conservatory and the affected living areas within No 20 much less pleasant to use.'*

10.67 In the refused scheme, there was a separation distance of approximately 8m to. 20 Kite Field, and the development extended across half of no. 18. In this case, by contrast, the separation distance between the development and no. 20 has increased by approximately 5m and the development is set back further in the plot, giving no. 20 even more open aspect. In summary, the following factors are considered to be of relevance to the acceptability of the new scheme:

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<sup>8</sup> 556 / TP / 03

<sup>9</sup> 556 / TP / 004 Rev. A

<sup>10</sup> 556 / TP / 005 Rev. A

- The gable-end does not extend significantly along the flank (4.48m before joining the cat-slide roof);
- At 7.2m, the ridge height is relatively modest;
- The cat-slide roof breaks up the mass and bulk;
- The development would result in the removal of the high conifer hedge, which arguably is more overbearing than the proposed development, the hedge being both closer and higher than the proposed development.

10.68 Conversely, the new scheme cuts across the outlook of no.18 more than before, but at a greater distance (approximately 15m). Notwithstanding the change in levels, it is considered that the separation distance and the breaking up of the mass and bulk by the cat-slide roof is such that there would be no significant adverse impact in so far as visual intrusion is concerned.

10.69 It is submitted that the distance of the proposed development from nos. 1 – 7 Chapel Croft, combined with its limited height, scale and mass, is such that it cannot reasonably be concluded that it would result in an overbearing impact on nos. 1 – 7.

10.70 No. 19 Merling Croft is located at 90 degrees to the proposed dwellings and, therefore, views from the rear windows will continue to be largely unobstructed. Plots 2 and 3 are likely to be readily visible but only at an oblique angle. As such, it is not considered that there would be any visual intrusion.

10.71 Taking all of the above into account, it is not considered that the development would result in an unacceptable level of visual intrusion.

#### *Noise and Disturbance*

10.72 Whilst it is acknowledged that there would be an increase in noise and disturbance to local residents during the construction process, this would be short-lived; and, upon completion of the dwellings, there is no reason to believe that they would cause any greater level of disturbance than any other dwelling in the vicinity of the site.

10.73 A comment has been received from a local resident expressing concern over the potential noise generated by the air source heat pumps (ASHP). The Environmental Health Team were consulted as part of the application and confirmed that they have '*no objections or concerns re noise, odour or air quality.*' Furthermore, the model of ASHP eventually decided upon will naturally be one intended for a residential setting; therefore, it is reasonable to assume that their noise rating would be such that they would not cause any detrimental noise and / or vibration.

#### **Impact on Highway Safety and Parking**

##### *Highway Safety*

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

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

10.75 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.

10.76 The construction of the proposed dwellings would necessitate the formation of a new access to the public highway. The access was originally proposed to be 4.1m wide but following concerns raised by local residents in connection with the potential impact this would have on parking availability within the area, the access has been reduced to 3.1m wide.

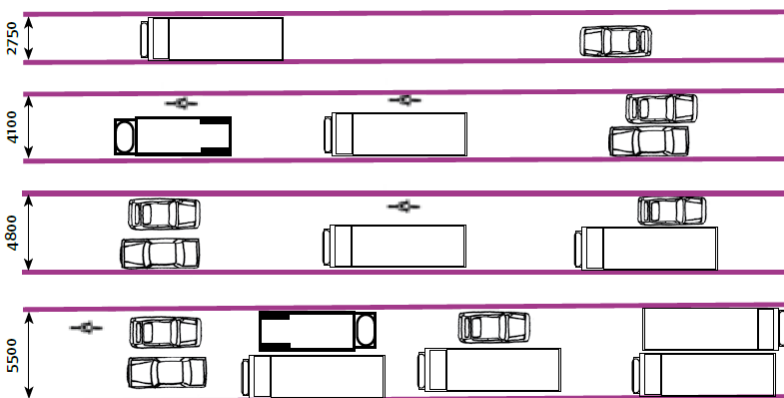
10.77 Due to the cars parked on the highway within the cul-de-sac, vehicles entering the site will be doing so very slowly, minimising any potential danger to pedestrians who may be traversing the crossover. When exiting the site the wide grass verge would ensure ample visibility for both drivers and pedestrians.

10.78 Conflicts between pedestrians and vehicles have been minimised in the current proposal in contrast to the previous appeal proposal with a crossover for eight parking spaces that would have needed to reverse into or out of the parking space provided, whereas the current proposal allows vehicles to enter and leave in forward gear.

10.79 The Highway Authority have reviewed the application on two occasions and in both cases have raised no objections, commenting that:

*'HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.'*

10.80 At its narrowest, Chapel Crofts measures 4.8m wide. Manual for Streets (MfS) illustrates the type of vehicles various carriageway widths can accommodate. Carriageway widths of 4.8 metres are sufficient to permit two cars to pass one another with relative ease and larger vehicles with care.



10.81 As such, even when accounting for prevalent on-street parking, there would be sufficient space for cars to pass one another.

10.82 It is acknowledged that the construction of the access would result in a loss of parking. The key question is whether this would be so significant as to give rise to an unacceptable impact on highway safety. The width of the access (3m) is such that it is unlikely more than one on-street parking space would be lost, and although it is conceded that Chapel Crofts appears to have a degree of parking stress, the key test is set out in paragraph 115 of the NPPF; that is to say:

*'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.'*

10.83 It is submitted that this is not the case in this instance, the road being a cul-de-sac - serving only a handful of properties - which is unlikely to be subject to any significant level of vehicle

movements and where speeds will be severely constrained. It is to be noted that the Highway Authority have raised no issued whatsoever in connection with the proposed development.

10.84 The above notwithstanding, it is acknowledged that the constrained nature of the area surrounding the site is such that the construction process could prove problematic. With this in mind, a condition requiring the submission, approval and subsequent compliance with a Construction Management Plan is proposed to be included with any grant of planning permission, thus ensuring that disruption is kept to a minimum.

10.85 A query has been raised by a local resident in relation to whether the applicant has the permission of Bellwinch Homes Ltd to obtain access to the site. There are two points to note in this regard:

- 1) Condition 5 requires the vehicular access to be provided prior to first occupation of the dwellings. If the access is not provided, any occupation of the dwellings would be a breach of condition against which the Council’s Enforcement Team could take formal action – including, following the service and contravention of a Breach of Condition Notice, prosecution.
- 2) The applicant has received legal advice from his solicitor to the effect that the Highway Authority has the controlling interest of the land and that ‘*At common law, the owner of land which adjoins a highway has a right of access from his land onto the highway*’. This right enables an access from any point on the landowner’s land which abuts the highway, as is the case here. Therefore, it is argued that no further permissions or rights are required.

*Parking*

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

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

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

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

....

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

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

2 bedrooms	Allocated	1.50
	Unallocated	1.20
3 bedrooms	Allocated	2.25
	Unallocated	1.80

10.90 The proposed development comprises of one 2-bedroom unit and two 3-bedroom units, giving rise to a parking requirement of six spaces<sup>11</sup>.

10.91 Drawing no. 556 / TP / 002 / C indicates that a total of six parking spaces with dimensions of 2.5m x 5m are to be provided to the front of the dwellings, satisfying the requirements of the Parking Standards SPD in full.

10.92 The development would provide in full for its parking requirements and thus there is no reason to believe that there would be any meaningful level of overspill onto the adjacent public highway. Accordingly, the development is considered to accord with Policies CS8 and CS12 of the Dacorum Core Strategy.

### **Other Material Planning Considerations**

#### *Archaeology*

10.93 The proposed development is in Area of Archaeological Significance No 21, as identified in the Local Plan, and covers the historic settlements of Berkhamsted and Northchurch.

10.94 The Historic Environment Advisor at Hertfordshire County Council has reviewed the application and considers that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. On this basis, archaeological conditions are recommended to be included with any grant of planning permission.

#### *Ecology*

10.95 Hertfordshire Ecology were consulted and confirmed that, due to the location nature and scale of the development, they did not consider there to be any fundamental ecological constraints associated with the proposals. It was further noted by the ecologist that while the on-site sheds are proposed to be demolished, these would be unlikely to contain roosting bats. Therefore, subject to the inclusion of an informative in relation to nesting birds and completion of a Habitats Regulation Assessment (more detail provided below), they do not wish to raise any objections on ecological grounds.

10.96 The application was submitted prior to the introduction of mandatory biodiversity net gain and thus is not applicable in this instance.

#### *Permitted Development Rights*

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

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

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

10.99 Dwellings will typically have similar building lines. In effect, this allows for modest extension extensions under permitted development to take place without generally having an adverse impact on the neighbouring dwelling.

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<sup>11</sup> The plans indicate that parking will be allocated to specific plots and thus the higher parking standards apply.

10.100 In this instance, however, the staggered nature of the rear building line is such that Plot 1 extends beyond the rear elevation of Plot 2 by 1.7m. A permitted development extension of 3m could, were it to be built proximate to the boundary, have an adverse impact on residential amenity, which would be over and above that envisaged by central government. As such, it is posited that removal of Class A rights is justified in this instance.

10.101 Given the potential additional mass and bulk associated with a dormer(s) constructed under permitted development (and the impact this could have on neighbouring properties), the sensitive setting (i.e. in close proximity to a listed building), and the impact additional accommodation could have on parking requirements, it being noted that the area is subject to parking stress which would be exacerbated by overspill parking from this development, it is considered that it would be appropriate to remove Class B permitted development rights in respect of Plots 1 – 3.

#### *Impact on Trees and Landscaping*

10.102 The proposed development would result in the loss of the conifer hedge along the site boundary with Chapel Crofts and nos.18 and 20 Kite Field; however, its size is such that is not considered to contribute positively to the amenity of the area. This loss would be compensated for by the tree planting proposed as part of this application, full details of which are to be secured by condition.

10.103 The above notwithstanding, it is important that the trees retained within the remainder of Rosemary Cottage's garden are protected from damage during the construction process, in accordance with Policy 99 of the Dacorum Local Plan, and with this in mind it would be appropriate to include a condition requiring the submission, approval and subsequent compliance with a Tree Protection Plan.

#### *Land Contamination*

10.104 The Council's Scientific Officer has reviewed the documents submitted in support of the above application and the ECP Team records and has confirmed that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated. This reflects the introduction of a residential end use (three dwellings) that would be vulnerable to the presence of contamination on to a brownfield site, albeit one that has a historic residential use. Accordingly, should planning permission be granted, it is recommended that further investigation of the underlying ground conditions and, where appropriate, remediation is secured by way of appropriately worded planning conditions.

#### *Refuse and Recycling Collection*

10.105 The Proposed Site Layout Plan indicates that there would be ample space for the storage of waste and recycling bins. These would need to be placed for collection at the site boundary on the appropriate day. The arrangements are considered to be in accordance with the principles for terraced and infill development set out in the Council's Refuse Storage Guidance Note.

#### *Chiltern Beechwood Special Area of Conservation*

10.106 Between 14th March 2022 and 15<sup>th</sup> November 2022 there was a moratorium on all residential development in the Borough. This was a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (CBSAC) and Councils' duties under law required by Habitat's Regulations.

10.107 The Council has worked with relevant partners to identify a suitable mitigation strategy going forward. The mitigation strategy involves contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

10.108 The following contributions would need to be secured by legal agreement prior to the grant of planning permission:

- Strategic Access Management and Monitoring (SAMM) = £913.88 per dwelling.
- Suitable Alternative Natural Greenspace (SANG) = £4,251.00 per dwelling.

10.109 Payment will be required upon commencement.

#### *Response to Neighbour Comments*

10.110 A number of comments have been received from local residents in relation to this application. Those not specifically covered in the report thus far, or which require further clarification, are responded to below:

- *'The single footpath on Chapel Crofts is a well used route for both young and old. The proposed access to the development across this footpath will provide an unwelcome hazard.'*

#### **Officer Response:**

10.111 This matter was dealt with in the Highway Safety section above where it was stated that:

*'Due to the cars parked on the highway within the cul-de-sac, vehicles entering the site will be doing so very slowly, minimising any potential danger to pedestrians who may be traversing the crossover. When exiting the site the wide grass verge would ensure ample visibility for both drivers and pedestrians.'*

10.112 Not only would the design and layout of the development reduce the potential for conflicts between pedestrians and vehicles, the scale of the development is such that there would be a very limited increase in vehicular movements.

10.113 The Highway Authority have raised no concerns with the access arrangement (unlike the refused scheme) and therefore it is not considered that the new development would result in any adverse impacts vis-à-vis pedestrian safety.

- *'No planning notice was displayed in the road concerned, Chapel Crofts.'*

*'I would like to say that there seemed to be a lack of visible notification that an application for this development had been made.'*

#### **Officer Response:**

10.114 All dwellings within Chapel Crofts<sup>12</sup> and multiple properties within Merling Croft and Kite Field were sent consultation letters.

10.115 The need for a site notice arose by virtue of the Council's responsibilities under Regulation 5a of the Planning (Listed Buildings and Conservation Areas) Regulations 1990; namely an application for planning permission for development of land was submitted which the local planning authority believes would affect the setting of a listed building or the character or appearance of a conservation area

10.116 A site notice was duly displayed at the (pedestrian) junction of Chapel Crofts and the High Street, thus in close proximity to both Rosemary Cottage and the Northchurch Conservation Area.

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<sup>12</sup> Nos. 1, 3, 5, 7, 9, 11, 15, 17.



Given the comment above to the effect that the footpath is well used, this location is entirely appropriate, being *'on or near the said building'*.

- *'There are already access issues for larger vehicles such as the bin men and emergency vehicles to get to the care home and Chapel Croft via Kite Field. Their ability to turn around in this area is already a problem with the numbers of cars parked within these narrow roads. As stated prior during the period of construction of the development there will be large delivery vehicles delivering on a very frequent basis resulting in traffic disruption and chaos in this area.'*

*'Whilst additional parking may be created on the new site, this will be dedicated for those residents and be at the cost of at least 3 parking spaces currently available to the surrounding areas.'*

**Officer Response:**

10.117 The development itself provides for its own parking requirements and cannot therefore be said to directly give rise to any adverse impact on the existing highway conditions. Indirectly, it is acknowledged that a small number of spaces will be lost as a result of the new vehicular access; however, in line with paragraph 115 of the NPPF:

*'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.'*

10.118 The Highway Authority is of the view that the development would not result in an unacceptable impact on highway safety or result in a situation whereby the cumulative impact on the road network would be severe.

10.119 Disruption during the construction process is inevitable and will be time-limited. That said, the nature of the road system in the immediate area is such that a Construction Management Plan (CMP) is deemed appropriate and forms one of the recommended planning conditions<sup>13</sup> should Members be minded to grant planning permission.

10.120 The CMP condition would be pre-commencement – i.e. no development could take place until details of such matters as where building materials will be stored, how they will be delivered, the location of operative parking etc have been submitted to and approved in writing by the Council – thereby ensuring that local residents, refuse collection vehicles and ambulances are not unduly hindered.

- *'This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not appear to include any biodiversity enhancements.'*

**Officer Response:**

10.121 Policy CS26 of the Core Strategy states that development and management action will, inter alia, contribute towards the conservation and restoration of habitats and species, as well as the strengthening of biodiversity corridors. Given that the development of the site would reduce the amount of area available for wildlife, and notwithstanding the additional tree planting, it is considered appropriate to include a condition requiring the installation of one swift brick in the gable walls of Units 1 and 3.

*Response to Northchurch Parish Council Comments*

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<sup>13</sup> Condition 12.

10.122 The most recent response from Northchurch Parish Council raised the following concerns.

- Incompatibility of the design with neighbouring buildings including Grade II listed Rosemary Cottage in the adjacent conservation area;
- Lack of swept path analysis for the narrow vehicular access off a very narrow street;
- Loss of 2-3 parking spaces (allowing for turn-in) on a street which is heavily used for parking by existing residents of Chapel Crofts & the High St, and by shoppers visiting the High St & High St South;
- Significant shading of the gardens of 18-20 Kite Field at certain times; loss of privacy for residents of 18-20 Kite Field due to the side-facing windows.

10.123 All of these points have been covered other than the swept path analysis. To respond to this particular point, the Proposed Site Layout Plan does, in fact, include swept path analysis and shows that a car will easily manoeuvre in and out of the site, even with parked cars parked on one side of the road. Swept path analysis has not been provided for the spaces within the site as it is clear that there is sufficient space for them to manoeuvre and park. It is assumed that a refuse freighter would not enter the site and that, as is the case with the other dwellings in Chapels Croft, bins would be put out at the kerbside on collection day.

## 11. CONCLUSION

10.124 The principle of development is acceptable, noting the location of the application site in a residential area of Northchurch, where the necessary infrastructure is already in place and well-developed.

10.125 The design submitted has taken on board the comments received at pre-application stage and is considered to be acceptable.

10.126 Careful consideration has been given to the potential impact on the residential amenity of neighbouring properties and it has been concluded that there would be no significant adverse impacts.

10.127 It is not considered that the construction of the proposed dwellings would have an unacceptable impact on local parking levels. Matters of highway safety are similarly deemed to be acceptable, with no objections having been received from the Highway Authority.

10.128 Overall the proposed development has overcome the previous reasons for refusal, would provide high-quality homes and make a valuable contribution to the supply of housing in the Borough and accord with Policies CS1, CS4, CS10, CS11, CS12, CS13, C26 and CS27 of the Dacorum Core Strategy and saved Policies 10, 21, 51, 54, 99 and 120 of the Dacorum Local Plan.

## 12. RECOMMENDATION

12.1 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 expiry of the Article 13 Notice period in respect of Bellwinch Homes Ltd with no new material planning considerations being raised.

### 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:**

556 / TP / 001		Site Location Plan
556 / TP / 002	Rev. C	Proposed Site Layout Plan
556 / TP / 003		Proposed Floor Plans
556 / TP / 004	Rev. A	Proposed Front Elevation / Section Through Site
556 / TP / 005	Rev. A	Proposed Rear and Side Elevations

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

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

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

INFORMATIVE:

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

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

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

**The approved planting must be carried out within one planting season of completing the development and the approved hard landscape works shall be completed prior to first occupation of the dwellings.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

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

5. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 C (Proposed Site Layout Plan) as a dropped kerb and vehicle crossover.**

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 Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Policies 51 and 54 of the Dacorum Borough Local Plan (2004)

6. **Prior to first occupation of the development hereby approved, arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.**

Reason: To ensure surface water from the development does not discharge onto the highway in accordance with Policy CS31 of the Dacorum Core Strategy (2013).

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

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

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

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

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

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

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

8. **Any contamination, other than that reported by virtue of Condition 7 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)

9. **No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of 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 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).

10. **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

**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 9 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).

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

**Plot 1**

**Schedule 2, Part 1, Class A**

**Plots 1 – 3**

**Schedule 2, Part 1, Class B**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the future occupiers of Unit 2 in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (December 2023), and to protect the integrity of heritage assets, the visual amenity of neighbouring properties and to ensure that the development provides sufficient levels of parking, in accordance with Policies CS8, CS12 and CS27 of the Dacorum Core Strategy (2013).

12. **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out strictly in accordance with the approved Construction Management Plan which shall include details of:**

- **construction vehicle numbers and type;**
- **traffic management requirements;**
- **construction and storage compounds (including areas designated for car parking);**
- **siting and details of wheel washing facilities;**
- **cleaning of site entrances, site tracks and the adjacent public highway;**
- **timing of construction activities (to avoid school pick up/drop off times);**
- **provision of sufficient on-site parking prior to commencement of construction activities;**
- **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- **construction or demolition hours of operation; and**
- **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum

Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

This condition needs to be pre-commencement because any disruption to Kite Field by construction traffic / contractor parking could result in an unacceptable impact on the free flow of traffic and potentially cause an unacceptable level of inconvenience to local residents and road users.

13. **No development shall commence until an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, has been submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (December 2023).

This condition needs to be pre-commencement as insufficient information has been provided to satisfy the Local Planning Authority that damage to trees would not occur, and as trees being living organisms, this damage could be irreparable.

14. **Notwithstanding the details shown on drawing no. 556 / TP / 002 / C (Proposed Site Layout Plan), prior to first occupation of the development hereby approved, full details of a 2m high boundary treatment to be erected along the northern boundary of the site shall be submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved details prior to first occupation of the development and permanently retained and maintained at this height thereafter.**

Reason: In the interests of the residential amenity of nos. 18 and 20 Kite Field in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

15. **No development above eaves level shall take place until full details of two integrated Swift Bricks, including their proposed location, within the fabric of Units 1 and 3 has been submitted to and approved in writing by the local planning authority. The two integrated Swift Bricks shall be fully installed prior to first occupation of the dwellings hereby permitted and permanently retained thereafter.**

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

## **Informatives:**

### 1. ECOLOGY

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

### 2. HIGHWAYS

#### Storage of materials

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

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

#### Obstruction of highway

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

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

#### Debris and deposits on the highway

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition

such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.



### 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.

### 3. 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.

#### Construction Dust

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

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

#### Air Quality Informative

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative

impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

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

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

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

#### 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>

### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	<p>The proposal is within the grounds of Rosemary Cottage. This is a grade II listed building which is timber framed with brickwork of a single storey and converted attic. It would appear to date from the 16th/17th century and formerly was a farmhouse. Outbuildings survive at the site. The farmhouse is also within the conservation area, however the land in question is not within the conservation area. The proposed would therefore, be considered to be located adjacent to and within the setting of designated heritage assets.</p> <p>Rosemary Cottage appears to have historically been a farmhouse located at the northern end of Northchurch with land leading down to the River Bulbourne. The farm was rooted in the surrounding agricultural land and the building was experienced in this landscape. This appears to have changed from Orchard and field with watercress beds adjacent to the river in the early 20th century. In the latter half of the 20th century Northchurch expanded and the farm is now located</p>

	<p>within the village, surrounded by late 20th century housing and the visual link between the house and the river was removed. The area of land retained at present would appear to be that shown on the inter war and post war map which shows a footpath crossing the field and it defining the edge between the field and the reduced orchard. Therefore although there has been enclosure to the north and south of the farmhouse the open area to the east allows some level of understanding and context relating to its historic use. This also helps to define the character of Northchurch as a small agricultural community with the main commercial centre moving to Berkhamsted following the development of the castle in the 11th Century. The other point of interest is that this is the only part of the pre 19th century character of Northchurch North and West of New Road. As since then it has been overlain by 19th century terraced housing development. As such Rosemary Cottage is unusual in that it is set back and downhill from the building line and within a substantial plot.</p> <p>The proposed new dwellings have been substantially rethought since the previous scheme and further changes have been made following the pre application stage. The houses are now modest 1 ½ storey buildings in a short stepped terrace. They reflect the general pattern of development within this area of Northchurch and face onto the street. They have now been located further from the listed building and behind a planted belt. The design although contemporary reflects the vertical character of the historic housing stock with pitched roofs. The materials are a mixture of traditional and more contemporary roofing.</p> <p>Having carefully considered the scheme we believe that it would not have a detrimental impact on the setting of the listed building nor the conservation area. It is a relatively low level small scale development which would sit comfortably with the context. As noted above and on previous refused schemes there would be a loss of the land and therefore the understanding of the building in the wider context would be impacted. As such we would consider the level of harm to be less than substantial and at a nominal level. As such we would not object to the proposals.</p> <p>Recommendation We would not object to the proposal as the level of harm now identified is at a very low level. However the planning officer should consider this and weigh up the balance as per the guidance within the framework. External materials and finishes subject to approval. Hard and soft landscaping subject to approval.</p>
Northchurch Parish Council	<p><u>02/05/24</u></p> <p>NPC: Objects on the following grounds:</p> <ol style="list-style-type: none"> <li>a. Loss of parking spaces (allowing for turn-in) on a street that is heavily used for parking by existing residents of Chapel Croft and High Street. These users will be pushed into other parts of the estate which already have significant parking issues.</li> <li>b. Shading of the gardens of 18 Kite Field &amp; 19 Merling Croft will have a detrimental effect on those residents even though the figures are technically within BRE guidelines.</li> <li>c. Overdevelopment of an area which is adjacent to the conservation</li> </ol>

	<p>area. The additional occupants &amp; visitors will cause additional congestion &amp; impact on Chapel Crofts and the surrounding roads which will be unable to handle it.</p> <p>d. Access is already very tight for cars and it will be very difficult for delivery trucks during construction. If this application is approved, a Construction Management Plan will be essential to impose strict delivery &amp; construction times given the housing for the elderly &amp; infirm surrounding the proposed development.</p> <p>e. Whilst the construction phase is not a planning issue, we feel strongly that this development will be stressful &amp; disruptive to the lives of the vulnerable people on the estate and should be considered.</p>
<p>Northchurch Parish Council</p>	<p><u>31/01/24</u></p> <p>NPC: Object's to planning application 24/00087/FUL on the following grounds:</p> <ul style="list-style-type: none"> <li>- incompatibility of the design with neighbouring buildings including Grade II listed Rosemary Cottage in the adjacent conservation area;</li> <li>- lack of swept path analysis for the narrow vehicular access off a very narrow street;</li> <li>- loss of 2-3 parking spaces (allowing for turn-in) on a street which is heavily used for parking by existing residents of Chapel Crofts &amp; the High St, and by shoppers visiting the High St &amp; High St South;</li> <li>- significant shading of the gardens of 18-20 Kite Field at certain times;</li> <li>- loss of privacy for residents of 18-20 Kite Field due to the side-facing windows.</li> </ul>
<p>Hertfordshire Highways (HCC)</p>	<p><u>09/04/24</u></p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 B as a dropped kerb and vehicle crossover in accordance with details/specifications agreed at the section 278 stage. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway</p> <p>Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>Highway Informatives</p> <p>HCC as Highway Authority recommends inclusion of the following</p>

Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN 4) 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

	<p>0300 1234047.</p> <p>Comments</p> <p>The proposal is for the development of a terrace of three houses with associated access arrangements, following demolition of existing sheds at Rosemary Cottage, 126 High Street, Northchurch. The new dwellings will be located on Chapel Crofts, a 30 mph dead-end unclassified local access route that is highway maintainable at public expense.</p> <p>Highway Matters</p> <p>The existing site is just green space. The proposal is to create 3 new dwelling with a hardstanding for 6 vehicle spaces and a single width access onto Chapel Crofts to serve the dwellings. Although not stated, HCC Highways would expect the access to be a dropped kerb to ensure the pedestrian environment is maintained in accordance with Policy 1 and 5 within HCC's Local Transport Plan. The dropped kerb should be built to standards stipulated in HCC's design guide. The access arrangements and visibility splays are suitable for the classification of the adjacent route. The new access would need to be constructed under a section 278 agreement (please see informative 4) in the form of a dropped kerb. The new dwellings would be located near the High Street in Northchurch which provides facilities such as job opportunities and is within achievable walking and or cycling distance.</p> <p>Drainage</p> <p>The proposed new driveways would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.</p>
Hertfordshire Highways	<u>25/01/24</u>

(HCC)

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 occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 556 / TP / 002 as a dropped kerb and vehicle crossover in accordance with details/specifications agreed at the section 278 stage. 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).

Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up

carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN 4) 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.

#### Comments

The proposal is for the development of a terrace of three houses with associated access arrangements, following demolition of existing sheds at Rosemary Cottage, 126 High Street, Northchurch. The new dwellings will be located on Chapel Crofts, a 30 mph dead-end unclassified local access route that is highway maintainable at public expense.

#### Highway Matters

The existing site is just green space. The proposal is to create 3 new dwelling with a hardstanding for 6 vehicle spaces and a single width access onto Chapel Crofts to serve the dwellings. Although not stated, HCC Highways would expect the access to be a dropped kerb to ensure the pedestrian environment is maintained in accordance with Policy 1 and 5 within HCC's Local Transport Plan. The dropped kerb should be built to standards stipulated in HCC's design guide. The access arrangements and visibility splays are suitable for the classification of the adjacent route. The new access would need to be constructed under a section 278 agreement (please see informative 4) in the form of a dropped kerb. The new dwellings would be located near the High Street in Northchurch which provides facilities such as job opportunities and is within achievable walking and or cycling distance.

#### Drainage

The proposed new driveways would need to make adequate provision



	<p>for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need be collected and disposed of on site.</p> <p>Refuse / Waste Collection</p> <p>Provision would need to be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.</p> <p>Emergency Vehicle Access</p> <p>The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative (in relation to entering into a Section 278 Agreement) and conditions.</p>
Hertfordshire Ecology	<p>Overall Recommendation:</p> <p>Further information required - a HRA assessment will be required prior to determination.</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>• The site lies within the Chilterns Beechwoods SAC Zone of Influence - A HRA is required.</li> <li>• Nesting bird informative.</li> </ul> <p>Comments:</p> <p>Chilterns Beechwoods SAC: The proposed development comprises the erection of three houses, which 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 (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> <p>Protected species: Due to the location, and the nature and scale of the development, I do not consider there to be any fundamental ecological constraints associated with the proposals. The development will result in the demolition of the existing sheds on site, however, given that bats are unlikely to roost in sheds, this does not represent a constraint. There is substantial nesting bird habitat on site, and the garden looks to be very overgrown. All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:</p> <p>"In order to protect breeding birds, their nests, eggs and young, development 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>
Natural England	<p>NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO  DETERMINE IMPACTS ON  DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES  OF CHILTERNNS  BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)  WITHIN 12.6 KILOMETRES  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> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>

<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, 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</p>
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	<p>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> <p><b>Invasive and Injurious Weeds</b></p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Historic Environment (HCC)</p>	<p>We were consulted by yourselves on planning application 20/02360/FUL. Our comments remain the same and are noted below:</p> <p>The proposed development is in Area of Archaeological Significance No 21, as identified in the Local Plan. This covers the historic settlements of Berkhamsted and Northchurch. Northchurch has at least late Saxon origins, and the parish church of St Mary [Historic Environment Record no. 4447], c.150 metres to the south east, although mainly of 13th and 15th century date, contains Saxon fabric in the south and part of the west wall. Early churches such as St Mary's are invariably associated in Hertfordshire with the sites of manors or other elite residences. It is therefore probable that such a residence existed close to the church, although there is no direct evidence of its</p>

position.

The proposed development is also close to Akeman Street [HER 4595], a major Roman road. The Roman course is followed by the High Street. In 2002, observation of the footings for a new house (142 High Street, c.70m north west of the development site) revealed evidence of Roman occupation next to Akeman Street [HER 11776]. Three features were recorded, one of which contained Roman pottery, brick and tile, and iron. The builders' spoil heap yielded numerous finds, including 49 Roman potsherds.

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest. I recommend that the following provisions be made, should you be minded to grant consent:

1. The evaluation, via trial trenching, of the proposed development site, prior to development commencing;
2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
  - a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;
  - b) the appropriate archaeological excavation of any remains before any development commences on the site;
  - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results;
4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written

	<p>Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> <li>2. The programme and methodology of site investigation and recording as required by the evaluation</li> <li>3. The programme for post investigation assessment</li> <li>4. Provision to be made for analysis of the site investigation and recording</li> <li>5. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>6. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ol> <p>Condition B</p> <p>i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition A.</p> <p>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office can provide details of the requirements for the investigation and information on archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p>
Canal & River Trust	<p>The Canal &amp; River Trust is a statutory consultee in Article 18 Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types of scales of proposed development.</p> <p>This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.</p> <p>WE are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal &amp; River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.</p>

	<p>Should you have a query in relation to consultation of the Canal&amp; River Trust on planning applications, please email us at <a href="mailto:planning@canarivertrust.org.uk">planning@canarivertrust.org.uk</a></p>
<p>BCA Townscape Group</p>	<p>The BCA Townscape Group wishes to OBJECT to this application on the grounds of its impact on the setting of a Grade II listed building, and its inappropriate design and materials.</p> <p>The Group accepts that some of the access problems created by 20/02360/FUL (dismissed on Appeal in March 2021) have been overcome - although there is still intrusion and loss of spaces from the car access - but the design aspects have not. Particularly, the zinc roofs contrasting with the surrounding buildings' roofs. The Group would like to see more compatible materials in this sensitive setting.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.</p> <p>This reflects the introduction of a residential end use (three dwellings) that would be vulnerable to the presence of contamination on to a brownfield site, albeit one that appears to have only had a residential land use.</p> <p>If permitted, the below condition will enable the assessment of any site specific issues, whether on site or in close proximity, to be identified and if necessary appropriate recommendations made to ensure that the future site is safe and suitable for its intended use.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <ul style="list-style-type: none"> <li>a) No development approved by this permission shall be commenced 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.</li> <li>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: <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> </ul> </li> </ul>

- ii. The results from the application of an appropriate risk assessment methodology.
- c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- d) This site shall not be occupied, or brought into use, until:
  - i. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

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

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

Informative:

The above conditions are 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)

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
23	13	1	12	0

### Neighbour Responses

Address	Comments
26 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA	<p>I object to the proposed development for the following reasons:-</p> <ol style="list-style-type: none"> <li>1. The current site is an increasingly rare green space for the natural world and the removal of the conifer trees will impact on the local bird population. These trees also provide a suitable barrier to the site.</li> <li>2. The single footpath on Chapel Crofts is a well used route for both young and old. The proposed access to the development across this footpath will provide an unwelcome hazard.</li> <li>3. The loss of parking spaces on the narrow cul-de-sac of Chapel Crofts will affect its residents and subsequently have repercussions for those of us who live in an already busy Kite Field.</li> </ol>
16 Kings Road Berkhamsted Hertfordshire HP4 3BD	<p>I object to this proposal because it will have a detrimental impact on the nearby residents.</p> <p>There will be an increase in traffic, access problems and a loss of privacy for the neighbouring residents.</p> <p>Three houses is too many for this size plot.</p>
24 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA	<p>Sorry for the late response to this planning application. No planning notice was displayed in the road concerned, Chapel Crofts. I would just like to say that my concerns/objections are reiterated as previously mentioned by other people's comments. Chapel Crofts is a small cul de sac with an already growing parking problem. Many people who live in the adjacent high street already use this road for parking. If parking isn't possible here they will be forced to use other roads i.e..Kitefield, which is also congested and has sheltered housing for the elderly. Ambulances are regularly in attendance here. Plus with more traffic comes more pollution. Also I do have concerns with loss of privacy to the rear of my property as the proposed development will be on a</p>

	<p>higher elevation. As per the plan the new properties look out of character with surrounding properties.</p> <p>This objection is on behalf of the residents at number 28 Kitefield,. The foot path in Chapel Crofts is in constant use by elderly people from compass point and parents taking children to and from school. Also access to my garage which in Chapel Croft will be limited if this goes ahead. Also the proposed properties are not in keeping with the area. People on the high street park in Chapel Croft ,if this goes ahead there will be a parking problem in Kitefield. Also this will be a issue with emergency services which are frequently in this.</p>
<p>10 Kite Field Northchurch Berkhamsted Hertfordshire HP4 3XA</p>	<p>Our concerns are similar to other households in that this is a development which we believe is being shoehorned into a small cul-de-sac and likely to impact on the already strained parking situation in Kite Field, Chapel Crofts and surrounding roads.</p> <p>Main concerns:</p> <p>Increase in vehicle movements in a small area impacting on the safety of older and young residents (primary and secondary school children) who use the footpath on a regular basis.</p> <p>Restricting ease of access to the High Street for local residents. Increase in environmental and noise pollution owing to increase in vehicle use.</p> <p>Environmental damage caused by cutting down the long established trees at a time when councils should be supporting government policy re climate change issues.</p>
<p>1 Chapel Crofts Northchurch Berkhamsted Hertfordshire HP4 3XG</p>	<p>We would once again like to object to the proposed development on the Rosemary Cottage property. This follows from the previous refused application 20/02360/FUL and dismissed appeal 21/00044/REFU. The new proposals do nothing to mitigate any of the previous reasons for refusal and so these must be fully reviewed. I shall expand on those points raised in the previous applications.</p> <p>Living Conditions &amp; Highway Safety</p> <p>Chapel Crofts is located in close proximity to the High Street and New Road. Within these two areas, there are large numbers of private residences, St Mary's Primary School, 2 businesses called Amrit and Bon Soiree, the local Parish Council offices, Tesco's, the Fish &amp; Chip Shop and Compass Point Care Home off Kite Field. Parking is already extremely congested in all of these areas. As a result of this, all of the above use Chapel Crofts to supplement the limited parking available.</p> <p>Chapel Crofts is a narrow cul-de-sac containing 9 households. Each household has just one off road parking space (any garages are too small for modern sized cars) but most of the households have at least two vehicles which means on street parking is essential. However, parking is already limited for the Chapel Crofts residents (at all times of the day) because of the use from the non-residents listed above.</p>

This creates congestion significantly beyond any level anticipated when this estate was originally designed and access and turning in the road is difficult for cars and often impossible for larger emergency or refuse vehicles. Whilst additional parking may be created on the new site, this will be dedicated for those residents and be at the cost of at least 3 parking spaces currently available to the surrounding areas.

What the site location plans do not show is that the width of the road at the point of the proposed entrance is just 4.7m. For context, the width of a fire engine/ refuse lorry is 2.3m approximately and average family saloon 1.8m. This allows minimal room for manoeuvring, access will be very difficult and will create a safety issue due to reduced visibility when crossing the pavement. Please come and look at the proposed entrance.

This parking issue has been cited in a previous, refused, planning application (4/02931/16/FUL) on the adjacent Merling Croft (which is bigger than Chapel Crofts) in 2017: "Insufficient parking arrangements were proposed which would place undue parking stress on the area". This was appealed (4/00918/17/FUL) and again rejected on the same grounds that: "Policies CS8 and CS12 of the Core Strategy<sup>1</sup> collectively require, amongst other things, the provision of sufficient, safe and convenient parking for new dwellings. Appendix 5 of the Local Plan 2 contains the Council's standards for parking and states that for 1 bedroom dwellings this should be between 1 and 1.21 on-site spaces (depending on the residential zone) and for 2-bedroom dwellings, 1.5 on-site spaces".

Merling Croft is adjacent to Chapel Crofts but significantly bigger. This refusal was for just 1 dwelling not 3...

This increased congestion and manoeuvring of vehicles in this narrow cul de sac leads on the next, significant safety issue. Chapel Crofts is a busy pedestrian thoroughfare with only one pavement. This is utilised by not only the residents of Chapel Crofts, but also those from wider estate including the residents of the Compass Point Care Home (many of whom have reduced mobility) and parents of young children. They use it as a safe cut through to the shops, St Mary's school, bus stops and to avoid the busy High Street. This proposed access would significantly increase the number of cars manoeuvring in what is a very narrow road and present an increased risk to the more vulnerable members of our community (young and old) as there is no other pavement for them to use and vehicles will be crossing the only footpath.

The National Planning Policy Framework, December 2023 states:

116. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to

	<p>local character and design standards;  d) allow for the efficient delivery of goods, and access by service and emergency vehicles;</p> <p>Therefore, this proposal does not meet the criteria laid out in the NPPF as it does not give priority to pedestrians, create a safe place minimising conflicts between pedestrians and vehicles and it will hinder access to emergency vehicles.</p> <p>Setting &amp; Impact on the conservation area</p> <p>This development is proposed in the Northchurch Conservation Area and Rosemary Cottage is one of the most significant heritage assets in this area. As stated in the appeal outcome, "although the site is surrounded by a housing estate, the proposal to build 4 houses on the site would considerably erode these historic associations, which would undermine the contribution that the setting makes to the historic interest of the conservation area. Consequently, the significance of the conservation area would be materially harmed by the proposed development within its setting. Whilst the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, this harm must be weighed against the public benefits of the proposal."</p> <p>This impact has not changed by reducing the number of properties by one. Furthermore, the design, appearance and materials proposed for these properties is completely out of keeping with anything locally and would further erode this small remaining conservation area.</p> <p>Finally, the land registry shows that the strip of land between the pavement and Rosemary Cottage's border is owned by Bellwinch Homes Ltd under title HD145781. This proposal would require access over this strip of land- have they served notice to them and been granted this access as it is not listed in the application under Ownership certificates?</p> <p>Given the items listed above, we trust you will again reject this proposal. However, should you wish to progress it, we would expect this application to be reviewed by the full committee given the policy conflicts listed above.</p> <p>I have submitted a response to the updated plans via post in order to include diagrams as there no facility online to do this. Please can you confirm receipt and add under the documents tab as you have done with a previous neighbour's letter. Many thanks.</p>
<p>17 Chapel Crofts  Northchurch  Berkhamsted  Hertfordshire  HP4 3XG</p>	<p>I agree with the comments from 20 Kite Field. Although I have no objections to the building of houses, I am very concerned about the access going across the only footpath. There is no footpath on the other side of the road and elderly people and school children use this affected path on a regular basis. This would also impact on the parking, which is an ongoing problem in our road. It would mean the loss of at least two parking spaces as well as making access for ambulances, dustbin lorries etc. very difficult. Incidentally, as far as can tell, my</p>

	<p>neighbour and I are the only ones who did not receive notification by letter of this application and only found out by hearsay, which is very annoying. I have also asked Rosemary cottage in July 2023 to reduce the height of the trees opposite me as we have to have lights on daily in three rooms facing the trees. I was assured that the tree surgeon had asked for planning permission to prune the trees before this spring, but I do not see any application for this. Am I wrong?</p>
<p>The Old Barn Bottom Farm Swing Gate Lane Berkhamsted Hertfordshire HP4 2RP</p>	<p>I would like to say that there seemed to be a lack of visible notification that an application for this development had been made. Hence my late response!</p> <p>I strongly object to this development and cite and reiterate all the excellent points of objection put forward by the residents of 1 Chapel Crofts.</p> <p>In addition I think if this development is to be approved I believe that the main issues of impact (all of which are negative) will be as follows:-</p> <ol style="list-style-type: none"> <li>1. Loss of parking for residents in Chapel Crofts and Kite Field and others who live on the High Street.</li> <li>2. With the loss of the pavement up to cut through to the High Street there will be heightened road traffic dangers to pedestrians. These pedestrians will include the elderly from the nearby care home who have mobility issues and mobility scooters and parents with small children using pushchairs. Without a pavement it will be extremely dangerous for these people to negotiate safely up Chapel Croft to access St Mary's school and the high street in general. Also when/if this development is under construction there will be a high level heavy goods vehicles delivering materials which will pose another level of danger to pedestrians</li> <li>3. There are already access issues for larger vehicles such as the bin men and emergency vehicles to get to the care home and Chapel Croft via Kite Field. Their ability to turn around in this area is already a problem with the numbers of cars parked within these narrow roads. As stated prior during the period of construction of the development there will be large delivery vehicles delivering on a very frequent basis resulting in traffic disruption and chaos in this area.</li> <li>4. The sharp, boxy and angular design of the proposed houses does not seem to be within keeping with the existing architecture of the dwellings around it on the Spring Field Estate and the Grade II listed Rosemary Cottage.</li> <li>5. The height of the proposed development will have a negative impact on the natural light available to the adjacent dwellings 20, 18 and 16 Kite Field.</li> <li>6. The height of the proposed dwelling will also cause a loss of privacy to rear gardens opposite of dwellings 22 and 24 Kite Field.</li> </ol>

	<p>7. The installation of heat pumps for the proposed development could cause a lot of noise pollution and disturbance (potentially 24 hrs a day) to the adjacent residents in Kite Field and 19 Merlin Croft.</p> <p>8. Three houses on this plot is too many and will most likely result in another 6 cars using this quiet narrow small cul de sac.</p> <p>9. In the response from 1 Chapel Croft they mention that the strip of land between the road and the boundary of Rosemary Cottage is owned by another party. Has it been investigated that this party are aware of this proposed application? Obviously without their consent or knowledge this development is not viable.</p>
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This site is suitable for the inclusion of integrated Swift bricks within the walls of the new development, which at present does not appear to include any biodiversity enhancements.</p> <p>Swift bricks conform to the British Standard for integrated nest boxes, BS42021:2022, making them universal for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling. All of these species nest in Berkhamsted / Northchurch making inclusion a real biodiversity enhancement.</p> <p>Swifts in particular nest close to this development with nests being recorded on Mandelyns, and also birds being seen adjacent to this site on on Chapel Crofts, see the RSPB's Swift Mapper website, <a href="http://www.swiftmapper.org.uk">www.swiftmapper.org.uk</a>.</p> <p>The draft Dacorum Local Plan, which may be in force by the time this development is constructed, states at 18.24: "Features for wildlife should be integrated into the built environment e.g. bird boxes, bat boxes and hedgehog highways"</p> <p>Please consider securing Swift bricks by way of a condition, worded such as "no development shall take place until written details are approved by the LPA of the model and location of 2 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p>
<p>110 High Street Northchurch Berkhamsted Hertfordshire HP4 3QN</p>	<p>I wish to object to these proposals, and the content of the application form.</p> <p>As per feedback we provided for previously declined applications, the road network and parking provision in this area is already under considerable pressure. There is already insufficient parking for the vehicles from existing properties.</p> <p>The new proposal says that no parking spaces will be lost, and that 6 new spaces will be created. This is conflicted by the drawings included in the application, which show that potentially 3 spaces will be lost (the one where the entrance is proposed, and one to either side to allow turning into the drive way). This is a loss of 3 on street spaces out of the</p>

	<p>8 that are currently on this road, meaning an almost 50% reduction in parking for existing houses, plus the additional parking requirements from the new properties.</p> <p>The 6 new spaces detailed will be private parking for the new houses, so will not replace the lost parking.</p> <p>We still feel the only way that new houses can be accommodated on this land is if the entrance is directly from the High Street, using the existing driveway that is already in place.</p>
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# Agenda Item 5b

ITEM NUMBER: 5b

24/00787/FUL	Demolition of existing dwellings and stable/storage buildings and redevelopment with three detached dwellings.	
Site Address:	End Oak, Water Lane, Bovington, Hemel Hempstead, Hertfordshire HP3 0NA	
Applicant/Agent:	Mr And Mrs T & S Jones	Ms Adams
Case Officer:	Heather Edey	
Parish/Ward:	Bovington Parish Council	Bovington / Flaunden / Chipperfield
Referral to Committee:	Contrary View of Parish Council	

## 1. RECOMMENDATION

1.1 That planning permission be REFUSED.

## 2. SUMMARY

2.1 The proposed development is unacceptable in principle, noting that the works fail to accord with any of the exceptions for appropriate development in the Green Belt set out under Paragraphs 154 and 155 of the NPPF (2023). Whilst amounting to a number of benefits, it is not considered that these factors are sufficient to warrant the case for very special circumstances required to justify the development and outweigh its harm on the Green Belt. The proposal is therefore unacceptable in principle, failing to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

2.2 Whilst the design and material finishes of the proposed dwellings have been significantly improved under the current proposal, by reason of its siting, House 3 detracts from the established pattern of development, encroaching into the countryside. The proposal is therefore unacceptable on design/visual amenity grounds, and is contrary to Policies CS5, CS11 and CS12 of the Core Strategy (2013).

2.3 The proposed development is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of amenity for future occupants. No highway/pedestrian safety concerns are considered to be generated and sufficient off-street car parking provision would be provided for future occupiers of the site. The proposal therefore complies with the NPPF (2023), Policies CS8, CS11, CS12, CS19, CS20 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

2.4 The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

## 3. SITE DESCRIPTION

3.1 The application site is located to the north east of Water Lane, in a semi-rural location on the outskirts of Bovington, in the Metropolitan Green Belt. The site comprises two modest detached bungalows known as End Oak and Oakleigh which front Water Lane, and to the rear, comprises a



number of detached equestrian stable buildings/facilities which formerly served as a horse livery/riding school.

3.2 The site is served by two vehicular accesses off Water Lane and is heavily landscaped along its boundaries. The riding school/horse livery is no longer in operation, with the existing array of stable buildings used by the current site owners for stabling/storage purposes.

#### **4. PROPOSAL**

##### *Previous History*

4.1 Under application 23/02417/PRDB, pre-application advice was sought to establish whether any concerns would be raised to the proposed redevelopment of the site, (including the demolition of the existing bungalows and stable buildings), to provide four new residential dwellings, (consisting of three one and a half storey dwellings and a bungalow).

4.2 The previous Case Officer raised objection to the above scheme at pre-application stage. Firstly, concerns were raised that the proposal would be unacceptable in principle, noting that the works failed to accord with any of the exceptions for appropriate development in the Green Belt, and that the arguments in favour of the scheme were insufficient to warrant the case for very special circumstances required to justify the development. In support of this argument, the previous Case Officer made reference to the fact that the proposal would result in a greater sprawl of development across the site, a significant intensification of the use of the site and noted that the fourth dwelling, (when considered in connection with its residential curtilage), would amount to the introduction of urban sprawl into rear open land.

4.3 In addition to the above concerns, the previous Case Officer also raised objections to the scheme on design grounds, arguing that the development would detract from the semi-rural character and appearance of the immediate area. In particular, it was argued that the proposed increase in density would detract from the sense of spaciousness on the site, and that the suburban and uniform designs/external appearances of the dwellings would appear incongruous in this semi-rural setting.

##### *Current Proposal*

4.4 Under the current application, permission is sought to redevelop the site, with works including the demolition of the existing detached bungalows and stable/storage buildings, and the construction of three detached dwellinghouses with associated garages/carport structures.

4.5 The submitted plans indicate that Houses 1 and 2 would be sited to front Water Lane, (consistent with the existing build line of properties), whilst House 3 would be sited to replace the existing equestrian stables/buildings to the rear. The properties would all comprise a one and a half storey height, (ranging from heights of approximately 7.6m to a maximum height of 8.2m), and would be served by existing vehicular accesses off Water Lane.

4.6 The properties would all be of traditional design/style, featuring half hipped roofs, dormers and oak framed porches, and would be externally finished in a mixture of different materials, including plain clay and slate roof tiles, red multi clay bricks, timber cladding and flint walling.

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

Planning Applications (If Any):

4/00979/93/FUL – Use of premises for operation of 3 taxi and minibus.  
*Granted – 20<sup>th</sup> August 1993*

4/0033/90 – Use of parking and operation of taxis (temporary permission)  
*Granted - 15<sup>th</sup> March 1990*

W/0251/62 – Dutch Barn.  
*Granted - 1962*

## **6. CONSTRAINTS**

Advert Control: Advert Spec Control  
CIL Zone: CIL2  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Green (15.2m)  
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 (December 2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

### Dacorum Core Strategy (2013)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS29 - Sustainability Design and Construction  
CS32 - Air, Soil and Water Quality  
CS35 - Developer Contributions

### Local Plan (2004)

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

Parking Standards Supplementary Planning Document (2020)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

## **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

#### *Policy*

9.2 The site falls within the Metropolitan Green Belt, wherein new development is heavily restricted. Whilst Paragraph 154 of the NPPF (2023) states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, this policy proceeds to set out a number of exceptions to this rule. The following exception is deemed of relevance to the current proposal:

*'g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

9.3 Policy CS5 of the Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, and that small-scale development will be permitted, (i.e. (e) the redevelopment of previously developed sites), provided the works have no significant impact on the character and appearance of the countryside and that the works support the rural economy and maintenance of the wider countryside.

#### *Assessment*

### Do the works amount to the redevelopment of previously developed land?

9.4 The NPPF (2023) defines previously developed land as:

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

9.5 The application site is currently occupied by two residential dwellings and an array of equestrian stables/barns. Given that the site does not fall under any of the exclusions set out above, it is felt that the proposal can reasonably be considered to amount to the redevelopment of previously developed land.

Would the works have a greater impact on the Green Belt's openness than the existing development?

9.6 The application does not propose the construction of any affordable housing and as such, the key issue of consideration to the application relates to whether the works would have a greater impact on the openness of the Green Belt than the existing development.

9.7 Floorspace and volume calculations were included as part of the submitted Planning Statement. During negotiations with the Agent, inaccuracies were highlighted, and as such, the following revised figures were submitted:

<b>Building</b>	<b>Existing Footprint – Gross External Area (m<sup>2</sup>)</b>	<b>Proposed Footprint – Gross External Area (m<sup>2</sup>)</b>	<b>Existing Volume (m<sup>3</sup>)</b>	<b>Proposed Volume (m<sup>3</sup>)</b>	<b>Permitted Development – Gross External Area (m<sup>2</sup>)</b>	<b>Permitted Development – Volume (m<sup>3</sup>)</b>
End Oak (including garage and greenhouse)	135.3	/	/	/	/	/
Oakleigh	104	/	/	/	/	/
House 1 (excluding garage/carport)	/	158	/	/	/	/
House 2 (excluding garage/carport)	/	166	/	/	/	/
House 3 (excluding garage/carport)	/	181	/	/	/	/
Barn 1	83	/	/	/	/	/
Barn 2	86	/	/	/	/	/
Stables 1	83	/	/	/	/	/
Stables 2	71	/	/	/	/	/
Garages/carports	/	318.1	/	/	/	/
<b>Total</b>	<b>545.9</b>	<b>823.1</b>	<b>1,822.8</b>	<b>2,145</b> (excluding garages/garden stores)	<b>967</b>	<b>3067.47</b>

9.8 Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Whilst amounting to a reduction in the number of buildings on the site, spatially, the above figures indicate that the overall increases in floorspace and volume between the existing development and proposed scheme would be substantial when considered in connection with the existing pattern of development. Furthermore, significant height increases would be made, with modest single storey bungalows End Oak and Oakleigh, (comprising maximum ridge heights of approximately 4.4m and 5.8m, and eaves heights of approximately 2.5m), replaced by bulky, one and a half storey properties, (comprising maximum ridge heights of approximately 8.1m and 8.2m and eaves heights of approximately 3.7m and 3.8m), therein further reducing the spatial openness of the site.

9.9 Whilst House 3 would be sited in a similar location to the existing array of stable buildings and would therefore have limited presence in public views from Water Lane, this property would be subject to views from the public right of way to the North, (i.e. Bovingdon footpath 014), as such, introducing urban sprawl into an existing rural area of the site. Given that there is currently a clear delineation between residential and rural development, (with the existing bungalows fronting Water Lane and the array of equestrian buildings set significantly to the rear into the open countryside), concerns are raised that House 3 would visually erode this character, encroaching into the open countryside.

9.10 Furthermore, whilst positioned to be more consistent with the layout of existing properties along Water Lane, by reason of their siting closer to the Highway, increased footprint, scale and height, Houses 1 and 2 would appear visually prominent additions to the site, significantly reducing and eroding the sense of spaciousness on the site.

9.11 Additional harm to the Green Belt's openness would also be created by way of the intensification of the use of the site, with the works proposed in connection with the development, (i.e. installation of new boundary fencing, creation of new paved patio areas, addition of hardstanding and construction of carport additions), further reducing openness and increasing domestic sprawl across the site.

9.12 Based on the above assessment, it is concluded that the proposed development would have a greater impact on the spatial and visual openness of the Green Belt than the existing development, and would conflict with the purposes of including land within the Green Belt. Given that the proposal therefore fails to accord with any of the exceptions of appropriate development set out under Paragraph 154 of the NPPF (2023), the proposal amounts to inappropriate development in the Green Belt and is therefore unacceptable in principle, contrary to Policy CS5 of the Core Strategy (2013).

#### Quality of Design / Impact on Visual Amenity

##### *Policy*

9.13 The NPPF (2023) 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 CS5, CS11 and CS12 all seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials and is sympathetic to its surroundings.

##### *Assessment*

9.14 No objections are raised in principle to the demolition of the existing structures across the site, given that the existing bungalows and equestrian buildings are not considered to be of significant architectural merit or value.

9.15 The proposed new dwellings have been significantly improved in design terms to the scheme originally considered under application 23/02417/PRDB, with the varied forms, heights and material finishes of the three dwellings considered to be more in keeping and consistent with the existing pattern of development along Water Lane.

9.16 The proposed new dwellings would comprise mixed traditional architectural designs/styles, featuring a mix of half hipped roofs, dormers and oak framed porches, and would be externally finished in a mixture of external materials, including plain clay and slate roof tiles, red multi clay bricks, timber cladding and flint walling. The design of the new properties is considered to be acceptable in this context, preserving the spacious and semi-rural character of the site and wider streetscene.

9.17 Concerns are however raised in relation to the siting of house 3. Along Water Lane, there is a clear delineation between residential and rural development, with residential properties typically sited fronting Water Lane and rural buildings set significantly to the rear, in closer proximity to the open countryside.

9.18 Given that house 3 would be sited to replace the existing equestrian buildings, the addition would erode this established character, appearing incongruous with the established and underlying building pattern and detracting from the character and appearance of the area.

9.19 Concerns are therefore raised that House 3 would be unacceptable on design/visual amenity terms, failing to accord with Policies CS11 and CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2023).

#### Impact on Residential Amenity

##### *Policy*

9.20 The NPPF (2023) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Policy CS12 states that new development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to properties in the surrounding area. Furthermore, Saved Appendix 3 of the Dacorum Borough Local Plan (2004) states that residential development should be designed and positioned to maintain a satisfactory level of sunlight and daylight for existing and proposed dwellings.

##### *Assessment*

#### Existing Development

9.21 The application site shares boundaries with neighbouring properties Holly End and White Lilacs.

9.22 Given the separation distances retained between the new dwellings and the above neighbouring properties, it is not considered that the development would have any adverse impacts on the residential amenity of neighbouring properties in terms of being visually overbearing or resulting in a significant loss of light or privacy.

#### New Residential Units

9.23 Given the relationships between the new residential dwellings and the separation distances retained between these units, it is not considered that the new properties would have any adverse impacts on the residential amenity of the neighbouring units in terms of being visually intrusive or resulting in a significant loss of light. Furthermore, given that no first floor level windows are

proposed to the flank elevations of House 1 and House 2, it is not considered that the proposal would result in a significant loss of privacy.

9.24 All habitable rooms of the new residential properties are served by windows, therein facilitating outlook and daylight.

9.25 Given everything considered above, the proposal is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of residential amenity for future occupiers of the new residential units. The development is therefore considered to accord with Policy CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the NPPF (2023).

### Impact on Highway Safety and Parking

#### *Policy*

9.26 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.27 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

#### *Assessment*

9.28 The current proposal has been designed to utilise the two existing vehicular accesses, with the proposed site plan indicating that house 1 would be served by the first access, and houses 2 and 3 would be served by the second access.

9.29 With the exception of minor landscaping works, (i.e. the trimming back of existing soft landscaping to the southern boundary), to create a formal visibility splay for the second access, no changes or alterations are proposed to the existing site accesses. The development would however result in an intensification of the use of the site, (in particular, the use of the second vehicular access), and as such, the Highways Authority were consulted as part of the application and asked to assess the proposals' impact on the safety and operation of the existing highway network.

9.30 The Highways Authority have not raised any objections to the scheme on highway/pedestrian safety grounds. In light of this, and noting that the previous uses of the site as a premises for the operation of taxis/minibuses and as a riding school would have been likely to have resulted in similar levels of vehicular movements/traffic, it is not felt that any highway/pedestrian safety concerns would be generated.

9.31 The application proposes the construction of three detached dwellinghouses, including two three bed properties and one 2-bed property. Given that the Parking Standards Supplementary Planning Document (2020) states that a two-bed property in this location should provide a minimum of 1.5 spaces and a three bed property in this location should provide a minimum of 2.25 spaces, the development cumulatively generates the requirement for 6 off-street car parking spaces to be provided.

9.32 The submitted plans indicate that each residential unit would be served by an individual carport, therein providing two off-street car parking spaces for each property. Given that six off-street car

parking spaces would be provided, sufficient off-street car parking provision would be provided for future occupiers, according with the Council's parking standards.

9.33 The Highways Authority have raised objection to the scheme on sustainability grounds, noting that the location of the site would fail to promote sustainable forms of travel. In particular, they have noted that the rural location of the site would restrict sustainable forms of travel, (including cycling; walking and public transport), with future site occupants heavily relying on cars to access and leave the site.

9.34 Whilst these concerns are acknowledged, given the nature of existing development and the nature of the proposal, (i.e. noting that the site is currently occupied by two residential properties and the application only proposes the addition of a single further residential unit), it is not felt that the harm created on transport grounds would be sufficient to warrant refusal of the scheme.

9.35 Given everything considered above, the proposal is considered to be acceptable on highway/pedestrian safety grounds and parking grounds, therein according with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2023).

#### Other Material Planning Considerations

##### *Impact on Trees and Landscaping*

9.36 A single Ash tree on the south east boundary (T17) would be felled as part of the development. An Arboricultural Report and Impact Assessment by Pyramid Arboricultural Consultancy (dated March 2024) submitted in support of the application does however indicate that this tree is suffering from Ash die back and therefore requires removal.

9.37 In light of the above document, no objections are raised in principle to the removal of this tree. In the event that planning permission were granted, a condition would be attached to the formal planning consent requiring the planting of a replacement tree and requiring the development to be implemented in accordance with the recommendations set out under Paragraph 17 (page 9) of this document, as this would ensure that no trees or landscaping are adversely affected by the proposed development. The hard and soft landscaping details would also be secured by way of planning condition.

##### *Ecology*

9.38 Given the semi-rural nature of the site and the nature of the proposed works, the County Ecologist was consulted as part of the application.

9.39 Based on the findings set out in the submitted ecological reports and subject to a precautionary approach being taken once works commence, (i.e. in accordance with the recommended informatives), the County Ecologist has raised no objections to the works, considering the development to have no adverse impacts on wildlife/protected species.

9.40 With respect to Bats, the submitted surveys indicated that no roosting bats were using the existing buildings. A precautionary approach has been advised and is recommended by way of an informative.

##### *Biodiversity Net Gain (BNG)*

9.41 Given that the application was submitted prior to the deadline of 2<sup>nd</sup> April 2024, the proposal meets the criteria for small sites and is therefore exempt from the mandatory BNG requirement. The submitted planning documents do however indicate that the proposal would provide some



biodiversity benefits to the site, including physical enhancement features, (such as bat tiles and swift boxes), and habitat creation/ enhancement through the creation of a pollination garden and new mixed species hedge.

### *Contamination*

9.42 Whilst raising no objections to the development on contaminated land grounds, the DBC Scientific Officer has recommended the inclusion of two conditions, (including a pre-commencement condition), requiring the submission of Environmental Risk Assessment to demonstrate that land contamination has been considered and where necessary remediated. These conditions are considered to meet the six tests, in particular, being necessary to ensure that the proposal has no adverse impacts with respect to land contamination in accordance with Policy CS32 of the Core Strategy (2013) and the NPPF (2023).

### Response to Neighbour Comments

9.43 Three neighbours have commented on the application, with two raising support on the grounds that the development would amount to an improvement on the site. A further comment was received with respect to bats, and it is noted that swift boxes and bat tiles would be incorporated into the development in line with these recommendations. These arrangements could be secured by way of planning condition in the event that the application were granted.

### Community Infrastructure Levy (CIL)

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

### Chilterns Beechwoods Special Area of Conservation (CBSAC)

9.45 In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), consultants Footprint Ecology, assessed the recreational pressures on the Chilterns Beechwoods Special Area of Conservation (SAC) at Ashridge Estate and Tring Woodlands. The report, published in March 2022, revealed that more action is needed to help protect Ashridge Estate on the Hertfordshire-Buckinghamshire border, and Tring Woodlands, which are under increasing visitor pressure from the borough and surrounding areas.

9.46 In response, the Council's approach to all planning applications involving the construction of new homes has changed, with all development resulting in the net gain of residential development required to provide financial contributions for Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

9.47 Given that the proposal would result in the net increase of a single residential dwelling, the proposal is 'screened in' as affected by the Habitat Regulation Assessment regulation. Mitigation would therefore need to be secured by way of legal agreement in accordance with the Council's Mitigation Strategy.

### Green Belt Conclusion

#### *Policy*

9.48 As earlier noted, the proposed development is not considered to amount to appropriate development in the Green Belt and is therefore unacceptable in principle. Very special

circumstances are therefore required to justify the development and outweigh its harm to the Green Belt.

9.49 Policy 153 of the NPPF (2023) states, *‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’*

#### *Assessment*

#### Applicant’s Argument

9.50 A number of arguments have been put forwards in favour of the development, and it is argued that these factors cumulatively are sufficient to warrant the case for very special circumstances required to justify the development and overcome its harm on the openness of the Green Belt.

9.51 Firstly, it is argued that the proposal would amount to significant visual enhancements to the site, with the works replacing the existing bungalows and associated equestrian buildings with high quality, well-designed energy efficient dwellings and that the scheme would amount to economic benefits, (generating jobs and contributing to the local economy). It is also argued that the proposal would result in significant landscaping improvements, (by way of the removal of large areas of existing hardstanding and the introduction of a wildflower pollination garden and tree planting), and that the proposal would amount to significant biodiversity net gain (BNG), in excess of the requirements of national and local planning policy.

9.52 The Agent has also noted that a permitted development fall-back position exists, arguing that development more harmful to the visual and spatial openness of the Green Belt than the existing proposal could be undertaken without requiring formal planning consent. In support of this argument, a permitted development site layout plan has been submitted, (drawing reference 20105/02), indicating increases that could be undertaken to the existing bungalows under permitted development, utilising Classes AA, A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). (Floorspace and volume figures have also been provided to support this argument – see table set out under Paragraph 9.7 of the report).

9.53 Finally, the Agent has made reference to the ‘tilted balance’, arguing that as the Council are currently unable to demonstrate a five-year supply of deliverable housing sites, the ‘tilted balance’ in favour of granting planning permission, (as set out under Paragraph 11 (d) of the NPPF, 2023), should apply.

#### Officer’s Response

9.54 Minimal weight is given to the visual enhancements, economic benefits and landscaping improvements earlier mentioned, as it is considered that these benefits could be achieved under a more compact and sympathetic scheme to redevelop the site.

9.55 Case law has clarified that Local Planning Authorities (LPA’s) should consider whether there is a real prospect of a permitted development fall-back position being implemented when considering whether to accept and give weight to this argument. *“In order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice.” Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009].*

9.56 Whilst there is no evidence to suggest that permitted development rights for properties Oakleigh and End Oak have been removed, there are uncertainties with respect to the delivery of the permitted development fall-back scheme, given the heavy reliance on Classes AA and E. Whilst

Class AA allows householders to construct an additional storey to an existing dwelling, in order to exercise these rights, householders are required to submit an application for prior approval to the LPA. Given that no such applications have been submitted, there is no evidence to confirm that future applications utilising permitted development rights under Class AA would be granted, noting that the LPA would need to assess whether the works are considered to be acceptable on design/visual amenity and residential amenity grounds.

9.57 In the event that future applications to construct an additional storey to End Oak and Oakleigh were granted under Class AA, it has not been demonstrated that these permissions could be implemented, noting that no details have been submitted in support of the application to demonstrate that the foundations of both buildings are sufficient structurally to enable these works to proceed.

9.58 In order to utilise permitted development rights to construct detached outbuildings under Class E, the Applicant would need to demonstrate that these buildings would be 'incidental' to the main house, (in terms of their scale and use). As no specific details have been provided with respect to these additions, and no Lawful Development Certificate applications have been submitted to the LPA, there is no guarantee that the detached outbuildings shown on the permitted development site layout plan, (drawing reference 20105/02), could be implemented without requiring formal planning consent.

9.59 With respect to the 'tilted balance', it is not considered that this would apply to the current proposal. Whilst Paragraph 11 (d) of the NPPF (2023) asserts that the balance is tilted in favour of the presumption of sustainable development, this policy proceeds to set out the following exception to this rule: *'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.'*

9.60 The Green Belt is acknowledged as constituting a protected area. Given that the proposal is not considered to amount to appropriate development in the Green Belt in accordance with the NPPF (2023), the 'tilted balance' does not apply.

9.61 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Given that the proposal would result in the creation of an additional dwelling, the proposal would support the Council in the delivery of additional housing and it is therefore considered that modest weight should be given to this.

9.62 In accordance with Paragraph 153 of the NPPF (2023), 'substantial weight' should be given to any harm to the Green Belt when considering planning applications. Whilst it is evident that the scheme would amount to a number of benefits, (including the provision of new housing), and modest weight is given to this, it is not felt that these factors are sufficient to warrant the case for very special circumstances required to justify the development. The benefits of the scheme and permitted development fall-back position earlier outlined are not considered to significantly outweigh the proposals' harm to the visual and spatial openness of the Green Belt, or to overcome the proposals' conflict with the purposes of including land within the Green Belt.

9.63 Insufficient information has also been provided in support of the application to satisfy the Council that the development would not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. Given that substantial weight is attributed to protecting Special Areas of Conservation, it is not considered the benefits of the development outweigh this harm.

9.64 Overall, given everything considered above, it is not considered that the benefits of the scheme clearly outweigh the developments' harm to the Green Belt to allow the development to be granted.

## 10. CONCLUSION

10.1 The proposed development is unacceptable in principle, noting that the works fail to accord with any of the exceptions for appropriate development in the Green Belt set out under Paragraphs 154 and 155 of the NPPF (2023). Whilst amounting to a number of benefits, it is not considered that these factors are sufficient to warrant the case for very special circumstances required to justify the development and outweigh its harm on the Green Belt. The proposal is therefore unacceptable in principle, failing to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

10.2 Whilst the design and material finishes of the proposed dwellings have been significantly improved under the current proposal, by reason of its siting, House 3 detracts from the established pattern of development, encroaching into the countryside. The proposal is therefore unacceptable on design/visual amenity grounds, and is contrary to Policies CS5, CS11 and CS12 of the Core Strategy (2013).

10.3 The proposed development is considered to be acceptable on residential amenity grounds, having no adverse impacts on the residential amenity of neighbouring properties and securing high standards of amenity for future occupants. No highway/pedestrian safety concerns are considered to be generated and sufficient off-street car parking provision would be provided for future occupiers of the site. The proposal therefore complies with the NPPF (2023), Policies CS8, CS11, CS12, CS19, CS20 and CS29 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

10.4 The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

## 11. RECOMMENDATION

11.1 It is recommended that the application be REFUSED.

### Reason(s) for Refusal:

1. By virtue of their increased scale, height, volume and footprint, the proposed replacement dwellings would cause significant harm to the visual and spatial openness of the Green Belt. This harm would be exacerbated by way of the intensification of the use of the site and by way of the siting of the new dwelling house 3, and it is therefore considered that the proposal would have a greater impact on the openness of the Green Belt than existing development, therein failing to accord with exception g), Paragraph 154 of the NPPF (2023). Given that the works fail to accord with any of the other exceptions for appropriate development in the Green Belt and that it is not considered that the arguments in favour of the development are sufficient to constitute the very special circumstances required to justify the development and outweigh its harm on the Green Belt, the works are unacceptable in principle, amounting to inappropriate development in the Green Belt. In light of this, and noting that the works conflict with the purposes of including land within the Green Belt, (by way of encroaching into the countryside), the proposal fails to accord with Policy CS5 of the Core Strategy (2013) and the NPPF (2023).

2. By reason of its siting, House 3 would detract from the established character of the area, appearing at odds with the local pattern of development. Given that the development would appear incongruous with the established and underlying building pattern, the proposal would detract from the character and appearance of the area, therein failing to accord with Policies CS5, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2023).
3. The application does not provide sufficient information to satisfy the Council, as the competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area of Conservation. There are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to Policy CS26 of the Dacorum Borough Core Strategy (2013), Paragraph 175 of the National Planning Policy Framework (2023) and the requirements of the Habitats Regulations (2017 and 2019).

**Informatives:**

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. Whilst attempts have been made to amend the proposal to overcome the concerns raised at pre-application stage, it is not considered that these concerns have been fully addressed and the Council therefore remain of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Bovingdon Parish Council	Support
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p>

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

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

#### Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

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

#### Air Quality Informative.

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

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

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

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 <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

#### CONTAMINATION

Contaminated Land Conditions:

Condition 1:

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II

environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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

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

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

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

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

Condition 2:

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

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

Informative:

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



	<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>Hertfordshire Highways (HCC)</p>	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:</p> <p>1. The potential to support and promote sustainable forms of travel is limited and unsatisfactory and contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire's Local Transport Plan (LTP4) 2018, specifically Policy 1: Transport User Hierarchy and Policy 5 : Development Management.</p> <p>Following consideration of the location of the site, the potential to promote and encourage sustainable forms of travel (including cycling; walking and public transport) to and from the proposed residential development is poor and limited.</p> <p>There are no public footways along Water Lane and therefore no ability to reach the site on foot.</p> <p>Additionally, there is a lack of cycle paths along water lane, the narrow 40mph environment makes it unsuitable for cycle travel.</p> <p>Furthermore, the site is located in a rural location and the distances to any local amenities, facilities and public transport are significantly greater than guidance as laid out in Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, 2021 and Planning for Walking (CIHT, 2015). In addition, no details on cycling access to and from the site has been provided as part of the proposals. Any cycling provision should be provided in accordance with LTN1/20 Cycle Infrastructure Design, specifically section 4.4, which has not been demonstrated and is unlikely to be able to be provided.</p> <p>Conclusion</p> <p>Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused. The sustainable travel options to and from the site are limited and not satisfactory. Whilst there are some existing dwellings, these existed prior to the adoption of the existing LTP, updated NPPF and supporting guidance as referenced in this response. The proposals are considered</p>

	<p>to be contrary to Hertfordshire's LTP4 and the NPPF and therefore HCC is unable to recommend the granting of permission for this application.</p>
<p>Hertfordshire Ecology</p>	<p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections subject to HRA requirements being met (with any conditions/Informatives listed below).</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> <li>- Nesting bird and bat Informatives advised.</li> <li>- Habitat Regulations Assessment Required.</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>- Preliminary Ecological Appraisal (Ben Lansbury) - March 2024</li> <li>- Preliminary Roost Assessment (Arbtech) - November 2023</li> <li>- Ecological Technical Letter (Ben Lansbury) - May 2024</li> <li>- Arboricultural Report &amp; Impact Assessment (Pyramid Consulting) - March 2024</li> <li>- Proposed Site Plan - April 2024</li> </ul> <p>Comments:</p> <p>Biodiversity Net Gain &amp; Ecological Enhancement</p> <p>This application is exempt from Mandatory BNG given it was submitted before the 2nd of April and meets the criteria for small sites. Nevertheless, it is noted that a scheme that is sympathetic to ecology has been proposed for the development. The habitat creation/enhancement associated with this scheme is not formally quantified by a metric, but this is not mandatory for this application and so is not a constraint. I have no doubt that the scheme proposed would still provide some biodiversity benefit to the site. The scheme proposes physical enhancement features including bat tiles, and swift boxes within the fabric of the proposed dwellings, as well as habitat creation/enhancement by creating a pollination garden and a mixed species hedge. There is no list of species planting for the new hedging other than that it says it shall match the existing hedge - however, the PEA describes the existing hedge as mixed ornamental. It is recommended that any new species planting should be of native variety opposed to ornamental to maximise benefit for wildlife. Such could include species such as (but not limited to), hawthorn <i>Crataegus</i>, Black thorn <i>Prunus spinosa</i>, privet <i>Ligustrum vulgare</i>, hazel <i>Corylus avellana</i>, or common box <i>Buxus sempervirens</i>. Planting any of these species would be an ideal way of providing food and shelter for a variety of local bird assemblages and mammals, i.e., European Hedgehog.</p>

#### Protected Species

A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) have been carried out at the site. It is noted that two buildings on site were found to have low potential for roosting bats. I find no reason to dispute the findings of either of these reports and the enhancement and precautionary recommendations made are endorsed. However, it is noted that within the PRA (undertaken by Arbtech) it states that three surveyors would be necessary for B3, and two would be needed for B5 during the emergence surveys to ensure coverage of all potential roost features. It would appear the subsequent emergence surveys (as detailed in Ecology Technical Letter) for both of these buildings were carried out only by a single surveyor, contrary to the recommendations in the PRA. Nevertheless, given that it has been acknowledged that the surveyor did have a view of all potential roost features identified, this does not constrain the results of which concluded that no roosting bats were using the buildings.

However, in the unlikely event that bats are found, given the proposal will involve demolition and removal of existing buildings, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

"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."

It is also noted that a large Ash (T7) is recommended for removal within the Arboricultural Report, and given the described characteristics, this tree has potential to be used by nesting birds. Additionally, the stables were found to offer nesting opportunities for swallows. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:

"In order to protect breeding birds, their nests, eggs and young, development 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".

#### Habitat Regulations Assessment

The proposed development involves the demolition of two dwellings and their replacement with 3 new dwellings. This suggests a net

	<p>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).</p> <p>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.</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). 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>
Natural England	<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) 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> <p>Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</p> <p>Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the</p>

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 partly within/ within an area which Natural England has assessed as meeting the criterion for designation as an Area of Outstanding Natural Beauty (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB, known as National Landscape). Whilst this 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 proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in an AONB.

	<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 issuing of the designation Order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p> <p>If you have any queries relating to the advice in this letter please contact the case officer Betsy Brown on Consultations@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	3	1	0	2

### Neighbour Responses

Address	Comments
Holly End Water Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NA	I very much support the above planning application and hope the progression of the building work will begin as soon as possible.
White Lilacs Water Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NA	We are fully supportive of this planning application as an immediate neighbour and have absolutely no objections with the plans that have been submitted as this can only improve what is currently on this site.  We hope that the decision will be granted in favour of the applicant for the three dwellings
12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF	This development is suitable for the inclusion of integrated Swift bricks within the walls of the new houses.  The Design and Access Statement indicates that bird and bat boxes are proposed as part of the scheme however at the time of this comment no ecological report has been published on the planning portal.  Please consider the provisions of the Bovingdon Neighbourhood Plan, which at the time of this comment has finished the examination stage

	<p>and is awaiting a referendum. By the time this application is determined, it may well have been adopted.</p> <p>Draft policy BOV NE4 para 5 states: "All buildings bordering open space should include integrated boxes for swifts and bats. All fencing should be permeable to wildlife, for example, hedgehog highways"</p> <p>This development borders open space within the meaning of the NP both to the NE and SW.</p> <p>Swift bricks are universal as they conform to the British Standard for integrated nest boxes, BS42021:2022, and in doing so provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling, making inclusion a real biodiversity enhancement.</p> <p>Please consider securing Swift bricks and integrated bat boxes by way of a condition, the wording of which has been used before by the LPA:</p> <p>"No development shall take place until written details are approved by the LPA of the model and location of 3 integrated Swift bricks and 3 integrated bat boxes, to be fully installed prior to occupation and retained thereafter" in accordance with the NPPF (and if adopted Bovingdon NP policy NE4)</p>
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**ITEM NUMBER:**

<b>24/00510/RET</b>	<b>Retrospective Planning Application for Double Garage, Walls, Driveway, Access and Engineering Works</b>	
<b>Site Address:</b>	<b>35 Belswains Lane, Hemel Hempstead, Hertfordshire, HP3 9PW</b>	
<b>Applicant/Agent:</b>	<b>Gill-Hudson Homes</b>	<b>Mrs Magda Adeyemi</b>
<b>Case Officer:</b>	<b>Lois-May Chapman</b>	
<b>Parish/Ward:</b>	<b>Hemel Hempstead (No Parish)</b>	<b>Bennetts End</b>
<b>Referral to Committee:</b>	<b>Call in by Councillor Pete Hannell – highway safety concern</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 The application site is located within a residential area of Hemel Hempstead, where the proposed development of the double garage is acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 The overall size, scale, and design of the double garage, walls, driveway, access and alteration to ground levels are acceptable and are not considered to harm the character or appearance of the property or the wider street scene/area. Given that the garage is located beyond the rear elevation of the property, it is expected to have any significant adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a loss of light or privacy.

2.3 Furthermore, it is not considered that the garage would have an adverse impact on the road network or create significant parking stress in the area.

2.4 Given all of the above, the proposal is concluded to comply with the National Planning Policy Framework (2023), Policies CS1, CS4, CS8, CS11, and CS12 of the Dacorum Borough Core Strategy (2013), as well as Saved Appendices 3 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020)

**3. SITE DESCRIPTION**

3.1 The application site is located within a residential area of Hemel Hempstead and sits on the north-eastern side of Belswains Lane and comprises of a two storey detached dwelling.

**4. PROPOSAL**

4.1 Retrospective planning permission is sought for a double garage which is set back from the highway and located on the south-eastern boundary. The garage measures 4.075 meters at its highest point (roof ridge), 5.5 meters in width, and 5.6 meters in length. Additionally, walls starting at the dwelling's access and running toward the garage measure approximately 1.2 meters at their highest point. The application also includes the addition of hardstanding to the site, the widening of the existing access, and engineering works that slightly raise the ground level. As this is a retrospective application, details of the increase in ground level have not been obtained.

**5. PLANNING HISTORY**

Planning Applications:

24/00554/FUL - Proposals for two new detached two-storey four-bedroom homes with private gardens, cycle stores, bin stores , associated garaging and parking spaces.

*REF - 20th June 2024*

Appeals: None

Enforcement Case:

E/23/00492/NPP

## **6. CONSTRAINTS**

CIL Zone: CIL3

Former Land Use (Risk Zone):

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Yellow (45.7m)

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

Residential Character Area: HCA18

Parking Standards: New Zone 3

Town: Hemel Hempstead

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (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 2006-2031 (adopted September 2013)*

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS8 – Sustainable Transport

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

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

Appendix 3 – Layout and Design of Residential Areas  
Appendix 7 – Small-scale House Extensions

Supplementary Planning Guidance/Documents:

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### Principle of Development

9.2 The application site is situated within a designated residential area of the town of Hemel Hempstead. Policy CS1 of the Core Strategy (2013) guides new development towards Hemel Hempstead, stating that this area of the Borough will be the focus for new jobs, homes and development. Furthermore, Policy CS4 of the Core Strategy (2013) states that residential development is acceptable in designated residential areas.

9.3 Given the above policies, the garage for an existing residential dwelling in this location is acceptable in principle in accordance with the above policies subject to a detailed assessment of its impact.

### Quality of Design / Impact on Visual Amenity

9.4 Chapter 12 of the National Planning Policy Framework emphasises the importance of good design in context and, in particular, paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents. Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials.

9.5 Belswains Lane features a diverse range of dwellings in terms of size, scale, architectural style, and materials. The sloping nature of the land along this section results in properties being situated on elevated ground, contributing to the distinctive character of the streetscape.

9.6 The garage is set back from highway and is within close proximity of the south-eastern boundary beyond the rear elevation of the main dwelling, and sits on the boundary shared with No. 37. This garage is a single-storey structure, modest in scale, and measures approximately 4.075 meters at its highest point (roof ridge). The elevation facing the highway features a single garage door, with an additional door located at the rear of the structure. Although the recent removal of existing trees and bushes, which were not subject to Tree Preservation Orders (TPOs), has made

the garage more visible from the public domain, its setback position ensures it does not dominate the streetscene. The increased visibility due to the lack of screening is noted, but it is not considered to be detrimental to the overall appearance of the area.

9.7 The main dwelling at No. 35 is finished in white render, whereas the garage is constructed of red brick. Despite this difference in materials, Belswains Lane is characterised by a diverse array of building materials. As a result, the garage, while not matching the existing dwelling, does not appear out of character within the context of the street.

9.8 Additionally, the garage is not considered overly bulky in terms of its height and scale. While detached garages are not typically characteristic of Belswains Lane, the setback of this particular garage allows it to be assessed as an outbuilding. This is consistent with the presence of other outbuildings located beyond rear elevations within the area. To further mitigate its impact on the streetscene, a soft landscaping condition will be added. This landscaping will help reduce the visual impact of the garage, allowing it to blend more harmoniously with its surroundings and enhance the overall aesthetic of the area.

9.9 The walls located at the front of the dwelling, the engineering works which appear to have slightly increased the land levels, and the introduction of hard standing and the widening of the existing access are also not considered to be detrimental to the character of the area. Whilst noted the introduction of these elements do alter the overall appearance of the site. These changes still considered being in keeping with the diverse architectural styles and materials present along Belswains Lane, notably several properties have large amounts of hardstanding and retaining walls. The modifications complement the existing streetscape and do not adversely affect the overall visual harmony of the area.

9.10 In summary, the garage, due to its single-storey design, modest scale, and setback position, does not dominate the streetscene despite its increased visibility following the removal of screening vegetation. The diverse range of materials used in the area means that the differing materials of the garage and main dwelling do not appear out of character. Furthermore, with the implementation of a soft landscaping condition, the visual impact of the garage will be further minimised, ensuring it integrates well with its surroundings. Similarly, the front walls, slight elevation changes due to engineering works, and new hard standing and access opening all harmonise with the existing character of Belswains Lane.

9.10 It is concluded that the proposals respect the existing dwelling house and the character and appearance of the surrounding area, and as such comply with Policies CS11 and CS12 of the Dacorum Borough Core Strategy and Saved Appendix 7 of the Local Plan.

#### Impact on Residential Amenity

9.11 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposal should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

9.12 It should be noted that several comments received pertain to a recently refused application under 24/00554/FUL. This application has already been determined and refused. Therefore, comments directly related to the recently refused application will not be further discussed here. Objections related to the previous application have been fully assessed and addressed within the officer's report for 24/00554/FUL.

9.13 A petition signed by 57 residents has been received, however, the issues raised in this petition relate to the recently refused application 24/00554/FUL.

#### *Impact on No 37 Belswains Lane*

9.14 The neighbouring property is situated to the southwest of the site, with its garage positioned near the shared boundary line. Concerns have been raised by this neighbouring dwelling regarding damage to the shared boundary fence due to development work. While this concern is noted, it is not considered a material consideration in this context. Issues related to property damage should be resolved directly between the applicant and the neighbour. This neighbour has raised no other objections or concerns.

9.15 The garage is approximately 0.4 meters from the neighbouring property. Although this is a close proximity, it is worth noting that No. 37 has an outbuilding in a similar location. The garage's highest point is 4.075 meters, but due to the sloping nature of the land, its height decreases towards the rear. A fence, estimated to be about 1.8 meters tall, runs between the shared boundaries. Although the garage will be higher than the fence and visible to No. 37 Belswains Lane, its limited scale and the open aspect of No. 37's garden mean it is not considered visually intrusive. Furthermore, the presence of an existing outbuilding in No. 37's rear garden further mitigates any potential visual impact.

9.16 Regarding privacy, there is no overall concern. The elevation facing No. 37 has no side-facing windows, and the garage is not a habitable room. Therefore, there is no issue with loss of privacy for No. 37.

9.17 Concerning loss of light, the garage is located approximately 6 meters away from the rear elevation of No. 37. While there may be some loss of light, it is not considered detrimental due to the distance and the garage's position relative to the neighbour's property. The sloping nature of the land and the existing boundary fence also help to mitigate any potential impact on light. Additionally, the neighbouring dwelling is located to the south of the site, and therefore the garage would not result in any loss of sunlight to No.37.

#### *Impact on No 33a Belswains Lane*

9.18 This neighbouring dwelling is located northeast of the site, with the garage situated approximately 14 meters from its rear elevation. Given this substantial separation distance, it is not expected that the garage will have a detrimental impact on light levels, visual intrusion, or privacy.

9.19 Concerns have been raised by this neighbouring dwelling regarding the widening of access to the property and the removal of trees and plants from the site. While it is noted that the access has been widened, this alteration is not considered detrimental to the site. Hertfordshire Highways were consulted and have raised no objections to the application, indicating that the widened access meets all relevant standards and safety requirements.

9.20 Regarding the loss of vegetation, it is acknowledged that the removal of existing trees, plants, and bushes has significantly changed the character of the site, making it more open. However, since none of the trees or shrubs on the site were subject to a Tree Preservation Order, there were no legal restrictions on clearing the vegetation. Consequently, the removal of this vegetation does not require further assessment or comment, as it complies with existing regulations and does not constitute a violation of planning guidelines.

### *Impact on No 57 Newell Road*

9.21 This neighbouring dwelling is located north of the site, with the garage situated approximately 32.2 meters from its rear elevation. Given this substantial separation distance, it is not expected that the garage will have a detrimental impact on light levels, visual intrusion, or privacy

9.22 Concerns have been raised from this neighbouring dwelling regarding increase in parking on site. However, the development itself would not significantly intensify the use of the site, i.e. the increase of a single dwelling, (given the nature and scale of the development), would not significantly increase vehicle movements to and from the site in a way that causes significant harm to the safety and operation of the highway network.

9.23 Based on the above, the proposals are considered to be in accordance with Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy.

### Impact on Highway Safety and Parking

9.24 The NPPF (2023), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.

9.25 As part of this application, Hertfordshire Highways have been consulted, and no objections have been raised. It is important to acknowledge that several objections have been made concerning highway safety and the anticipated increase in the number of vehicles accessing the site. However, it should be noted that these objections also reference concerns related to a recently refused application for the construction of two dwellings at the rear of the site.

9.26 Upon consideration, it has been determined that the garage itself would not significantly intensify the use of the site. The introduction of a garage is not expected to appreciably increase vehicle movements to and from the site in a manner that would pose a substantial risk to the safety or operation of the highway network. The addition of a garage to an existing residential dwelling, by its nature, involves minimal additional traffic flow, thereby mitigating potential concerns regarding highway safety and congestion.

9.27 Moreover, Hertfordshire Highways' lack of objection reinforces the assessment that the proposed garage will not adversely affect the surrounding transportation infrastructure.

### Other Material Planning Considerations

#### *Contamination*

9.28 As the site is within a former land use risk zone area, the Contaminated Land Officer was consulted. The Contaminated Land Officer raised no objection on the grounds of land contamination and stated that there is no requirement for further contaminated land information to be provided or for contaminated land planning conditions to be recommended.

#### *Environmental Health*

9.29 The Environmental Health Officer was consulted regarding this application and raised no objections or concerns regarding 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.

## Response to Neighbour Comments

9.30 As noted this application has received comments and concerns which also relate to a recently refused application. As such, the relevant comments and objections have been discussed in the assessment above.

## Community Infrastructure Levy (CIL)

9.31 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

## **10. CONCLUSION**

10.1 The proposed works would not have an adverse on the appearance of the dwelling or would significantly impact the overall character and appearance of this part of the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties or highway safety/car parking. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework 2023 and Policies CS11 and CS12 of the Core Strategy 2006-2031.

## **11. RECOMMENDATION**

11.1 That planning permission be GRANTED, subject to the following conditions:

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

**NA-23089-PL-200  
NA-23089-PL-100**

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

- 2. Within 3 months of the date of this decision a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority.**

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

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

Informatives:

1. 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.
2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
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.
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. 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.

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

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	Lois,  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.
Hertfordshire Highways (HCC)	<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. Highway Informatives HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p><b>Comments</b></p> <p>The proposal is for the retrospective Planning Application for a Double Garage, Walls, Driveway, Access and Engineering Works at 35 Belswains Lane, Hemel Hempstead. Belswains Lane is a 30 mph classified C local distributor route that is highway maintainable at public expense. There is an existing small access onto Belswains Lane which appeared to have not been used for road access for over 15 years. However, recently the access has been increased by removing part of the boundary walls and therefore it now uses the existing access. It is deemed that the access will remain the same and the access will be used to serve the garage. HCC Highways has no concerns regarding the garage and vehicles turning on site.</p>

	<p>Therefore, HCC Highways would not wish to restrict a granting of permission for the proposal. This is following discussion with the planner and applicant owing to a change in description from that of the previous response. It is not clear that no alterations are taking place to the highway network.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p><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</p>

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 <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	4	2	2	0

**Neighbour Responses**

Address	Comments
57 Newell Road Hemel Hempstead Hertfordshire HP3 9PB	<p>I object to this first phase of the over development of 35 Belswains Lane.</p> <p>No Planning permission has been granted for the garages or the housing development, but two semi-detached garages and a drive have already been built and waste pipes have been laid for the next phase, two four-bedroom houses.</p> <p>This makes a mockery of the planning laws.</p> <p>XXX are there to make money and leave the existing residents in misery, well done.</p> <p>This first phase will see parking for six cars, two in the garages and four outside. Belswains lane is already one of the busiest roads in Hemel Hempstead. This development is located near the brow of a hill, with cars parked on both sides of the road. This is a very fast road and several accidents have happened over the years. And this will make a bad situation a lot worse. If the next phase goes ahead, there will be ten cars and a through road to the back of the existing property.</p> <p>Therefore, I call upon the Dacorum to stop this over-development and refuse planning permission.</p> <p>Your ruining Hemel even more.</p>
37 Belswains Lane Hemel Hempstead Hertfordshire HP3 9PW	<p>I live at 37 Belswains lane so the building in question sits directly to the right of my property as you look towards the road.</p> <p>I'm not against the constructing of the building in and of itself, however in doing so the building company has damaged my fence which runs parallel to the left side of the constructed structure. I do expect the fence to be repaired in full or to be suitably compensated so as to make the repair myself.</p>
33A Belswains Lane Hemel Hempstead Hertfordshire HP3 9PW	<p>Objection received by letter – a summary of the letter regarding the concerns that are relevant to this application has been made below:</p> <ul style="list-style-type: none"> <li>- Concerns for loss of trees</li> </ul>
12 Gilders Sawbridgeworth Sawbridgeworth	<p>The LPA may wish to investigate how many trees have been removed as part of this development and also the linked application for two new houses to the rear.</p>

CM21 0EF	Google satellite images appear to show a number of trees on this land that must have been removed to build the access and garages
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**ITEM NUMBER: 5d**

<b>23/02850/RET</b>	<b>Surfacing of pre-existing forest track with approx 150mm depth of recycled crushed concrete, to facilitate woodland management operations.</b>	
<b>Site Address:</b>	<b>Development Site, Newlands Wood, Puddephats Lane, Markyate, St Albans, Hertfordshire</b>	
<b>Applicant/Agent:</b>	<b>Mr Matt Marples</b>	<b>Mr Julian Miller</b>
<b>Case Officer:</b>	<b>Nigel Gibbs</b>	
<b>Parish/Ward:</b>	<b>Flamstead Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>The application has been called-in in by Councillor Jane Timmis and the recommendation is contrary to the Parish Council objection.</b>	

**1. RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions.

**2. SUMMARY**

2.1 Newlands Wood is a relatively isolated Ancient Replanted Woodland occupying a countryside location to the south west of Markyate, within the Rural Area and Chilterns AONB. It is served by a long-established central track/ roadway.

2.2 The National Planning Policy Framework (2023) defines Ancient Woodlands as an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

2.3 This application is for the retention of the resurfaced track following an enforcement investigation. According to the submitted information, the roadway was upgraded to specifically facilitate the forestry works at Newlands Wood.

2.4 Within the Rural Area, Dacorum Core Strategy Policy CS7 confirms that forestry is an acceptable use.

2.5 It is considered that the works carried out are compatible with this environmentally sensitive site, with no fundamental objections raised by the Forestry Commission, the Chilterns Conservation Board (following initial objections), the Council's Trees & Woodlands Team and Hertfordshire Ecology.

**3. SITE DESCRIPTION**

3.1 The application site limited to the upgraded central track. The surrounding woodland within Newlands Wood edged in blue by the submitted details is also under the Applicant's ownership.

3.2 A central track has served Newlands Wood since at least 1878. The immediate area also features other long-established woodland at Prior Spring and Abel's Wood.

## 4. PROPOSAL

4.1. This is a retrospective application for the surfacing of the 'pre-existing forest track with approximately 150mm depth of recycled crushed concrete, to facilitate woodland management operations'. The work was completed on 9 December 2022, commenced on 28 November 2022. The application was submitted following a review of the development by the Enforcement Team.

4.2 The application form confirms that the width of the existing track has not been increased (track width approx. 3m) and no trees have been removed as part of the upgrading works.

4.3 The submitted supporting letter confirms that these 'improvement works' were necessary to satisfy the reasonable operational needs of forestry operations in the woodland and allow thinning and other woodland management operations to be carried out at an appropriate time of year, in a safe manner and without negative environmental impacts, using equipment suited to the small scale operations.

4.4 It is clarified that the Applicant / Agent consider that the works would normally be accepted as permitted development under Schedule 2 Part 6 Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 and the central track through the woodland, approximately 250m in length, has been upgraded by stoning with a depth of 150mm of recycled crushed concrete to provide an all-weather 3m wide running surface suitable for use by small forestry vehicles and tractors.

4.5 It is advised that this now allows all-weather management access to all parts of the woodland from the pre-existing access point for both harvesting operations and the day-to-day management of the woodland.

4.6 The Agent, a Chartered Forester, has also responded to the representations from the Parish Council and the initial of objections from Chilterns Conservation Board. These are set out below under separate headings for ease of reference.

### The Agent's Response to Flamstead Parish Council Objections

*The Council suggests that the woodland has been managed as a wood for many years without the need for a hardcore track. In fact the track was already surfaced with stone (although unfortunately we do not have any photographic evidence of this) and the work carried out merely reinforced and repaired what was already there.*

*It is often very difficult to tell that a track is indeed surfaced once it has been covered with fallen leaves and "greened over." This track was probably surfaced many years ago but of course over time repairs are required to keep it up to a suitable standard. Now that this track has been re-surfaced it will hopefully not require further attention for many more years.*

*The Council also suggests that "all the good quality timber has already been removed" from within the wood. As a Chartered Forester this assertion is strongly rejected. The woodland is an ancient woodland site but has evidently been replanted in the past (as can be seen from the straight planting lines) with a mixture of beech and larch trees, with the objective of producing timber. This plantation will require ongoing management by thinning – i.e. careful removal of the poorer quality trees in order to concentrate growth on the best timber trees. This is standard forestry practice. Some work has been done in the past but certainly more regular interventions will be necessary in the coming years and this surfaced track will be required to allow timber removal. It will support movement of forestry tractors and trailers without damage to the soil, such as the creation of ruts which could lead to water runoff. It will also facilitate the loading of timber lorries. It would also support use by emergency services including the fire service in case of emergency.*



*Increased Flooding.* The track will actually reduce the amount of mud and other material being carried onto the highway during forestry operations. As the surface is porous and is also cambered to shed water to the sides, there is very unlikely to be any water runoff into the road. There is already a culvert pipe where the track crosses the roadside ditch, and the contractors have merely surfaced over the top of this, so the ditch has not been filled in.

*Landscape Implications.* There are no long-term negative landscape impacts as a result of the surfacing of the track. It has quickly “greened over” with new vegetation and a covering of leaf litter as demonstrated by the photographs submitted to the Council. Therefore, the track cannot be considered “incongruous”. It is a simple surfaced forestry track using inert material, constructed for forestry purposes and not a “metalled road” as described by the Council. Dacorum Borough Council’s Enforcement Officer has already confirmed that the installed gate and fence is “permitted development” and is therefore outside the scope of this application. In any case these items are necessary for the security of the property and it is disputed that they are out of character with the woodland, being a standard agricultural gate and post and rail fencing.

*Highway Implications.* It is not accepted that forestry management will result in a significant increase in traffic levels. Timber harvesting would require perhaps 10 – 15 timber lorry movements every 10 years which will not have a major impact on traffic levels. Also, the access gate has been set back from the highway allowing smaller vehicles to park in front of it while the gate is unlocked so it is unlikely that any traffic queues on this road are a result of use of the woodland.

*Tree Clearance.* The assertion that “if the wood is designated as forestry, tree clearance is not permitted” is incorrect. Any forestry work (as described above) will require a felling licence from the Forestry Commission, but provided that the work proposed is in accordance with good forestry practice then there would be no reason for this to be refused. Forests require management, and the Applicant and Agent are sure that the Forestry Commission would want to see the woodland properly managed. This is also supported by the consultation response from Hertfordshire Ecology.

*Sale of Woodland Plots.* The woodland plots are sold on for the purposes of forestry and each purchaser is required to enter into a covenant on behalf of themselves and successors in title not to use, the Woodland for:

- Clay pigeon shooting or use of guns (apart from air-powered weapons) for target practice of any kind.
- Rough shooting or pest control at such times or in such manner as to be or become a danger or nuisance or annoyance to any person.
- Racing or speed trials with cycles or any motorised vehicle.
- A commercial campsite.
- Business purposes other than that of agriculture or forestry.
- Any use that causes or is likely to cause damage to access tracks on the Retained Land other than fair wear and tear.
- Any use that would be or become a nuisance or annoyance to neighbouring owners or occupiers of the land.
- The installation or display of any signboard that is or may become visible from the public highway.

*Adverse Wildlife Impact.* No trees were felled as part of the re-surfacing works and the surfacing (using inert recycled stone) has not extended beyond the original track width.

*Hertfordshire Ecology confirms that in this case the ecology of the surrounding woodland is unlikely to have been affected and no woodland habitat has been lost. With appropriate management, which will be facilitated by this forestry track, is likely to improve the biodiversity value of the woodland in the longer term. Conversely if the planning application is refused, removal of the existing surfacing is likely to cause significant disruption and disturbance to the woodland environment.*

### The Agent's Response Chiltern Conservation Board Initial Objections

*It is unclear as to why the CCB response indicates that there was no plan showing the ownership boundary as this was submitted with the application as shown by the application form. Similarly the rationale / justification for the proposals was given in our document NW007.*

*Many of the points in response to the Parish Council's representation are also relevant to the CCB objection. In particular their assertion that "introducing this new material into a nationally protected landscape harms that landscape" is strongly repudiated. There is no negative impact on the woodland appearance of the site as a result of the track improvement works. The improvement of the track will lead to potential landscape enhancement in the longer term, through active and appropriate management of the woodland. The works will be with reference to the criteria of the AONB Management Plan 2019-2024 Policy, DP2:*

*- "It is appropriate to its location". Response: This is a forestry track which has been constructed to facilitate forestry works in the woodland. It has been constructed to a specification suited to its purpose and with materials designed to minimise landscape impacts. Submitted photographs show this has now blended into its Woodland surroundings.*

*- "It is appropriate to local landscape character." Response :The woodland lies within the Gaddesden Row (124) Landscape Character Area. The works are intended to facilitate management of the woodland. As discrete mixed woodlands are identified as a key characteristic of this landscape in the Landscape Character Assessment therefore retention and management of the woodland will maintain local landscape character.*

*"It supports local distinctiveness." Response: The track works are intended to facilitate management of this predominantly beech woodland. Beech woodlands are a traditional and locally distinct characteristic of the local landscape.*

*- "It respects heritage and historic landscapes." Response: There will be no adverse impacts on historic environment features or landscapes as a result of these works. There are no known historic environment features within the site and as the works are within the footprint of the existing track the likelihood of disturbing undiscovered features is very low.*

*- "It enhances natural beauty." Response: The object of the track surfacing is to facilitate management of the woodland. This will ensure that this predominantly beech woodland remains as a component of the local landscape and will therefore continue to contribute to the scenic beauty of the area.*

*- "Ecological and environmental impacts are acceptable." Response: As already stated, the assessment by Hertfordshire Ecology indicates that negative impacts are likely to be minimal and that there are no negative impacts on the wider woodland area.*

*-“There are no detrimental impacts on chalk streams.” Response: The site is approximately 3km from the nearest chalk stream (River Gade) and the small scale of the works means there is very unlikely to be any negative impact.*

*-“There is no harm to tranquillity through generation of noise, motion and light.” Response: As stated above forestry activity is not likely to significantly contribute to increased traffic levels and there is no lighting associated with the works so impacts on tranquillity will be negligible.*

*-“There are no negative cumulative effects including when considered with other plans and proposals.” Response: A search of the Dacorum Borough Council planning applications database did not find any other approved or pending applications within the immediate vicinity of this site.*

*It should be evident that any negative landscape impacts of the works have been transitory. The CCB objection states that the LPA has no control over the future use of the track and appears to be concerned more with potential land use change rather than the upgrading of the track itself.*

*It is contended that the track is reasonably necessary for the purposes of forestry and that this is the criterion against which the application should be assessed. The site will continue to be woodland, safeguarded by the ownership covenants. All forestry activity will of course need to be subject to the relevant licences and controls by the Forestry Commission, but the existence of the track will not have any impact on this requirement. If the local authority requires additional control over future activity, then this could potentially be exercised by imposition of a Tree Preservation Order or an Article 4 Direction.*

## **5. PLANNING HISTORY**

Planning Applications:

None

Appeals:

None

## **6. CONSTRAINTS**

Advert Control: Advert Spec Contr

Ancient Woodland: Ancient Replanted Woodland

Area of Outstanding Natural Beauty: CAONB outside Dacorum

CIL Zone: CIL2

Parish: Flamstead CP

RAF Halton and Chenies Zone: Red (10.7m)

Rural Area: Policy: CS7

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Wildlife Sites: Newlands Wood (Jockey End)

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

### Other Publications relating to Ancient Woodlands

- Planning Applications affecting trees and woodlands
- Environmental Impact Assessments for woodlands/ forestry
- Managing ancient and native woodland in England 2010
- Ancient woodland, ancient trees and veteran trees: advice for making planning decisions  
From: Natural England and Forestry Commission 14 January 2022 Policy paper Guidance:  
Keepers of Time: Ancient and Native Woodland and Tree Policy in England 27 May 2022
- Ancient Woodland and Veteran Trees: Assessment Guide to potential impacts in relation to planning decisions
- Woodland Trust Practical Guidance Planning for Ancient Woodland /Planners' Manual for Ancient Woodland and Veteran Trees: Inappropriate Forestry Operations • Fragmentation • Soil erosion • Noise pollution, Campsite • Recreation pressure • Collection of deadwood for firewood • Disturbance by dogs • Anti-social behaviour • Removal/damage of ancient trees • Trampling • Light and noise pollution
- Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK ([www.gov.uk](http://www.gov.uk))

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

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS7- Rural Area  
CS8- Sustainable Transport  
CS9- Management of Roads  
CS12- Quality of Design  
CS24 -Chilterns Area of Outstanding Beauty  
CS25- Landscape Character  
CS26- Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31- Water Management  
CS32- Air, Soil and Water Quality  
Countryside Place Strategy

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

Policy 13 -Planning Conditions and Planning Obligations  
Policy 51- Development and Transport Impacts  
Policy 54- Highway Design  
Policy 79 -Footpath Network

Policy 97- Chilterns Area of Outstanding Beauty  
Policy 99- Preservation of Trees, Hedgerows and Woodlands  
Policy 100- Tree and Woodland Planting  
Policy 101- Tree & Woodland Management  
Policy 102- Sites of Importance to Nature Conservation  
Policy 113- Exterior Lighting  
Appendix 8- Exterior Lighting

## **Supplementary Planning Guidance**

Dacorum Landscape Character Assessment: Landscape Character Area 124 : Gaddesden Row

Chilterns Conservation Board Management Plan 2019 – 2024 Policies including Ancient Woodlands

Environmental Guidelines

## **9. CONSIDERATIONS**

### Background

9.1 The Woodland Trust has confirmed that many ancient woodland sites have been felled (in full or part) and replanted. These sites are referred to as Plantations on Ancient Woodland Sites (PAWS) and often these sites have been replanted with commercial stands of timber, such as conifers, so they may not look like an irreplaceable resource. Nationally only 2% to 2.5% of the country features Ancient Woodland. However, the Chilterns Conservation Board's Management Plan 2019 – 2014 confirms in the Chilterns this is 13%, being the 'home to many rare and threatened species' (p31). Page 53 notes that woodland covers 23.7% of the AONB., of which 56% is classed as ancient woodland, which has been in constant woodland management for over 400 years(p53).

9.2 The Trust also advises that much of the value of ancient woodland lies in the soils and many remnants of the ancient habitat remain and through careful management, PAWS can be restored, with advice available from the Woodland Trust and Forestry Commission.

9.3 Development affecting Ancient Woodlands requires careful consideration due to their very special environmental value, with their biodiversity / ecological value and management being so important. This is reflected by the range of recent Government publications and relevant local policies. In this respect, significantly, paragraph 186 c) of the NPPF confirms that when determining planning applications, local planning authorities in cases where development would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

### Main Issues

9.4 In the context of the above the main issues to consider are:

- The Principle of Development in the Rural Area, and
- The AONB/ Countryside Implications; and
- The Arboricultural and Ecological Implications.

### Principle of Development

9.5. Within the Rural Area forestry is an acceptable use as confirmed by Core Strategy Policy CS7.

Small scale development for forestry is acceptable, provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside

It is considered that the development is compatible with the character and appearance of the countryside and supports the rural economy, and complying with this policy. This takes into account the protective policies relating to the AONB such as the longstanding saved DBLP Policy 97 (see also Paragraph 9.8 below).

The Core Strategy is generally very supportive of rural enterprise as clarified by its pp 32 and 67, para 11. 10, its Countryside Place Strategy Local Objective and its 'Delivering the Vision' Para 26.9. This Vision is to ensure a prosperous countryside by supporting farmers and others engaged in land management activities through planning policies. This support is in accordance with the Framework's Para 8(a) economic objective and paragraph 88 (Supporting a prosperous rural economy') relating to ) including the sustainable growth and expansion of all types of business in rural areas.

9.6 Paragraph 26.14 of the Core Strategy's Countryside Place Strategy confirms that woods need to be managed through selective felling and coppicing of their timber, with the aim to secure coordinated land management and to support those sensitively engaged in appropriate management.

9.7 Similarly, Vision 7 of the Chiltern Conservation Board Management Plan 2019- 2024 confirms that viable, sustainable and diverse farming, forestry and rural economy are essential to conserve and enhance the wildlife and natural beauty of the Chilterns. Its General Policy 4 supports the sustainable production of food, forestry land, raw materials and stimulating economic activity, reinforced by its Policy DP6 which supports sustainable forestry.

#### Chilterns Area of Outstanding Natural Beauty /Countryside Impact

9.8 The expectations of the Framework's Part 16 (Enhancing the Natural Environment) is pivotal, emphasising under paragraph 180 that planning policies and decisions should contribute to and enhance the natural and local environment by a range of ways. These include under its criteria (a) in protecting and enhancing valued landscapes and sites of biodiversity (in a manner commensurate with their statutory status or identified quality in the development plan).

9.9 In conjunction with this, its paragraph 182 explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs with the conservation and enhancement of wildlife also important. As confirmed above, the Framework's Para 186 places great importance upon protecting Ancient Woodlands.

9.10 The Core Strategy's Policies CS24, CS25, CS26 and the Countryside Place Strategy Local Objective<sup>1</sup> saved Policies 97, 99 and 101 of the Dacourm Borough Local and the Chilterns Conservation Board's Management Plan 2019- 2024 reinforce the Framework's approach. The Management Plan's approach to Nature (Part 5) confirms relevant Strategic Objectives and Policies, explaining that plantations on ancient woodland sites need to be restored through a mix of natural regeneration and appropriate planting<sup>2</sup>.

9.11 The Management Plan's Part 7 addresses '*Land, Woodland and Water*'. With regard to Woodland, identified 'Key Issues' include the current problems associated with Chilterns

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<sup>1</sup> p.183

<sup>2</sup> p.31

Woodland<sup>3</sup>. These include the splitting of some large estate woodland into small wood lots and selling these. It explains that this can result in inconsistent management, pressure for fencing, access roads and buildings, and that fragmented management also means that the control of pests and disease becomes even more difficult.

9.12 In this context the Management Plan's range of Strategic Objectives include:

- L02: Ensuring that the Chilterns remain a functional, working landscape with viable and diverse farming, forestry and rural economy sectors.
- L03: Safeguarding the Chiltern landscape by maintaining and enhancing all landscape features such as hedges and trees and important wildlife habitats.

The associated policies include:

- LP1: Making agreed best practice advice (farming, forestry etc.) accessible to all.
- LP3: Promoting the production and processing of local produce including wood fuel.
- LP8: Ensuring that there is no net loss of woodlands and **no loss of irreplaceable ancient woodland, ancient trees and veteran trees within the AONB (Officer emphasis)**.
- LP9: Managing woodlands to achieve greater diversity of tree species and varied age structure to ensure economic sustainability enhance biodiversity and make them more resilient to disease and climate change.
- LP 10 Restoration of Ancient Woodlands (PAWS), returning them to predominantly broadleaf species and implement sensitive long- term management. Restoration, particularly non-native conifer plantations, will offer significant wildlife, landscape and cultural heritage benefits.

9.13 Associated Policies relating to Development include:

- DP01/ DP02- Conserving and enhancing the AONB.
- DP6 – Support sustainable farming and forestry.

9.14 As an overview, overall in the long term it is considered that the upgrading of the track conserves and enhances the AONB, with no lasting visual harm and no arboricultural or fundamental ecological harm, with no objections by the Forestry Commission (a statutory consultee), the Chilterns Conservation Board (confirming that the additional details confirming the surface finish of the track/road 'fit with the landscape' following initial objections), the Council's Trees and Woodlands Manager, Hertfordshire Ecology, Hertfordshire & Middx Wildlife Trust and the Chiltern Society). This overview takes into account Hertfordshire Ecology's clarification that surfacing with crushed concrete may have altered the local soils directly affected which are likely to be acidic on the clay-with-flints, as well as any other grassland habitat, which may have existed on the road previously. **However**, Hertfordshire Ecology has not objected to the application and nor has The Forestry Commission, Chilterns Conservation Board and the Council's Trees & Woodland Manager for these reasons , and on this basis with significant weight given to the responses from these specialist consultees , there would not be a cogent ecological / arboricultural grounds to object to the application for these reasons

9.15 The mandatory Biodiversity Net Gain (BNG) implications of the development are not applicable to this application, as the application was submitted before the introduction of the BNG requirements.

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<sup>3</sup> p.50

## Other Material Planning Considerations/ Issues

### *Highway implications*

9.16 There are no direct implications. With the roadway compacted it is unlikely that the use of the roadway would cause the spillage of mud onto the highway. In the event of an emergency incident at Newlands Wood, the upgraded roadway would assist safe access for fire tenders and ambulances. With regard to the Parish Council's reference to infilling of the ditch and the associated issue of resultant flooding issues this will be separately reported to Hertfordshire County Council (HCC).

### *Wider Implications: The Woodlands Use / Article 4 Direction/ Subdivision/ Tree Preservation Order*

9.17 The application's remit is limited to the consideration of the direct impact which facilitate the carrying out of necessary woodland management. On this basis, whilst it fully recognised that there are fundamental concerns regarding the wider use of other parts of Newlands Wood, these are outside the LPA's scope in assessing the current application. In this respect with reference to the responses from the Parish Council, Councillor Jane Timmis, the Chilterns Conservation Board, the Forestry Commission, Hertfordshire Ecology and Herts & Middx Trust, the LPA can separately review whether it would be appropriate to consider an Article 4 Direction at Newlands Wood to restrict future development within the woodland.

### *Drainage / Contamination/ Environment Agency Groundwater Source Zone 3*

9.18 It has been confirmed that the development does not involve any contaminated land. There are no identified surface/ groundwater issues associated with the development in this Flood Zone 1 and Environment Agency Source Protection Zone 3.

### *Exterior Lighting*

9.19 The site is located within the very sensitive E1 Lighting Zone, subject to Policies CS1, CS5, CS24, CS25, CS29, CS32, saved DBLP Policies 97 and 113 and Appendix 8 and the Chilterns Conservation Management Plan which takes a very precautionary approach to exterior lighting and the need to control light pollution (Part 10 / Policies DP8 and DP15), reinforcing the Framework's Para 191 (c). The latter policy confirms the need to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.20 The application does not propose any exterior lighting. Recommended Condition 2 restrict the installation of any exterior lighting serving the roadway in this most sensitive E1 Zone.

### *Crime Prevention/ Security*

9.21 There are no apparent implications.

### *Environmental Impact Assessment: Screening*

9.22 The proposals are not considered to be an EIA development.

### *Environmental implications should the Application be Refused*

9.23 The Agent has confirmed that it should be apparent that should the planning permission not be granted, the surfacing material would need to be removed from site and this is likely to cause significant ecological disturbance to the site.

9.24 In this respect, the Agent has explained that the volume of material that would need to be removed would be approximately 150 cubic metres i.e. around 300 tonnes which would equate to



approximately 15 lorry movements. The Agent has reaffirmed that the recent surfacing was placed on top of older stone surfacing and compacted so it will be difficult to separate and remove just the more recent layers, and considers that if the track had to be 'ripped up' it would be a woodland that would be much more difficult to manage sustainably in the future.

#### Air Limit Issues

9.25 There are no issues.

#### *Response to Comments*

9.26 In summary, it is considered that notwithstanding the range of Parish Council representations/objections and the initial response from the Chiltern Conservation Board, there are no apparent cogent planning objections to the track's upgraded form.

9.27 As clarified, the upgraded roadway is to specifically facilitate forestry operations at Newlands Wood. Given the LPA's limited remit for the application's consideration, its upgrading may improve access for non-forestry based vehicles to the woodland, however the LPA could not refuse the current application for this reason.

#### *Recommended Conditions*

9.28 These are limited to the approved plans and controls over lighting. With regard to imposing conditions on the blue land (i.e. the main wood) as referred to by the Chilterns Conservation Board, Whilst the identified environmental concerns are fully recognised regarding use of the other parts of based upon the application's purpose and remit ,it is not considered that there would be a case to impose 'blue land' related conditions. This is reference to the six established tests for the imposition of conditions. These are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

## **10. CONCLUSION**

10.1 Ancient Woodlands require the most careful consideration due to their very special environmental status, as confirmed by aforementioned national and local policies, with their biodiversity / ecological value and management so important.

10.2 The application's terms of reference are the direct implications of the roadway's upgrading for forestry management purposes at this Ancient Woodland, for which there are no in principle, arboricultural countryside/ landscape, ecological or other environmental objections.

10.3 It is a sustainable development in accordance with the Framework's environmental and economic objectives.

10.4 If the roadway had to be removed this would require the most careful relocation of all the material without directly physically harming the woodland, in addition to controlling wide the effects of lorry movements upon the AONB.

## **11. RECOMMENDATION**

11.1 That planning permission be **GRANTED** subject to conditions.

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

1. **The development hereby approved shall be carried out in accordance with the following drawings:**

**Site Location Plan NW001  
Block Plan NW002A  
Block Plan NW002B**

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

2. **There shall be no exterior lighting installed to serve the development hereby permitted.**

Reason: To protect the Ancient Woodland in accordance with Policies CS1, CS24, CS29, CS32 and paragraph 26.19 of the Countryside Strategy of the Dacorum Core Strategy (2013), Policy 97, 113 and Appendix 8 of Dacorum Borough Local (2004), Part 10 and Policy DP8 the Chilterns Conservation Board Management Plan (2019 - 2024) and Part 191 (c) of the National Planning Policy Framework (2013).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Planning Enforcement	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>The application has been discussed by the Enforcement Team and Case Officer.</p> <p>ORIGINAL CONSULTATION</p> <p>Please see above.</p>
Forestry Commission	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>Thank you for consulting the Forestry Commission on this application. We would normally only respond to applications where we consider there to be a significant detrimental effect to the woodland.</p> <p>Newlands Wood is an Ancient Replanted Woodland with a felling licence for a 1.2ha area of the woodland that expires in 2028. The forest track would be required to access this area of the woodland for management purposes.</p> <p>The Forestry Commission encourages active woodland management. Well-constructed forest tracks are necessary to facilitate management</p>

	<p>activities and help prevent environmental damage. More information on the benefits of woodland management can be found in the following link: <u><a href="https://www.gov.uk/government/news/woodland-management-matters-ensuring-the-future-health-and-resilience-of-our-woodlands">Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK (www.gov.uk)</a></u></p> <p>We do note from the information available on the planning portal that the woodland has been subdivided into areas of different ownership with tents and awnings appearing in the woodland with some areas being used for recreational purposes. This is not a matter for the Forestry Commission and is a matter for local authority planning enforcement.</p> <p>We hope that clarifies the situation. If I can be of any further help, please do not hesitate to contact me.</p> <p>ORIGINAL CONSULTATION</p> <p>No Response.</p>
Trees & Woodlands	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>No issues with proposed surfacing works.</p> <p>It is evident from site photos and old plans that the track has existed for many years, and so the installation of a crushed concrete surface on it will not have any negative effect on nearby trees.</p> <p>ORIGINAL CONSULTATION</p> <p>No Response.</p>
Hertfordshire Ecology	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>No Response.</p> <p>ORIGINAL CONSULTATION</p> <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any conditions/Informatives listed below).</p> <p>Summary of Advice</p> <ul style="list-style-type: none"> <li>• No objections, although ride surfacing may have been damaging to any habitat previously present</li> </ul> <p>Comments:</p>

	<p>I note this is a Retrospective application and that the works were begun on 28/11/2022 and completed by 09/12/2022. The proposed site for the works is Newlands Wood, this is an Ancient, replanted Woodland and Local Wildlife Site. Ancient woodland is an irreplaceable habitat and a material consideration in the planning process for the Local Planning Authority of whom are obligated to hold a presumption in favour of protecting these non-statutory sites from development that might cause detrimental impacts, as required under National Planning Policy. Any potential negative impacts on Ancient Woodland can therefore form the basis for refusal to the application.</p> <p>The works were for surfacing a long-established track, the historic presence of which is not disputed. However, there is no evidence from aerial photos and Streetview of any previous surfacing or formal entrance to the woodland was present at this location, or surfaced track within the wood. Historic surfacing cannot be ruled out, but most access would have been left to the summer when clay soils would have been very hard. It is stated the proposals are to facilitate woodland management operations, and the woodland would be considered as a plantation on an Ancient Woodland Site (PAWS). Management to restore to broadleaves (although much seems to be beech already) or to manage the woodland otherwise would be supported. However, surfacing with crushed concrete may have altered the local soils directly affected which are likely to be acidic on the clay-with-flints, as well as any other grassland habitat which may have existed on the ride previously.</p> <p>Nevertheless, given the nature of the works, I do not anticipate adverse impacts on the remainder of the site and believe the woodland habitat has remained unaffected if, as stated, the works did not extend outside of the existing track. However, whilst enabling forestry operations, surfacing of previously unsurfaced rides is damaging, and any further such proposals should be subject to planning permission, along with evidence that the woodland has been managed as a result. There is no information on MAGIC to suggest this site is subject to any Forestry Scheme, although this information may not be up-to-date.</p> <p>Consequently, there are no objections to the principle of this application, which may be determined accordingly. I trust these comments are of assistance,</p>
Herts & Middlesex Wildlife Trust	<p>ADDITIONAL INFORMATION : 12.03.2024</p> <p>Thank you for your email. I have tried to call you however it goes straight to voicemail.</p> <p>Thank you for consulting the Forestry Commission on this application.</p>

	<p>We would normally only respond to applications where we consider there to be a significant detrimental effect to the woodland.</p> <p>Newlands Wood is an Ancient Replanted Woodland with a felling licence for a 1.2ha area of the woodland that expires in 2028. The forest track would be required to access this area of the woodland for management purposes.</p> <p>The Forestry Commission encourages active woodland management. Well-constructed forest tracks are necessary to facilitate management activities and help prevent environmental damage. More information on the benefits of woodland management can be found in the following link: Woodland management matters: Ensuring the future health and resilience of our woodlands - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p> <p>We do note from the information available on the planning portal that the woodland has been subdivided into areas of different ownership with tents and awnings appearing in the woodland with some areas being used for recreational purposes. This is not a matter for the Forestry Commission and is a matter for local authority planning enforcement.</p> <p>We hope that clarifies the situation. If I can be of any further help, please do not hesitate to contact me.</p> <p>ORIGINAL CONSULTATION</p> <p>No response.</p>
The Chiltern Society	<p>ADDITIONAL INFORMATION</p> <p>No response.</p> <p>ORIGINAL CONSULTATION</p> <p>Thank you for the invitation to comment. The footpath is within the Area of Outstanding Natural Beauty. I note that the work was carried out a year ago with an explanation that the track has not been increased in width and that no trees were removed as part of the work. Therefore we are neutral on this application</p>
Chilterns Conservation Board	<p>ADDITIONAL INFORMATION</p> <p>( Please Note: This Response also includes The Board's Original Consultation Response as part of its overall response).</p> <p>12.03.2024</p>

Thank you for consulting the Chilterns Conservation Board (now, Chilterns National Landscape) regarding the submission of additional details. Following this, we would comment as follows:

The additional details confirm the surface finish of the track/road and we accept that these details fit with the landscape.

We have found the plans denoting land edged red and blue. The applicant's letter dated 26th February 2024 confirms that 'woodland plots are sold on for the purposes of forestry, and each purchaser enters a covenant on behalf of themselves and successors in title' (continues, with details of the restrictions imposed). We would seek to resist land subdivisions and a perception/expectation that future residential use might prevail. A restrictive covenant is a matter controlled under the Law of Property Act 1925 and not a matter for planning legislation and control. Therefore, and to avoid any doubt in this matter, we suggest that an Article 4 Direction is considered (to prevent land subdivision by means of the erection of fencing or other forms of enclosure) and that a planning condition is attached, should the LPA be minded to approve, so that no fencing or other means of enclosure is erected without the prior approval of the LPA.

Land-edged blue can be subject to planning conditions. This is to deliver the legal and policy duties that protect the AONB/National Landscape, as mentioned below in our February 2024 representations.

The AONB Management Plan 2019-2024 justifies this and deals with 'subdivision of woodlands into small plots' as a key (negative) issue when considering 'Forces for Change' in the AONB/National Landscape. This can be found at the page 20 (tabulation) of the AONB Management Plan 2019-2024. We deem this to be a relevant material consideration.

Our previous comments are set out below for ease of reference. We hope that these updated comments may assist.

CCB Objection (lack of information and land edged red and blue is required for acceptable controls)

Thank you for consulting the Chilterns Conservation Board (National Landscape).

1.0. The Chilterns Conservation Board (CCB) and its role and responsibilities are established under the Countryside and Rights of Way Act 2000 (CROW Act) in its section 87, which establishes Conservation Boards with statutory purposes to conserve and enhance

the natural beauty of the AONB and to increase the understanding and enjoyment of the special qualities of the AONB.

1.1. The Levelling UP and Regeneration Act 2023, section 245 bolstered this duty by amending it to include, In section 85 (general duty of public bodies etc) ((a) before subsection (1), insert- "(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". (our emphasis, which links to our conclusions - please see below).

1.2. The amendment that led to Section 245 of the LUR Act was justified to the House of Lords by its proposer the Baroness Scott of Bybrook in these terms "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes." The intention was clearly to lead to a step-change in the level of attention that public bodies should pay to the purposes of designation of protected landscapes.

1.3. This legislative change, to effectively bolster the duties in section 85 of CROW and to 'further the purpose of conserving and enhancing' the AONB (national Landscape) are material changes that the decision-maker must consider, coming into effect on 26th December 2023.

2.0. Policy Context. The following policies apply when assessing the impact upon the AONB.

- The NPPF (Dec 2023 version) at 182 (great weight to the AONB).
- The DBC SODC Local Plan at Policy 97
- The AONB Management Plan 20119-2024, DP 2

DP 2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise,

	<p>motion and light that spoil quiet enjoyment or disturb wildlife, and</p> <ul style="list-style-type: none"> <li>i. there are no negative cumulative effects, including when considered with other plans and proposals.</li> <li>j.</li> </ul> <p>Policy DP2 sets out what to consider in order to give great weight to conserving and enhancing the AONB. It applies to all development in the AONB, both minor and major.</p> <p>The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also seeking to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like-for-like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.</p> <p>The current proposals offer no rationale or justification for this additional engineering operation in the landscape. We could not find a plan showing any land-edged blue on the application, which is highly germane to the applicant's point (solely mentioned in the application form) to 'facilitate woodland management'.</p> <p>As submitted, the LPA has no control over the use of this track, within which the new surfacing may change the nature and intensity of activity and, therefore, the nature of the use. None of this is detailed in the application, and no management plan nor details of wider land ownership are advanced. For these reasons, we propose a holding objection and would invite greater information. As it stands, introducing this new material into a nationally protected landscape harms that landscape and cannot be deemed to satisfy the new section 245 amendment to the CROW Act.</p>
Parish/Town Council	<p>ORIGINAL CONSULTATION</p> <p>The PC strongly objects to this application. This wood has been actively 'managed' as a wood for many years without the need of a hard core track. All the good quality timber has already been removed so only general upkeep is required which does not require a metalled track. The track referred to in the application was used as a firebreak and was perfectly adequate for the amount of access required for the wood. There was a ditch alongside the site bordering the road which would have prevented access of cars from the highway into the wood. This has been filled in to gain access for all vehicle types. A large gate and fencing have been erected without permission at this point to provide an entrance across the filled in ditch. They are completely out of character</p>



	<p>within a rural wood. The ditch which has been filled in alongside the road was unlikely to have belonged to the owners of the woodland plot and loss of this ditch will exacerbate flooding along this stretch of road which is very much prone to flooding.</p> <p>A hard core track has been laid down in the wood which is very incongruous. The site has been divided into plots and there are ugly awnings, caravans, tents and plastic sheeting dotted about the wood which will litter the site (especially when damaged by wind and rainstorms), likely cause injury to animals.</p> <p>The wildlife in the area will lose this habitat as it is being populated. Laying down this hard core track is enabling regular access to the wood and this has created considerable traffic queues on the narrow, dark road to enter the site. The wood does not need a metalled road to manage the maintenance as suggested by the applicant. The wood has been managed for over a 100 years with the original simple track through the woods without the need to lay hard core therefore, a metalled road is not required. If the wood is designated as forestry, tree clearance is not permitted so the original track is adequate for normal woodland needs.</p> <p>The question has to be asked, if they need a metalled road - what is the wood going to be used for?</p> <p>There are clearly significant changes to the wood as outlined above and evidenced by the proliferation of unattractive, awnings and other structures which make the wood look less like a rural wood and more like a random campsite, especially with cars parked on each subdivided plot.</p> <p>Loss of habitat for wildlife who would have enjoyed free roaming through this woodland corridor - this will be substantially decreased by all the activity and "traffic".</p> <p>There is also a large sign nailed to a tree advertising that there is woodland for sale. Does this sign require planning too?</p> <p>Strong objection</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>
0	3	1	2	0

**Neighbour Responses**

<b>Address</b>	<b>Comments</b>
Councillor Jane Timmis	<p>1 March 2024 ( Also Meeting with the LPA Case Officer : 16 April 2024)</p> <p>Am I right in thinking that you are the planning officer for the above retrospective planning application? I am minded to call it in.</p> <p>I am not happy with this application or the way that the company that owns the woods and is selling off plots for leisure facilities, which to my mind runs contrary to the Governments environmental and wildlife protection.</p> <p>Please do contact me so that we can discuss this. I do appreciate that you are looking at the semi-metalled track that they have introduced, (and not the woods) however that is not for maintenance as much as for access for the new plot owners with cars and caravans.</p> <p>I look forward to hearing from you.</p>

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/00175/RET	W/24/3345676	Hicks Road, Markyate	Written Representations
2	23/01713/FUL	W/24/3345753	118 Hempstead Road, Kings Langley	Written Representations
3	24/00394/ADV	Z/24/3345830	Berkhamsted Golf Club, The Common, Berkhamsted	Written Representations
4	23/02640/FUL	W/24/3346139	Bag End, Hogpits Bottom, Flaunden	Written Representations
5	24/00462/RET	Z/24/3346204	M&S, Unit 1, 300 High Street, Berkhamsted	Written Representations
6	23/02646/FUL	W/24/3346304	Land to west of Astrope House, Astrope Lane, Astrope	Written Representations
7	24/00515/RET	D/24/3347024	The Farriers, River Hill, Flamstead	Householder
8	24/00684/FHA	D/24/3347160	Lower Farm End, Luton Road, Markyate	Householder
9	24/00655/RET	D/24/3347197	21 Hedgeside, Potten End	Householder
10	23/01616/FUL	W/24/3347446	Aurora Hair And Beauty, 72 London Road, Hemel Hempstead	Written Representations

### 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03491/FUL	W/23/3322549	Land Adj to Rose Cottage, River Hill, Flamstead	Written Representations
	<b>Date of Decision:</b>		04/06/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322549">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3322549</a>			
	<b>Inspector's Key conclusions:</b>			
	The development proposed is to replace double garage block and viewing deck over with a single bedroomed split level studio, viewing deck area and			

single garage.

Paragraph 154g) of the Framework allows for 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. The main parties are in agreement that the appeal site represents previously developed land and I find no reason to take a different view.

The proposed development would be notably larger than the existing building and be much bulkier in its appearance. It would have a greater footprint, be closer in part to River Hill, it would be wider, and its central section would be considerably higher than the height of the existing built form. In views taken from the adjacent allotments, from the adjacent public footpath, from the garden of Rose Cottage and from River Hill itself the difference in scale between what exists and what is proposed would be readily appreciable.

Whilst existing landscaping provides screening from some views and the differences in scale would be less perceptible in longer views, there would nonetheless be a clear impact on openness when seen from the areas I have identified. The impact on the openness of the Green Belt resulting from the proposed development would not be the same or less than the impact that arises at the present time, it would instead be greater in both a spatial and visual sense.

In conclusion, the proposal would not fall into the exception listed at paragraph 154g) of the Framework, and it would be inappropriate development in the Green Belt.

The appeal proposal would be a building of a modern appearance, incorporating flat roofs and the use of timber cladding on its external elevations. It would occupy most of the appeal site, having a significant width and visual bulk in comparison to such a constrained site. Timber cladding is not a facing material used so extensively in the surrounding area and it would appear visually at odds with its surroundings. There would be an absence of any notable fenestration or detailing on the front elevation of the proposed dwelling which along with its bulk would result in an uncharacteristic and incongruous building. The screening to the roof terrace would be a dominant visual feature which too would be out of keeping in the locality. For these reasons, I conclude that the proposed development would cause harm to the setting of the Conservation Area.

I find that no harm would result with respect to future occupiers.

Due to the position of the proposed roof terrace and its elevated height there would be the clear opportunity for intrusive overlooking to occur from it onto the garden area of the adjacent dwelling, resulting in harm to the living conditions of the occupiers of Rose Cottage. That said, the appellant suggests that high screening could be installed around the proposed roof terrace to

prevent overlooking from it. Whilst this would elevate the height of the building adjacent to the boundary with Rose Cottage, it would be far enough away from the adjacent property and not of such a height to cause harm from a loss of light or from its massing. Such screening could be secured by way of a planning condition, and this would ensure that the proposal would accord with Policy CS12 of the CS where it seeks to avoid loss of privacy to surrounding properties.

There therefore remains a possibility that if bats were present and utilising the building as a roost, a bat mitigation license might be needed. Natural England advice is clear that before granting planning permission a decision maker must be confident that a license would be issued, which is subject to three legal tests being passed. It would not therefore be possible to address this matter by way of a planning condition.

The proposed development would fail to accord with Policies CS6, CS26, CS27 and CS29 of the CS and therefore with the development plan taken as a whole. Whilst there would be benefits arising from the provision of new housing, including self-build housing, and from a reduction in overlooking onto Rose Cottage, these do not outweigh the harm that would result to the Green Belt, to the setting of the CA and in terms of the ecological matters relating to protected species and habits. The material considerations outlined do not therefore indicate that a decision should be made otherwise than in accordance with the development plan.

The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. It would also cause harm to the setting of the CA, which given that the harm would be localised would be less than substantial. In accordance with paragraph 208 of the Framework, the harm to the designated heritage asset should be weighed against the public benefits of the proposal.

Of the considerations outlined by the appellant, it is those related directly to the provision of the new dwelling which would be public benefits. These would be public benefits of a collective substantial weight. There would be no public benefit from removing an unsightly building and replacing it with one that would equally cause visual harm. Balanced against these public benefits, the harm that I have found would arise to the designated area is a matter to which I afford significant weight. I find that the public benefits do not outweigh the harm to the CA that would result.

Whilst there are a number of considerations which weigh in favour of the proposal, including those relating to the provision of a new dwelling which taken together I have afforded substantial weight, I find that collectively and individually the other considerations put forward in this case do not clearly outweigh the harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">23/00307/FHA</a>	D/23/3327777	54 Nettleden Road, Little Gaddesden	Written Representations
	<b>Date of Decision:</b>		17/06/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327777">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327777</a>			
	<b>Inspector's Key conclusions:</b>			
<p>The works proposed are described as a single storey extension including works in curtilage of listed building; new windows, pantry, wine cellar and potting shed.</p> <p>The main issues are whether the proposal would preserve the Grade II listed building known as "54" (Ref: 1100429) (No 54), and any features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Little Gaddesden Conservation Area (CA).</p> <p>For the purposes of this appeal, the significance of No 54 primarily derives from its historic and architectural interest. The building's age, surviving historic fabric, vernacular form and design utilising traditional construction techniques and materials, all make important contributions in these regards.</p> <p>I am satisfied that the proposed installation of a lightweight glazed Crittal screen in the existing hall could be achieved without harm to the historic fabric of the building. Therefore, this would have a neutral effect on the significance of the listed building.</p> <p>The proposed replacement windows on the main house are said to relate to those on the elevation facing the Green, the dormers on the elevation facing the garden, the kitchen windows and the single glazed lounge window which looks out onto the patio. The replacement windows are described as like for like with the spacer detail to match the window frame, although slimline double glazing is proposed in place of single glazed units. In any event, very limited information is before me to enable a sufficiently detailed assessment of their impact on the building's heritage significance. On the evidence before me, the proposed replacement windows have the potential to diminish the building's architectural value, resulting in harm to the significance of the listed building.</p> <p>The proposed extension incorporating the wine cellar would not affect the historic fabric of the listed building, being attached to the 1990's cross-wing extension. Moreover, the proposed use of extensive glazing for its walls would enable the fabric of the cross-wing extension to remain visible. Contemporary design and building forms can work well juxtaposed with historic buildings. However, the proposed flat roof line would sit uncomfortably with the pitched roofs of No 54, cutting across the gable end and obscuring visibility of its eaves on one side.</p> <p>Furthermore, in wrapping around the cross-wing extension, the proposed building line would project much further into the garden than the cross-wing extension. As such, although set back from the building line of the annex and</p>				

<p>garage, and even with fully glazed elevations, the proposal would dominate in views from its garden, relative to the historic timber framed element of the building.</p> <p>In addition, the dimensions of the proposed chimney on the single storey extension would be comparatively wide and squat relative to the taller, slimmer chimneys on the existing building. Also, the proposed grey brick colour of this chimney would appear stark, being a colour not notable elsewhere on the appeal building, further drawing the eye as an incongruous modern feature. Moreover, the groundfloor windows and door on the cross-wing gable elevation would be replaced with patio doors, positioned off-centre. This would further emphasise this as a discordant feature and would disrupt the simplicity of the existing, symmetrical gable.</p> <p>As such, the proposed extension would hinder the ability to appreciate the historic and architectural features of the existing building. Furthermore, it would appear more intrusive than the existing conservatory which has a discreet footprint and profile when viewed from the garden of No 54. Therefore, I conclude that the proposed extension would not preserve this asset in a manner appropriate to its significance. Also, that the proposed replacement windows have the potential to add to this harm.</p> <p>Given the extent and nature of the works proposed, the degree of harm would be less than substantial. In these circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.</p> <p>the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that even the less than substantial harm to a designated heritage asset carries. In light of the foregoing, the proposed works would fail to preserve the special architectural and historic interest of the Grade II listed building (No 54). As such, it would fail to satisfy the requirements of the Act.</p> <p>Despite the harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be readily visible from public or private domains. Under such circumstances case law<sup>1</sup> has established that proposals must be judged according to their effect on the CA as a whole and therefore must have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and would thus preserve its significance.</p>				
<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
3	<a href="#">23/00308/LBC</a>	Y/23/3327780	54 Nettleden Road, Little Gaddesden	Written Representations
<b>Date of Decision:</b>			17/06/2024	
<b>Link to full decision:</b>				
			<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327780">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327780</a>	
<b>Inspector's Key conclusions:</b>				

(See above summary – Inspector’s Decision letter combined decision on planning application and listed building consent).
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### 6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 June 2024 and 14 July 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">23/01525/FUL</a>	W/23/3332531	158 High Street, Berkhamsted	Written Representations
	<b>Date of Decision:</b>		26/06/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332531">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332531</a>			
	<b>Inspector’s Key conclusions:</b>			
	<p>The development proposed is described in the application form as “removal of vertical glazing bar from Water Lane shopfront”.</p> <p>The building as existing is relatively modern but it has been designed to be in keeping with its surroundings in the Conservation Area, making use of traditional forms and materials. It is a two-storey structure, with a pitched roof that has a hipped end towards Water Lane. The building is primarily constructed of brickwork, especially above the ground floor, but much of the ground floor elevations to the High Street and Water Lane has been finished with a timbered shopfront design that incorporates classical architectural features.</p> <p>Notwithstanding the design approach, the existing building has large windows on the entrance elevation, facing the High Street, and a large window in the end elevation, facing Water Lane. The window in the end elevation is set within a classical architectural surround and the glazed area is currently divided in two by a vertical glazing bar (or “mullion”) that is part of the wooden window frame. The building is prominent in the townscape, due to its position facing the wider part of the High Street, but it is not out of place.</p> <p>It is now proposed to remove the vertical glazing bar, to create a single window pane in this end elevation.</p> <p>The proposal to remove the existing central glazing bar in the end window of the appeal building would have only a very limited impact on the appearance of the building itself or on the wider streetscene. A larger window would be created in this elevation but it would not be dissimilar to others nearby, including the larger window that is to be seen in the main elevation of the appeal building.</p> <p>The architectural design of the existing building and the details of the shopfront elevations are in harmony with the surroundings, while the colour scheme for the shopfronts enhances the overall concept. The removal of the central</p>			



	<p>glazing bar would not detract from the overall quality of the building in the Conservation Area, in my view, and I am not persuaded that any material harm to the character or appearance of the Conservation Area would ensue. Nor would the scheme materially affect the setting of nearby listed buildings.</p> <p>The proposed alteration would have only a minimal effect on the usefulness of the building and I am not persuaded that there would be a significant benefit deriving from the scheme. Nevertheless, I have concluded that the project would not have a materially harmful effect on the character and appearance of the host building and its surroundings in the Berkhamsted Conservation Area and that, therefore, it can properly be permitted.</p>
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#### **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn between 01 June 2024 and 14 July 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">23/02481/FUL</a>	W/24/3340758	Downlands, Icknield Way, Tring	Written Representations
	<b>Date of Decision:</b>		24/06/2024	

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

Enforcement Notice appeals lodged between 01 June 2024 and 14 July 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/21/00027/NAP</a>	C/24/3345662	Nash House, Dickinson Square, Hemel Hempstead	Written Representations
2	<a href="#">E/21/00256/NPP</a>	C/24/3347853	Conifers, Rucklers Lane, Kings Langley	Written Representations

## **6.6 ENFORCEMENT NOTICE APPEALS DISMISSED**

Enforcement Notice appeals dismissed between 01 June 2024 and 14 July 2024.

**None.**

## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 01 June 2024 and 14 July 2024.

**None.**

## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 01 June 2024 and 14 July 2024.

**None.**

**6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 14 July 2024).**

<b>APPEALS LODGED IN 2024</b>	
PLANNING APPEALS LODGED	45
ENFORCEMENT APPEALS LODGED	2
TOTAL APPEALS LODGED	47

<b>APPEALS DECIDED IN 2024</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	34	100
APPEALS DISMISSED	21	61.8
APPEALS ALLOWED	10	29.4
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	3	8.8

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2024</b>		
Total	21	100
Non-determination	1	4.8
Delegated	18	85.7
DMC decision with Officer recommendation	1	4.8
DMC decision contrary to Officer recommendation	1	4.8

<b>APPEALS ALLOWED IN 2024</b>	<b>TOTAL</b>	<b>%</b>
Total	10	100
Non-determination	1	10
Delegated	8	80
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	1	10

## **6.10 UPCOMING HEARINGS**

None.

## **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	15.10.24

## **6.12 COSTS APPLICATIONS GRANTED**

Applications for Costs granted between 01 June 2024 and 14 July 2024.

None.

## **6.13 COSTS APPLICATIONS REFUSED**

Applications for Costs refused between 01 June 2024 and 14 July 2024.

None.