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**DEVELOPMENT MANAGEMENT  
COMMITTEE AGENDA**

**THURSDAY 5 SEPTEMBER 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

Membership

Councillor Garrick Stevens (Chair)  
Councillor Claire Hobson (Vice-Chair)  
Councillor Sammy Barry-Mears  
Councillor Ian Bristow  
Councillor Toni Cox  
Councillor Nigel Durrant  
Councillor Fiona Guest

Councillor Jan Maddern  
Councillor Angela Mitchell  
Councillor Brian Patterson  
Councillor Stewart Riddick  
Councillor Caroline Smith-Wright  
Councillor Philip Walker  
Councillor Colette Wyatt-Lowe

For further information, please contact Corporate and Democratic Support on 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.

- 5a 23/01783/MFA - Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing. Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead (Pages 6 - 93)
- 5b 23/01784/MOA - Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage & Distribution Use (Units 8 to 14). Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead (Pages 94 - 178)
- 5c 23/01211/FUL - Demolition of frontage buildings and redevelopment of site for 7 dwelling houses. 23 Water End Road And Land To Rear Of 21 Water End Road, Potten End, Berkhamsted, Hertfordshire (Pages 179 - 248)
- 5d 23/02172/FUL - Change of use of land to facilitate the construction of a residential access road. The Bungalow Farm, Venus Hill, Bovingdon, Hemel Hempstead (Pages 249 - 277)

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# Agenda Item 5a

ITEM NUMBER: 5a

23/01783/MFA	Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing	
Site Address:	Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0NW	
Applicant/Agent:	Mr Mark Leinster	Mr Simon Milliken
Case Officer:	Martin Stickley	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/Flaunden/Chipperfield
Referral to Committee:	The application is a 'large scale major development' (i.e. the site area is over 2 hectares) and there is a proposed s.106 agreement	

## 1. RECOMMENDATION

- 1.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a Section 106 ("S106") legal agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

## 2. SUMMARY

- 2.1 The following report into the proposed redevelopment of 'Bovingdon Brickworks' summarises the proposed scheme and assesses it against local and national planning policy guidance and recommendations. It concludes with an overall 'planning balance' following the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 The site is currently acknowledged as a Major Developed Site ("MDS") in the Green Belt. The site is being brought forward in the emerging policy with an expanded employment area. Due to the need to remove the former brickwork buildings for safety purposes, the proposals would result in increased visual and spatial impacts on the openness of the Green Belt and are thus considered to have a 'greater impact' on openness. Therefore, a case for 'very special circumstances' has been advanced.
- 2.3 The planning balance concludes that, in this instance, the potential harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.

## 3. SITE DESCRIPTION

- 3.1 The application site (the "site") is located on the south-eastern side of Leyhill Road, approximately one kilometre to the south-west of Bovingdon Village. The site is roughly 6.5km to the south-west of Hemel Hempstead and 5km to the north-east of Chesham. The B4505 provides access to the A41 and M25 from the Site.
- 3.2 The application site formerly comprised buildings associated with Bovingdon Brickworks (Class B2: General Industrial) use that involved the production and storage of bricks on the site. The Brickworks was established on the site in the 1920-30s and benefitted from localised, good quality clay deposits. However, the site ceased production in 2016 due to the viability and declining quality of the clay deposits. The brickwork buildings were demolished

in October 2022, following a 'demolition prior approval' application under Schedule 2, Part 11 of the Town and Country (General Permitted Development) Order 2015 (as amended).

- 3.3 E H Smith (the "Applicant") is the freeholder of the 2.6 hectare former Bovingdon Brickworks site, which is located within the northern part of the overall 7.68 hectare Site. The brickworks site adjoins their builders' merchants use to the west, which is roughly 1.85 hectares. There are also existing areas of open storage in the western and southern parts of the site. The supporting documentation notes that the merchants use was established on the back of the diminishing brickworks business. It also highlights that the Applicant wishes to retain the employment development as a long-term investment.
- 3.4 Part of the former Brickworks site comprises 'Pudds Cross Industrial Estate', situated to the north-east of the site. This area comprises a small number of industrial and commercial uses. South of Pudds Cross, lies Loveday Aggregates used for the open storage of aggregates. It is worth noting that a large part of the brickworks site; the whole of the builders merchants site; and all of Pudds Cross Industrial Estate is considered a 'Major Development Site' within the Green Belt. The Chilterns Area of Outstanding Natural Beauty (AONB) is approximately one kilometre to the south-west.

#### **4. PROPOSAL**

- 4.1 Planning permission is sought for the redevelopment of a former Class B2 (general industrial) use to a flexible Class E(g)(iii) (light industrial) / Class B8 (storage and distribution) use (Units 1-7) and open storage use (Sui Generis builders merchants use). The works would comprise the following:
- The construction of seven warehouse units;
  - Resurfacing works within the existing open storage area;
  - Re-use of an open brick storage area for unrestricted open storage use;
  - Alterations to access points from Leyhill Road;
  - New internal access and car park works within the Builders Merchants site;
  - Diversion of public footpath 008; and
  - Hard and soft landscaping works.
- 4.2 The above comprises Phase 1 of the proposals for the site. The Proposed Site Plan (Drawing 5040-PL-102 L) illustrates the proposed works, including the warehousing units for Phase 1 in the northern part of the site and a new open storage area of circa 6,600sq.m to the south-east. It is envisioned that the proposed storage area would make way for 'Phase 2' in the future.
- 4.3 Phase 2 was submitted in tandem with this application with the planning reference 23/01784/MOA and comprises a further seven warehouse units (Units 8-14) for the same flexible use (i.e. Class E(g)(iii) and B8).
- 4.4 It is noted that there is some overlap between the documents submitted with the applications. For example, both Phases 1 and 2 rely on the same Sustainability and Economic Statements. The differences between the schemes will be highlighted throughout this report. However, in some areas the schemes will be discussed holistically.

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

Planning Applications:

20/00442/CON - Consultation - Application for a certificate of existing lawful use (CLEUD) open brick storage  
*Raise No Objection - 6th April 2020*

21/04622/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 21st February 2022*

22/02086/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 1st September 2022*

22/02477/DEM - Demolition of former Bovingdon Brickwork Buildings  
*Prior Approval Not Required - 2nd September 2022*

23/01784/MOA - Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage & Distribution Use (Units 8 to 14)  
*Pending Consideration*

4/02819/15/CPA - Brick-clay extraction with land restoration primarily back to agricultural use, ancillary works to construct a road crossing over Shantock Hall Lane and a haul road into Bovingdon brickworks  
*Raise No Objection - 8th December 2015*

4/01725/09/ROC - Removal of condition 3 (offices shall only be utilised in connection with the existing brickwork business) of planning permission 4/00199/81 (office building)  
*Granted - 23rd December 2009*

4/00545/04/DRC - Details of office building as required by condition 4 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 30th April 2004*

4/00544/04/DRC - Details of landscaping as required by condition 5 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 12th May 2004*

4/01808/02/CMA - Re-cycling plant  
*Raise Objection - 13th November 2002*

4/01723/01/DRC - Details of materials and foundations and tree protection required by conditions 2, 6 and 8 of planning permission 4/02215/00 (new entrance gate, alterations to access, additional car parking, new welfare building and demolitions)  
*Granted - 6th November 2001*

4/01701/01/FUL - Haulage yard and office accommodation  
*Granted - 3rd December 2001*

4/02215/00/FUL - New entrance gate, alterations to access, additional car parking, new welfare building and demolitions  
*Granted - 21st March 2001*

4/01488/00/FUL - Formation of access and car park  
*Granted - 17th October 2000*

4/01087/00/CMA - Change of use to open brick storage area  
*Raise No Objection - 8th August 2000*



4/00121/98/CMA - Review of mineral planning permission (reference numbers 4/0363/48 & 4/0168/57) application for the determination of new conditions  
*Raise No Objection - 5th March 1998*

4/01843/97/FUL - Change of use to pallet storage  
*Granted - 18th June 1998*

4/01189/97/FUL - Replacement workshop  
*Granted - 23rd September 1997*

4/00912/95/RET - Continued use of land for storage of pallets (renewal)  
*Refused - 7th September 1995*

4/00762/94/RET - Retention of portable office building  
*Temporary - 11th August 1994*

4/00488/94/RET - Use of land for storage of pallets  
*Temporary - 11th July 1994*

4/00302/91/FUL - Continued use of land for storage & repair of pallets on permanent basis  
*Temporary - 25th April 1991*

4/00164/91/CMA - Use of land for open storage of minerals  
*Granted - 10th June 1991*

## **6. CONSTRAINTS**

Advert Control

CIL Zone: 2

Former Land Use (Risk Zone)

Green Belt

Heathrow Safeguarding Zone: LHR Wind Turbine

NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High

Parish: Bovingdon CP

RAF Halton and Chenies Zone: Red (10.7m)

Parking Standards: Zone 3

EA Source Protection Zone: 2 and 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2023)

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

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Hertfordshire County Council Waste Core Strategy (2012)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS23 - Social Infrastructure  
CS24 - The Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

*Local Plan*

Policy 37 - Environmental Improvements  
Policy 51 - Development and Transport Impacts  
Policy 57 - Provision and Management of Parking  
Policy 79 - Footpath Network  
Policy 80 - Bridleway Network  
Policy 97 - Chilterns Area of Outstanding Natural Beauty  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Policy 101 - Tree and Woodland Management  
Policy 108 - High Quality Agricultural Land  
Policy 111 - Height of Buildings  
Policy 113 - Exterior Lighting  
Policy 119 - Development Affecting Listed Buildings  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 1 - Sustainability Checklist  
Appendix 8 - Exterior Lighting

*Hertfordshire County Council Waste Core Strategy*

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

*Supplementary Planning Guidance/Documents (SPG/SPD) and Other Relevant Information*

Manual for Streets (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Refuse Storage Guidance Note (2015)  
Sustainable Development Advice Note (2016)

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning (2017)  
Chilterns Area of Outstanding Natural Beauty Management Plan (2019 – 2024)  
Natural Environment – Landscape (PPG) (July 2019)  
South West Herts Economic Study Update (2019)  
Car Parking Standards (2020)  
Dacorum Strategic Design Guide (2021)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)  
Dacorum Local Plan Revised Strategy for Growth (2020-2040) Consultation (2023)  
Place and Movement Planning and Design Guidance (2023)  
Bovingdon Neighbourhood Plan (2023)

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The impact on the Green Belt;
- The effect on the countryside and landscape impacts;
- Design quality and appearance;
- Sustainability and socio-economics;
- Impact on the road network, internal circulation/manoeuvrability and parking provision;
- Environmental implications;
- The impact on residential amenity;
- Other material planning considerations;
- Any other harm; and
- The case for very special circumstances.

### Principle of Development

#### *Development in the Green Belt – Current Policies*

- 9.2 Dacorum Borough Council (“DBC”) in-line with the National Planning Policy Framework (“NPPF”) (December 2023) has adopted an ‘open for business’ approach to new development in order to secure economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design. The NPPF places significant weight on economic growth and productivity (see paragraph 85).
- 9.3 The application site is situated within the designated Green Belt. The Government attaches great importance to Green Belts with the key purpose of keeping land open. There is a presumption against the construction of new buildings. However, the redevelopment of previously developed land (“PDL”) is considered acceptable, provided that it would not have a greater impact on the openness of the Green Belt (paragraph 154 (g)).
- 9.4 Part of the site is also within an ‘MDS’ in the Green Belt (see Figure 1). Policy SA2 (Major Developed Sites in the Green Belt) of DBC’s Core Strategy (Site Allocations Written Statement 2017), states that proposals on MDS land shall be determined in accordance with Policy CS5. This policy establishes that within the Green Belt there are a number of MDS that largely pre-date the current planning system and Green Belt designation. The redevelopment or limited infilling of these sites is considered acceptable and should help to achieve economic, social and/or environmental gains. New development should not have a

significant impact on the character and appearance of the countryside and should not increase the impacts on the openness and function of the Green Belt.



Figure 1 - Extract from DBC's Site Allocations Map Book 2017 – MDS/5 Bovingdon Brickworks

9.5 The MDS area is also considered as an 'Employment Area in the Green Belt'. As such, Policy SA6 applies. This policy identifies that the expansion of floorspace or redevelopment will be permitted if it accords with the aforementioned policies i.e. CS5, SA2 and any other relevant policies and guidance.

9.6 The Bovingdon Neighbourhood Plan went to cabinet on 18 June 2024 and has now been formally adopted. Within this document, Bovingdon Brickworks and the adjoining employment uses are called the 'Pudds Cross Business Zone'. The extent of the business zone is the same as the Bovingdon Brickworks Gross External Area (GEA) in the emerging Local Plan (see next section).

9.7 Policy BOV EE3 (encouraging new employment) explains that:

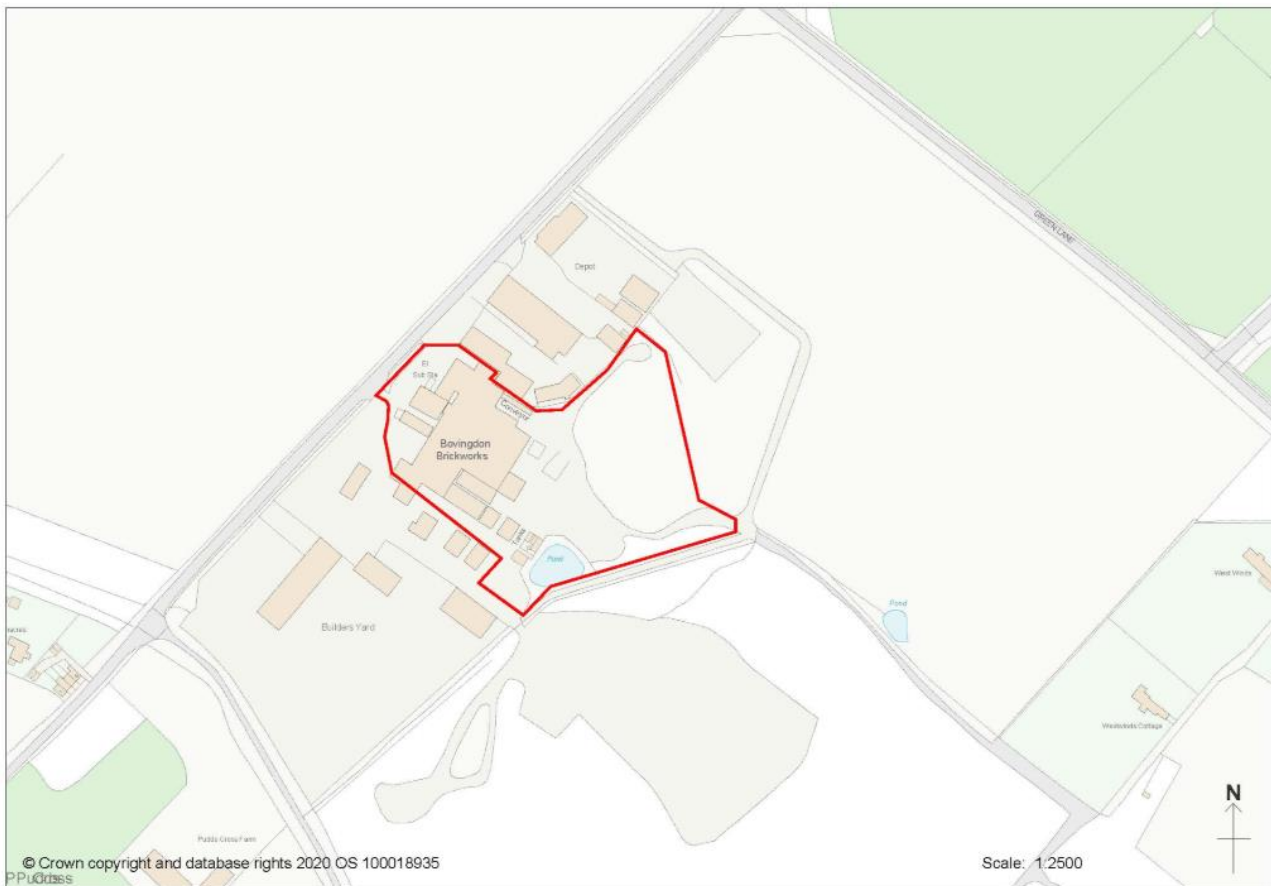
*'To meet local economic needs and help maintain and protect the Green Belt, development of brownfield land for employment use, redevelopment of existing employment sites, and expansion of the film industry and supporting businesses, will be favourably considered provided that:*

*i. Development is first considered in the two commercial and businesses zones as shown on the Policies Map, which still have available brownfield land and/or existing buildings for development...'*

#### *Development in the Green Belt – Emerging Policies*

9.8 The application site was allocated in DBC's emerging Local Plan (November 2020). The site is referenced as Growth Area Cy02 and identified for employment development for office, industrial and storage and distribution use. The allocation would provide 'around 8,000sq.m' of gross internal floorspace and that development should consist of 'smaller units under around 1,000sq.m including around 2,000sq.m provided in small units of less than circa 400sq.m'. A number of site specific requirements (e.g. urban design, highways, etc.) are also listed.

- 9.9 The allocation includes an area to the east of the Brickwork’s buildings, outside of the area previously defined as the ‘MDS’ as per Figure 1. However, this area is considered to form part of the curtilage of the of the brickworks buildings and is also considered as ‘previously developed land’.
- 9.10 Policy SP29 (Delivering Growth in the Countryside) identifies the site as an Employment Growth Area (“EGA”) suitable for a 0.3 hectare increase in the established employment land (see Figure 2). This is reinforced by Policy SP11, which states that the council will support this expansion to achieve borough-wide objectives. Policy SP5 (Delivering the Employment Strategy) encourages new employment, specifically small and medium sized businesses, on EGAs such as this.



*Figure 2 – Extract from emerging Local Plan – Growth Area Cy02: Bovington Brickworks*

- 9.11 The NPPF, paragraph 48, identifies that local planning authorities (“LPAs”) can give weight to relevant policies in emerging plans according to: (a) the stage of preparation; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency with the NPPF.
- 9.12 The site allocation and policies relevant to the site have not changed in the latest Regulation 18 revision of the emerging Plan and although there are currently no unresolved objections to the proposals for the application site, it is considered that only limited weight can be afforded to the emerging site allocation (Cy02) and other emerging policies, namely Policies SP5, SP11, SP29 and DM16. The council is seeking to progress to Regulation 19 later this year (2024) and it is considered that further weight could be attributed to the policies at this time.

- 9.13 Turning to specific development management policies in the emerging Plan, Policy DM16 highlights that development and redevelopment within General Employment Areas (“GEA”) will be permitted for office, industrial and warehousing. Further, non-office and industrial uses will be permitted if they:
- (a) are similar in nature to the aforementioned uses;
  - (b) will not undermine the specific role of the GEA as an employment and economic centre; and
  - (c) provide important services and facilities that would enhance the attractiveness of the GEA as an economic centre.
- 9.14 Potential other uses are then also listed (see Policy DM16 for full details).
- 9.15 Table 19 of Policy DM16 states that new employment, outside of the EGA (as defined in Policy SP29 and Cy02), is also considered acceptable in principle and that within the site landscaping should be strengthened, if necessary, to ensure that new development is not visually intrusive when viewed from the nearby countryside.
- 9.16 DBC’s Strategic Planning Team have provided a helpful table, which compares the emerging Plan requirements with the proposals and offers some commentary (see Table 1). It should be noted that their commentary discusses both phases of development, not just this application.

	<b>Emerging Plan requirements</b>	<b>Proposed in applications</b>	<b>Strategic Planning’s Comments</b>
Land use	Office, industrial and storage or distribution use	Light industrial and storage and distribution uses	To help meet local needs, we would welcome inclusion of general industrial (B2) development
Floorspace	Around 8,000m <sup>2</sup>	8,664m <sup>2</sup>	Proposed floorspace exceeds Emerging Plan figure, but by only 8%. We have no objections
Unit size	Development should consist of units under around 1,000m <sup>2</sup> , including around 2,000m <sup>2</sup> in small units less than about 400m <sup>2</sup>	Two of the proposed units are over 1,000m <sup>2</sup> , but the largest (1,536m <sup>2</sup> ) is for EH Smith’s own use  Over 2,000m <sup>2</sup> is proposed in units under 400m <sup>2</sup>	Proposed unit sizes are acceptable

*Table 1 – Strategic Planning’s Comments (Emerging Allocation vs Proposals)*

- 9.17 Regarding the 664m<sup>2</sup> (8%) exceedance of floorspace, this was queried with the Applicant and during the course of the application and viability details were provided to the council. The council had this information independently verified and the conclusions noted, in terms of profits, that the viability surplus was ‘marginal’. It is therefore considered that the Applicant

has sufficiently justified why a modest increase in floorspace is necessary to the overall viability of the scheme.

#### *Historic and Interim Uses*

- 9.18 The land within the Applicant's ownership currently and historically comprised various uses, which are split into three main parts: The main Bovingdon Brickworks site, which comprised the old industrial buildings (e.g. kilns, brick-making buildings, etc.) identified as 'General Industrial' Use (Class B2); The lawful use of the south-eastern plot, which was established for the purposes of open brick storage, taking delivery, storage and dispatch of bricks (Class Sui Generis); and The south-western plot comprising a builders merchants and builders yard (Class Sui Generis). There is also an office building associated with this use to the north.
- 9.19 The proposed uses seem to align with the existing uses on the site and the wider MDS. As the Brickworks site was previously used for General Industry (B2), Strategic Planning originally requested the inclusion of B2 within the description. However, it was confirmed that the majority of industrial uses these days fall within the 'light industrial' category. Further, the Applicant could apply for a B2 use if future demand required it. Any application for B2 could include any physical changes required to the units (e.g. noise and dust installation, etc.).
- 9.20 Based on the information provided and discussions with Strategic Planning, it appears that the proposed uses would be acceptable. The proposals would allow the site to continue as, and enhance, the GEA.

#### *Considering the Previously Demolished Buildings*

- 9.21 As previously mentioned, the brickwork buildings were demolished in 2022. Prior to this, the Applicant engaged in pre-application discussions with the council to establish whether the former buildings would be taken into account in future planning applications, or whether it would prejudice the prospect of securing new floorspace on the site. The council acknowledged that the buildings were in a 'state of disrepair' and they had '*been worsened by Storm Eunice*'. It was also confirmed that they represented 'a health and safety' risk because of the 'asbestos present in many of the roofs'.
- 9.22 The pre-application report agreed that the buildings needed to be removed but noted that early demolition could impact the assessment and policy justification for a future planning application, if submitted before the formal allocation. However, it was concluded that if 'there is a need to remove the existing buildings due to health and safety concerns...the LPA would need to take a reasonable and in my opinion, flexible, approach towards future planning applications on the site'.

#### *Summary*

- 9.23 This application proposes commercial development on land previously occupied by the brickworks buildings and a new open storage area on the previously developed land to the rear. The Planning Statement by Braiser Freeth states that:
- The footprint of the brickwork buildings was c. 4,900m<sup>2</sup> with a total volume (based on the footprint and height of the main buildings) of c. 50,000m<sup>3</sup> (paragraph 51).
  - The proposed Phase 1 development has a footprint of 4,135m<sup>2</sup> and a floor area of 4,833m<sup>2</sup> (paragraph 52). It has also been confirmed that the volume of the buildings in Phase 1 are c. 40,000m<sup>3</sup>.

- Prior to the Phase 2 development, the applicants propose to use 0.85 hectares at the rear of the site for open storage use in association with their builders merchants operation or for independent open storage use (akin to builders merchants use) (paragraph 54).
- The former brickwork buildings were of dominant scale which could be seen across a wide area. The new development would be generally of lower height and massing, albeit spread across a larger part of the site area (paragraph 77, bullet 1).

9.24 The existing policy environment allows for redevelopment or limited infilling of the site. The Bovingdon Neighbourhood Plan and the emerging Plan reinforce the case for developing this site, although limited weight is given to the latter.

9.25 Due to the fact that the existing brickworks buildings have already been demolished, it is considered that the proposals would result in a 'greater impact' on the openness of the Green Belt when compared to what currently exists on the site. Therefore, it is considered that a case for 'very special circumstances' would be required to justify the development.

9.26 Paragraph 151 of the NPPF states that:

'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.'

9.27 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development. The case for very special circumstances will be explored in detail later in the report.

#### The Impact on the Green Belt

9.28 The NPPF (Section 13) and Core Strategy (Policy CS5) highlight that, amongst other things, the openness and character of the Green Belt should be preserved. The fundamental aim of the Green Belt is to keep land permanently open. However, part of the site is included within the designated MDS, which allows for an exception to this overall aim subject to compliance with the relevant policies.

9.29 Paragraph 154 (g) explains that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is acceptable, provided that it would not have a greater impact on the openness of the Green Belt than the existing development.

9.30 The Planning Statement highlights several key points in relation to the impact on openness, including:

- Scale, height and massing;
- The brickworks were a large, noisy, dirty industrial operation, which spread dust across a wide area including Bovingdon Village;
- The kilns illuminated the sky at night-time;
- Heavy Goods Vehicles ("HGV") carried clay from the clay extraction pits across Leyhill Road to the brickworks clay preparation area; and
- There was vehicular and pedestrian activity movements associated with other, non-developed parts of the brickworks site and clay pits.



- 9.31 The Planning Statement further notes that the proposed light industrial and storage and distribution uses would not give rise to local amenity issues such as the above. In addition, it states that there would be fewer vehicular and pedestrian movements and reduced light pollution. These points will be discussed further later, in the relevant highways and lighting sections. The Statement concludes that the proposals would not ‘intensify’ the use in the Green Belt and it would offer enhancements in terms of landscaping and tree planting, amongst other things.
- 9.32 It is agreed that the proposals would remove the unpleasant amenity issues that were associated with general industrial use, such as the former brickworks. The proposed environmental enhancements coupled with additional planning conditions (e.g. ecology, landscaping, lighting, etc.) would also benefit the area in terms of visual amenity by creating a well-planted, clean site. However, the fact that the former buildings have already been removed means that in terms of visual and spatial openness, the proposals would result in a site that is physically more built up, than currently exists, ultimately impacting openness.
- 9.33 In terms of openness, there are open views of the site from a number of vantage points in and around the site, which are discussed in more detail in the next section. From these viewpoints the proposals would significantly reduce openness when considering the existing site (currently devoid of the former brickworks buildings). It is therefore considered that there would be substantial harm to the visual and spatial openness of the Green Belt because of the proposed buildings.
- 9.34 The re-surfacing of the existing open brick storage area would have a negligible visual impact and a limited spatial impact on openness due its form i.e. built at surface level. However, the use of this area to stockpile materials would increase the level of harm to the openness of the Green Belt.
- 9.35 Regarding the Green Belt purposes, the site is viewed in the context of a previously developed site and is therefore not considered particularly sensitive or effective in safeguarding the countryside from encroachment. However, there would be some minor conflict with purpose 3 in this regard.
- 9.36 As previously mentioned, if the Applicant had not demolished the brickworks buildings, it is likely that this assessment would have concluded no greater impact on the openness of the Green Belt, as the Phase 1 proposals would have resulted in an overall reduction in built form. Similarly, if the emerging Local Plan was at a later stage, the proposals would have attracted additional policy support. Due to the above, the proposals are considered to require very special circumstances in justification.

#### The Effect on the Countryside and Landscape Impacts

- 9.37 The Dacorum Landscape Character Assessment (LCA) (May 2004) identifies the site and the whole of Bovingdon village as falling within Landscape Character Area 107: Bovingdon and Chipperfield Plateau. Bovingdon Brickworks is specifically noted as a distinctive feature within the landscape. The supporting text states: ‘Historical and Cultural Influences. The Bovingdon brickfields have created a localized industrial landscape through a combination of clay extraction and the associated brickworks.’
- 9.38 The site also falls within the central section of National Character Area (NCA) 110: Chilterns, which comprises a wooded and farmed landscape underlain by chalk bedrock that runs from south-west to north-east.

- 9.39 Policy CS25 (Landscape Character) identifies that new development should conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure they conserve or improve the prevailing landscape quality, character and condition and take full account of the LCA, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.
- 9.40 The former buildings on the site, specifically the taller ones, were visible from a number of public vantage points. This includes views from Leyhill Road at the entrance to the site and from Shantock Hall Lane to the south. When looking south-west from Green Lane, the former taller buildings were apparent. It also appears that glimpsed views, primarily in times of leaf-fall, may be available from Footpath/Byway 006 (Bovingdon), when looking north-east.
- 9.41 Public Footpath 008 (Bovingdon) passes through the site and therefore the demolished buildings were prominent from this walking route. The footpath passes directly through the site, where the brickworks site borders the open storage yard. The existing uses, combined with the forklifts/HGVs that cross the footpath, have negative impacts on both visual amenity and pedestrian safety. As discussed later in this report, the proposals seek to reposition this footpath.
- 9.42 Wider distance views of the site and the former buildings were available, for example, when looking north-east from the neighbouring Boxmoor Trust land or looking west from Public Footpath 008. It appears that these views are more apparent during winter. Views are also possible from B4505 Chesham Road/Whelpley Hill when looking south-east.
- 9.43 A Landscape and Visual Appraisal (LVA) has been submitted in support of the application. It considers the likely visibility of the proposed development via a derived 'zone of visual influence' and the selection of 11 representative viewpoints agreed with the LPA. The LVA has undertaken an assessment of the effects on site features, landscape features, landscape character and visual receptors including residential properties. The assessment describes the effects and then compares them to 'winter year 1' and 'summer year 15'.
- 9.44 The main landscape feature effects at year one include the loss of some established trees to facilitate the improved access points and internal layout. These are deemed as localised major/moderate effects on the site vegetation. However, at year 15, the overall impact is considered moderate beneficial. The impact to the public right of way is considered moderate neutral at year one, also reducing to moderate beneficial by year 15.
- 9.45 Regarding the effects on landscape character, the LVA notes that 'at the national scale of the LCA there would be a negligible effect on NCA 110: Chilterns'. This is because the site is a very small part of the NCA and not typical of the local characteristics of the character area overall.
- 9.46 At district level, LCA 107: Bovingdon and Chipperfield Plateau would experience a moderate/minor adverse change at year one with the addition of medium scale industrial/commercial development and a loss of several established trees on a brownfield site. The proposed landscape enhancements would alter the nature of change to neutral and moderate/minor by year 15. At a local level (<200m) there would be a relatively increased magnitude of change at 'medium', although the sensitivity is reduced due to the brownfield character of the core area. The effects would be moderate adverse at year 1 due to the proposed built form and moderate neutral at year 15.
- 9.47 Turning to visual receptors, the site is reasonably well contained and therefore the most sensitive receptors are those closest to the site. The LVA has provided a number of viewpoints and wireframes at Appendix 5 and 7 give a visual representation of the proposals from the surrounding environs. The overall effects on neighbouring land uses and residential

properties were predicted as minor adverse and typically negligible due to existing screening in/around the site.

- 9.48 The proposals would be visible from roads but these would be limited in extent and duration. For example, there would be short, open views into the industrial estate but these would be set back beyond a new landscaped frontage, which includes new tree planting and understorey planting. There would be some impacts from rights of way and open land, albeit these are limited. The most open location is illustrated in Viewpoint 7 and its associated wireframe (see Appendix 7, VP7.3-7.4) where the upper part of Unit 5 would be visible. The effect from this section of the diverted route for c. 60 metres would be moderate adverse at year one and minor neutral at year 15, as the proposed planting establishes. Views along the rest of the diverted route are predicted to be minor to negligible with any glimpses of brick stacks or roofs in the distance being heavily filtered by vegetation.
- 9.49 Effects from the Boxmoor Trust open land to the east of the site are represented in Viewpoint 6 (see VP6.3-6.4). This illustrates a reduction from minor adverse to negligible neutral over 15 years. The remainder of the areas to the south and south-west have substantial screening. There would be no views of the proposed built form from Footpath 010 to the south or Byway 011/Footpath 006 due to the presence of established woodland and dense scrub.
- 9.50 A comprehensive Landscape Strategy has been provided (see Figure 08, Appendix 4 of the LVA). It includes the following key features:
- (a) Retention of the majority of the existing woodland, scrub and trees within the site;
  - (b) New trees, hedging and shrub planting to the Leyhill Road frontage;
  - (c) The removal of a group of over-mature and dying beech trees. New trees and a mixed native hedge are proposed to compensate;
  - (d) New trees, hedging, shrubs and grass areas within the proposed industrial estate;
  - (e) Areas of native shrubs to the eastern and southern boundary of Phase 2 including a re-profiled bund next to the boundary; and
  - (f) Planting of areas of native trees and shrubs to the wider site boundaries to the east and south.
- 9.51 The LVA notes that the proposals would be implemented and managed in accordance with a Landscape and Ecological Management Plan (LEMP), which would be secured via condition if the application is approved.
- 9.52 The findings of the LVA have been considered by the LPA and subject to the proposed landscaping strategy, LEMP and other conditions, no specific concerns are raised on landscape grounds. However, it is noted that there would be some harm arising from the proposals, particularly during construction and in the early years of operation (i.e. until the landscaping fully establishes).
- 9.53 In summary, the proposals would cause limited effects on land use and topography. There would be moderate neutral effects on Bovingdon 008 at year one, changing to beneficial at year 15 and localised major/moderate adverse on site vegetation at year one changing to beneficial by year 15. Landscape character would experience a moderate/minor adverse effect at district scale though the existing/previous use/buildings are considered atypical in the wider landscape. The proposals would be in character with the neighbouring industrial uses within the MDS designation. Change to the landscape character is deemed 'neutral' by year 15. Local level changes would also be moderate adverse as a result of the built form, lessening to moderate neutral at year 15. None of the effects on the visual receptors are considered significant.

- 9.54 Taking the above into account, it no specific concerns are raised in relation to the character and appearance of the countryside or any other landscape/visual considerations. The landscape proposals for the site layout would produce a net benefit to the site and setting by year 15 when established.

#### Design Quality and Appearance

- 9.55 Section 12 of the NPPF identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve.
- 9.56 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; Appendix 3 of the Dacorum Borough Local Plan (DBLP) (2004); and Dacorum's Strategic Design Guide, ensuring that new development is of the highest quality and contributes towards making distinctive, attractive and sustainable places to live and work.
- 9.57 The proposals include seven warehouse units with first-floor offices together with an area of open storage. The units are arranged in three blocks either side of a central access road and include landscaped parking areas. The terrace of four units to the east comprises smaller units, a larger detached unit proposed to support the existing builders merchant operation and a pair of semi-detached warehouse units. A new access is proposed to the builders merchant site to avoid conflicts with the new development and the main access would be enhanced via new boundary treatment and landscaping.
- 9.58 In terms of building design, the units comprise single-storey warehouse buildings comprised of coated galvanised steel profiled cladding, sheet roofing and feature flashing, metal rainwater goods and powder coated aluminium fenestration. To add some articulation to the buildings and pay respect to the former use, facing brick in the Bovingdon Brickworks style has been provided on the lower sections of the facades and parts of the flanks of the units. In addition, areas of Rockpanel Woods stonewool vertical cladding planks have been incorporated at a higher level to enhance the aesthetics of the building and provide some elements of a more 'natural' appearance.
- 9.59 Units 1-4 and 6-7 would incorporate a 'caramel oak' coloured cladding, red brick and different shades of grey sheeting. The appearance of unit 5 differs to add some variety to the complex of buildings, including green and blue cladding. Following the input from the Urban Design Officer, it was also considered that the north-eastern corner of the building should be improved, as this would be visible from Leyhill Road at the end of the service road. The corner was amended to include a large area of glazing to provide a more welcoming and interesting appearance.
- 9.60 Additionally, a number of other alterations were made to the scheme following input from the council. These include:
- Parking amended to increase landscaping (car parking numbers remain the same);
  - Unit 1 frontage aligned with the adjacent Aston Martin extension to the east, maintaining the building line, aligning front elevation with Leyhill Road and increasing landscaping to the site frontage;
  - Unit 7 enlarged to recover floor area lost in unit 1;
  - Unit 5 swapped with its service yard to provide screening of the yard from the existing public footpath and the adjacent woodland;
  - Sliding gate to industrial estate entrance replaced with swing gates and brick gate posts (brick gate posts continue theme of brick wall to site frontage);

- Brick gate posts added to EH Smith site entrance to match industrial estate entrance;
- Pedestrian crossings added to estate road to improve safe walking from Leyhill Road to each unit;
- Landscape buffer shown between Phases 1 and 2, and link to existing public footpath removed; and
- New footpath link between Leyhill Road and Boxmoor Trust land added along eastern boundary of application site.

- 9.61 Regarding the external materials, the access road would be tarmac and the parking would be bitmac. The footpaths would be block paving and the service yards would be brushed finished concrete. The external storage area would comprise existing concrete and rolled hoggin. As such, there is some variety to the external materials that would be broken up by areas of soft landscaping.
- 9.62 The proposals have been designed with crime and security in mind. The Design and Access Statement notes that the proposals are in accordance with DBC's supplementary planning guidance on safety and security, specifically in relation to commercial/industrial estates. It also states that the access standards and guidance applied to the site and buildings are: Building Regulations Approved Document M 2004 (amended); British Standard 5588 Part 8 1999; British Standard 8300 – 2001; The Disability Discrimination Act 1995: Parts 2 and 3. Taking this into account, it appears that the scheme would be acceptable in relation to crime, safety and disabled access.
- 9.63 The Applicant has engaged with the LPA from pre-application stage and there have been a number of design iterations evolving the proposals. The process is detailed in the Design and Access Statement (see page 8) and its associated Addendum, which was submitted with the final set of amendments. Overall, the proposals would provide a high quality, modern and well landscaped warehousing development. The proposed layout, design and appearance respond positively to the planning policy context and surrounding environment.
- 9.64 Regarding building heights, the ground-to-ridge heights of Units 1-4 would be 8.6 metres and Units 5, 6 and 7 are 11.2m, 10.8m and 10.8m, respectively. No particular concerns are raised with the building heights in design or appearance terms and it is noted that these types of building heights are common for the proposed use types. The proposed landscaping and design elements previously discussed would reduce the visual impact of the height of the buildings and help them harmonise with the appearance of surrounding area.

#### Sustainability and Socio-Economics

- 9.65 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors. DBC has declared a climate emergency and therefore, sustainable design and construction is a key consideration. This is a requirement of Policy CS29. Policy CS28 also provides energy efficiency considerations.
- 9.66 The proposals involve the re-use of an existing previously developed site to provide new employment opportunities. The Planning Statement notes that a large amount of soft and hard material from the demolition of the former brickworks buildings has been recycled. It also discusses the proposed highway improvements, which include enhanced footpath and cycle links along the southern side of Leyhill Road between the site and Bovingdon Village. These improvements will be discussed further in the 'highways' section of the report.
- 9.67 As previously mentioned, the proposed development would replace a site historically used for general industry with its associated air, noise and light pollution. The proposals would use

modern materials and appliances, which are more energy efficient and less polluting. Although some tree loss would occur, the proposals would provide a comprehensive landscaping strategy that would provide overall gains to the ecology, biodiversity and the natural environment as a whole.

- 9.68 The submitted Sustainability Statement and Energy Strategy Report provide further details on the sustainability benefits of the proposed development. It notes that the proposed warehousing units have been designed with passive energy enhancement measures. The following measures would be incorporated into the proposals:
- Improved U-value of walls, windows and roof lights to reduce the energy demands for heating;
  - Optimised roof-light areas (9% of warehouse floor area) to provide heating but limit overheating;
  - Improved air permeability;
  - Solar heat gain control via the use of solar control glazing (reducing the need for artificial cooling); and
  - Other measures including daylight efficiency, building layout and thermal mass.
- 9.69 In addition to the passive measures, the proposals include other energy enhancement measures such as high efficiency LED lighting, automated lighting and daylight dimming controls, air-to-air heat recovery, power factor correction, 320m<sup>2</sup> of photovoltaic panels and air source heat pumps on all of the units. All of the units would achieve an EPC A rating.
- 9.70 The Energy Strategy Report notes that due to the absence of substantial and constant heating requirements, the use of a communal combined heat and power would not be viable for the project. Although this is unfortunate, it is considered that the above measures would provide highly sustainable development in terms of energy and carbon emissions. The aforementioned measures would be captured via a planning condition should the application be approved. It is also considered necessary to include conditions relating to site waste and construction management processes to ensure that these elements are managed satisfactorily.
- 9.71 In addition to environmental sustainability, the proposals would also provide social and economic gains. The Applicant has provided an Economic Statement that discusses this. The Economic Statement builds upon the emerging Local Plan and DBC's 2019 'Economic Study Update', which notes a substantial shortage of industrial space within Dacorum. DBC have acknowledged that the 'exceptional circumstances' exist for increasing the employment area by releasing 0.6ha of Green Belt land in its current evidence base. The strategy gives high priority to medium and small sized businesses in new employment development.
- 9.72 The Applicant's Economic Statement describes the drivers of demand, including:
- The increased rise of e-commerce, modernisation and supply chain resilience following Covid-19;
  - A significant under-supply of industrial sites in Dacorum, continued erosion of stock and low vacancy rates, particularly amongst small and medium sized premises;
  - Strong and continued levels of Gross Value Added (GVA) and employment growth in the borough, including transport and storage sectors; and
  - High population growth and support for higher levels of housing delivery in the future, increasing demand for local employment opportunities.
- 9.73 The Planning Statement provides further commentary, highlighting that the lack of sufficient employment land subsequently decreases the competitiveness and attractiveness of the

borough for inward investment. This can lead to unsustainable travel patterns because residents may travel elsewhere for work opportunities. It further states that the site is located close to a strategic road network and within a growth corridor identified by the Local Economic Partnership. As such, there is a clear advantage to warehousing and light industrial operators in this area due to the accessibility to consumer and business markets.

9.74 The overall economic benefits associated with both phases are summarised as follows:

- Temporary construction jobs, including for local residents, businesses and apprenticeship opportunities;
- 125 to 165 full time jobs on site once the proposed development is operational, across a wider range of occupations and skills levels, leading to a substantial uplift in opportunities compared to when the site was previously operational;
- A further 60-85 indirect (off-site jobs) in the wider Hertfordshire economy across a wide range of occupations and sectors;
- A contribution of £7.5 to £14.5 million in GVA per annum in Dacorum once the scheme is operational and a further £4.6 to £6.2 million per annum across the wider economy; and
- Around £295,000 in business rates per annum to support essential local services in Dacorum.

9.75 The economic benefits associated with both phases of development appear to be linked to the proposed floor area and scale of buildings. For example, it is estimated that both phases could support between 125 to 165 full time jobs based on the employment densities linked to the proposed floor space. Taking this into account, it is predicted that Phase 1, with 4,833sq.m (circa 56%) of the overall 8,664sq.m proposed floor space, would generate roughly 56% of the economic benefits associated with the proposals. Phase 2, with an overall floor area of 3,167sq.m would subsequently provide around 44%. However, despite this prediction, the future uses of the individual units and the businesses that occupy them will likely change these figures to some degree.

9.76 The conclusions from the Economic Statement are as follows:

*'The evidence collated suggests that very special circumstances can be demonstrated in support of the proposed development from a socio-economic perspective. The local socio-economic context (from a performance, growth forecasts and policy perspective) show that there is a need to intervene to support further growth. The proposed nature, scale and location of the development can address current deficiencies in local supply, respond to local needs and deliver benefits that could not be achieved if the scheme does not proceed.'*

9.77 The proposals and their associated economic benefits would, in tandem, provide a number of social benefits (e.g. job and training opportunities to local people), in addition to revenue. Overall, the proposals are considered to provide a highly sustainable development and is considered compliant with local and national policies in this regard.

#### Impact on the Road Network, Internal Circulation/Manoeuvrability and Parking Provision

9.78 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the NPPF states,;

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 9.79 Hertfordshire County Council's (HCC) Local Transport Plan (LTP) is also relevant, specifically Policies 1 (Transport User Hierarchy) and 5 (Development Management) and the recently published 'Place and Movement Planning and Design Guidance'.

*Existing and Proposed Accesses*

- 9.80 The application is supported by various technical documents relating to highways. They have been reviewed by Hertfordshire County Council as the Highways Department who have noted that the proposed access is safe and suitable. As such, no objection has been raised on highway safety grounds. They did note that vehicular speeds are higher on average than the speed limit. The speeds of passing vehicles is clearly outside of the Applicant's control. However, they have designed the access arrangements to accommodate for this, allowing sufficient visibility road and vehicles that may be driving above the speed limit.
- 9.81 The submitted Transport Assessment ("TA") demonstrates that there are no specific road safety issues associated with the site with no accidents reported in relation to the existing site access points. During the course of the application, the proposed highways arrangements have also been subject to an independent Road Safety Audit with no safety concerns raised.
- 9.82 Bovingdon Parish Council and residents have queried the need for a further access onto Leyhill Road. The Transport Assessment Addendum ("TAA") responds to this, highlighting that 'there is an essential requirement to provide a new access to serve the commercial site independently from other operations.' Whilst a further access point would impact the rural character and appearance of the Leyhill Road to some degree (discussed later in the 'public consultation responses' section), it does not appear to raise any unacceptable impacts on highway safety terms. It would also provide less conflicts between businesses operating the warehousing units and people accessing the builders merchants building. The TAA makes the distinction between the vehicular activity associated with the commercial site (staff and customers in cars and light vans) and larger HGVs and articulated lorries associated with the other uses. No specific objections are raised in relation to the alterations to the existing access and the new access proposed.
- 9.83 A number of tracking diagrams have also been provided, illustrating that the access points can be accessed by various vehicles (e.g. box vans, fire appliances, 10 metre rigid van, articulated vehicles, etc.). Internal diagrams demonstrate that all of the warehouse and commercial units can be accessed (and exited) satisfactorily. No concerns have been raised by the Highway Authority in this regard.

*Impact on the Road Network*

- 9.84 An assessment has been undertaken regarding the impact of the proposals on the road network. The TA has reviewed existing levels of traffic, the estimated levels of traffic associated with the former brickworks in full operation and traffic linked to the proposed uses. Regarding the existing road network, an Automatic Traffic Counter survey was undertaken for seven days in March 2023. A summary of existing levels of weekday traffic can be seen in Figure 3.



Time Period	Eastbound	Westbound	Two-way
08:00-09:00	73 (2)	107 (4)	180 (6)
17:00-18:00	88 (1)	77 (1)	166 (2)
<b>Daily Total</b>	<b>997 (48)</b>	<b>1,029 (58)</b>	<b>2,025 (106)</b>

*Figure 3 – Existing Traffic Flow on Leyhill Road (extract from Transport Assessment)*

- 9.85 The road is considered lightly-trafficked during a typical weekday period with around 2,000 two-way vehicle movements with an average of 135 two-way HGV movements, which amount to circa 5% of all vehicles on Leyhill Road.
- 9.86 Despite the former brickworks no longer being operational, a further assessment of the existing access points was undertaken (see Figures 4 and 5). This indicates the current traffic flows associated with the other uses on the site. These accesses are also considered to be ‘lightly trafficked’, particularly during peak hours of the highway network.

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	3 (3)	2 (2)	5 (5)
PM Peak Hour (17:00-18:00)	0 (0)	0 (0)	0 (0)
Daily Total (07:00-19:00)	36 (33)	23 (20)	59 (53)

*Figure 4 - Existing Traffic Movements – Western Access (extract from Transport Assessment)*

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	20 (2)	11 (2)	31 (4)
PM Peak Hour (17:00-18:00)	0 (0)	13 (0)	13 (0)
Daily Total (07:00-19:00)	152 (20)	186 (36)	338 (56)

*Figure 5 – Existing Traffic Movements – Eastern Access (extract from Transport Assessment)*

- 9.87 Overall, the current operation of the site generates 397 two-way vehicle movements during a typical weekday, which is roughly 16% of all traffic using Leyhill Road. The monitored turning movements indicate that vehicles principally enter/exit to the east along Leyhill Road (via Chesham Road), rather from the west, which leads to more rural, convoluted routes.
- 9.88 The TA notes the following key points in relation to the historic brickwork operations:
- The daily operations associated with the manufacturing process included local excavation and the import of materials; manufacture/production of bricks on site; and the sale and distribution of the bricks.
  - The brickworks, when fully operational, imported clay from the Pockets Dell field immediately to the north with regular movements across Leyhill Road from large tipper trucks and grab lorries. These movements were permitted through a historic county application 4/0225/99 that permitted a maximum of 40 vehicle movements (20 arrivals, 20 departures) between the sites each day. There may also have been further haulage movements associated with extraction, however, these are undocumented.

- At its peak, the brickworks business employed between 55 and 70 staff members. All staff were based on site and the majority travelled by car. Based on the level of staff, it is estimated, as a minimum, that staff movements amounted to over 100 two-way car movements per day.
- On average, 6-8 two-way vehicle movements by articulated vehicles for deliveries. Some deliveries would have been made by a 12 metre ridged vehicle, which would amount to 8-10 daily two-way vehicle movements.
- Overall, the existing brickworks is predicted to have generated around 130-140 two-way vehicle movements during a typical weekday of which 30-40 movements were by HGV (although this could be 46-48 two-way movements based on the maximum), and 100 were staff car movements. A large portion would have been during peak hours for the arrival/departure of staff. It is unlikely that the HGV movements would have occurred during these peak hours.

9.89 Some of the figures provided within the TA are considered as the ‘worst case’ scenario i.e. assessing the brickworks at maximum capacity. It notes that the general industrial use could be reinstated and optimised at any time. TRICS data has been used to look at the 2 hectare site area based on this optimised general industrial use. It highlights that there would be the potential for 500 two-way vehicle movements on a daily basis. The TA concludes by noting that the historic use generally represents a much less intensive use than what could be lawfully be reinstated on the site.

9.90 The TA notes that in reality, the aforementioned intensive level of use would not be sensible and therefore the proposed mixture of light industrial and B8 uses (warehousing and storage) are beneficial from a highways perspective. A TRICS assessment details estimated trips associated with the gross floor area of the proposed uses, see Figure 6.

Time Period	Arrivals		Departures		Total Two-way	
	Trip Rate	Traffic	Trip Rate	Traffic	Trip Rate	Traffic
AM Peak Hour (08:00-09:00)	0.198	17	0.048	4	0.246	21
PM Peak Hour (17:00-18:00)	0.049	4	0.058	5	0.107	9
<b>Daily Traffic</b>	<b>1.610</b>	<b>139</b>	<b>1.528</b>	<b>132</b>	<b>3.138</b>	<b>272</b>

*Figure 6 – Predicted Traffic Generation – Industrial Estate (8,664m<sup>2</sup>)  
(extract from Transport Assessment)*

9.91 The above indicates that both phases of development would generate circa 272 two-way vehicle movements including 33 two-way vehicle movements by Ordinary Goods Vehicles (“OGV”) during a typical weekday. This includes larger rigid vehicles (2-3 axles) and larger HGVs. This figure is around the same or less than the historic activity generated by the brickworks i.e. 30 to 40 movements. It is likely that the level of movement associated with each phase would be linked to the proposed scale/floor areas, with Phase 1 producing somewhere between 50-60% of the overall movements and Phase 2 producing between 40-50%.

9.92 The brickworks no longer operates on the site and therefore its associated vehicular movements have decreased. When in operation, the brickworks had 130-140 two-way movements associated with it and the Transport Statement notes that, if intensified, the use could generate up to 500. It further states that the proposed use would represent a 45% decrease in this ‘intensified’ use.

9.93 The proposals would provide a middle ground between the former brickworks use and the potential for an intensified general industrial use. As there are limited vehicular movements associated with the brickworks site due to the loss of the business, there clearly would be more vehicles on local road when compared to now. However, it is not considered that they would overwhelm the highway network or result in unacceptable levels of congestion. The proposals are considered acceptable by the Highways Department, subject to conditions and planning obligations, and the proposed development offers greater opportunities to introduce sustainable travel incentives to the site. The proposals are therefore considered acceptable in terms of their impact on the road network.

*Sustainable Transport Measures and Highway Upgrades*

9.94 Turning to sustainable transport measures and highway upgrades, the HCC originally objected noting that the proposals 'fail to maximise sustainable transport options...' The original proposals included a shared 850 metre pedestrian/cycle route into the centre of Bovington, which was confirmed as an 'important step in starting to unlock this site'.

9.95 Further discussion took place and it was agreed that bus stop improvement works could be funded by the development, if approved. The improvements include:

- Increased hardstanding on the eastern side of Green Lane to provide new shelter and accessible kerbs;
- New footway connections on the southern side of Green Lane with uncontrolled crossing and accessible kerbing; and
- A bus stop post, flag and timetable information.

9.96 The proposed bus stop works can be found in the Transport Assessment Addendum, see drawing 2023/4189/009, and the access and footway/cycle proposals on drawing 2018/4189/002/P11.

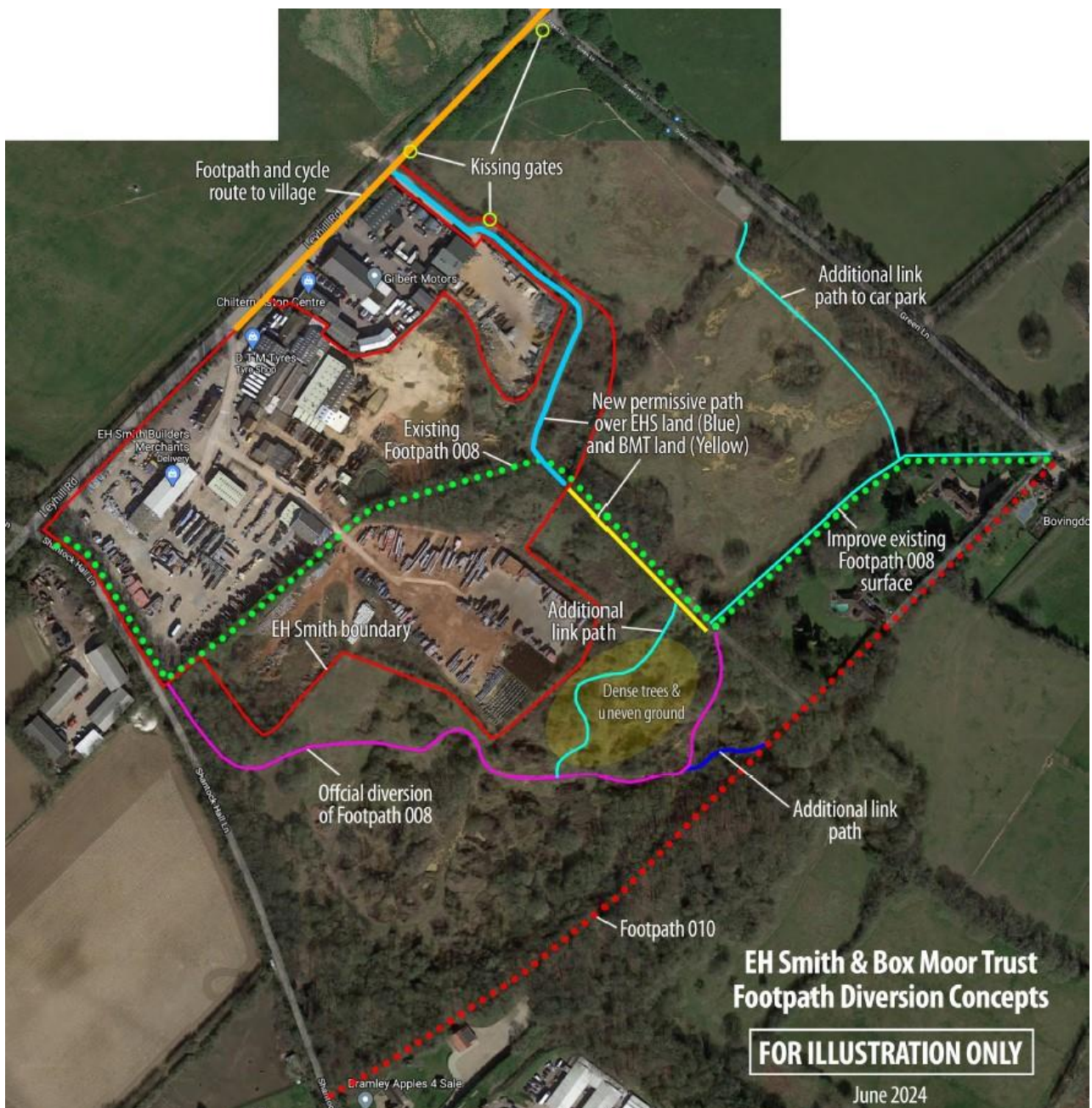
9.97 The highways works would be subject to further consideration and design evolution via the Highways Section 278 process and captured via a S106 legal agreement attached to this application. In addition to benefitting future users of the proposed development, these works would serve a wider purpose by benefitting future residents in the recently approved Grange Farm development to the east.

9.98 The proposals include five-year travel plans to maximise opportunities for staff to travel sustainably and car share. The Applicant has committed to paying a travel plan support fee, monitored by a travel plan coordinator. HCC have indicated that two financial contributions would be required in relation to the highways mitigation. 'Strand 1' would include the direct mitigation works to unlock the development including the travel plan monitoring costs of £6,000 (£1,200 per annum). The other Strand 1 works include the access arrangements, off-site highway works and bus stop improvements captured via the S278 process.

9.99 The 'Strand 2' costs relate to the cumulative impacts of all development to facilitate delivery and enhancement of active and sustainable transport networks. This contribution is intended to support wider transport measures in the catchments of new developments. The figure is calculated by HCC's 'Developers Planning Obligation Toolkit 2021'. The Highway Authority have confirmed that the funds would be allocated to projects identified in the emerging South-West Hertfordshire Growth and Transport Plan and/or the emerging DBC Local Cycling and Walking Infrastructure Plan (LCWIP). The agreed contributions for Phase 1 and Phase 2 are £22,413.76 and £17,764.34, respectively (£40,178.10 total), based on TRICS data, floor area and predicted number of jobs.

*Footpath Diversion*

- 9.100 The proposals include the diversion of Footpath Bovingdon 008, which currently runs through the site. The proposal to divert this footpath form part of the emerging allocation Cy02, which states that it is ‘...to be diverted by c. 60 metres to the south east and provided with an enhanced all-weather surface.’ The indicative proposals are supported by Strategic Planning and both DBC’s and HCC’s rights of way officers.
- 9.101 Initial objections were received from a neighbour and the Parish Council due to the loss of a circular walking route. Discussions during the course of the application resulted in further routes being added including a new permissive path link with Footpath Bovingdon 010. The annotated image below (see Figure 7) shows the proposed diversion plus the proposed permissive paths linking the proposed diversion with Leyhill Road (across an old E H Smith trackway and Boxmoor Trust land) and Footpath 010. Additional kissing gates are also proposed.





### *Figure 7 – Details of Existing and Proposed Footpaths*

- 9.102 The proposed diversion, along with the permissive paths, would enable walkers to navigate two possible circular routes across the Applicant's and Boxmoor Trust land. The proposals would not add to the length of the existing footpath route and would seek to avoid possible health and safety issues associated the forklifts/HGV's crossing point.
- 9.103 It is considered that the new footpath would provide an enhanced walking route visually/aesthetically, as it would lead through planted areas/countryside rather than the developed site. The Applicant has confirmed that the footpath proposals have the support of Boxmoor Trust as a willing landowner, and the works would be secured by means of a Memorandum of Understanding agreement, which expresses a convergence of will between parties. This is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. The Applicant has agreed with Boxmoor Trust the costs for the implementation of the footpath diversion and other works, including the new kissing gates.
- 9.104 No objections are raised to the diversion of the footpath. The proposals would enhance the footpath surface to an all-weather surface (i.e. compressed gravel chippings, as agreed by the DBC rights of way officer) and provide a safer, more attractive walking route. The additional permissive routes would also increase connectivity in the area. It is considered that these elements would serve a wider benefit to the area and should be given positive weight in the planning balance.

### *Parking Provision*

- 9.105 The NPPF and Policy CS12 seeks to ensure developments have sufficient parking provision. DBC's Parking Standards (2020) SPD provides specific guidance for the number of parking spaces required for new developments. The site is situated within Accessibility Zone 3 whereby one space per 35sq.m of gross external area is applicable for 'light industrial' uses and one space per 75sq.m for lorries 'on a case-by-case basis' for 'storage/distribution' uses should be provided. In addition, 5% of the total capacity should be disabled spaces. Regarding electric vehicle parking, 20% of all spaces should be active provision and another 30% as passive provision. Sufficient space for bicycles should also be provided, equating to one short-term space per 500sq.m and one long-term space per ten full-time staff.
- 9.106 If the proposals were purely light industrial, they would be required to provide circa 118 spaces. If purely storage and distribution, around 55 lorry spaces would be required, based on the gross external area. As the proposals comprise a flexible use, the application includes 83 car parking spaces and eight lorry parking spaces. The applicant has confirmed that in-line with HCC recently published 'Place and Movement Planning Design Guide', all car parking spaces would meet the 2.5m by 5m minimum size requirements, with no spaces obstructed to the side. The applicant has also confirmed that the disabled spaces could also meet the increased size requirement of 5.5m by 2.9m without much impact on layout and landscaping.
- 9.107 Overall, the proposals are considered to provide a satisfactory number of parking spaces noting the 'flexible' uses proposed. The exact uses for the units has not yet been fully defined. However, as previously alluded to, Unit 5 is proposed to be retained by EH Smith as a warehouse in connection with the adjoining building merchants use. All of the units would be provided with a flexible parking arrangement allowing for both cars and lorries to park. In addition, disabled spaces and electric charging points are annotated on the drawings. The proposals are therefore appropriate in terms of parking provision and conditions would be imposed relating to parking space dimensions, bike stores and electric vehicle charging

points if the application is approved. This is to ensure that the proposals meet the relevant policies/guidance.

### Environmental Implications

#### *Environmental Impact Assessment*

- 9.108 The aim of Environmental Impact Assessment (“EIA”) is to protect the environment by ensuring that an LPA, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 9.109 The proposals do not fall under Schedule 1 of the EIA Regulations. Accordingly, the need or otherwise for an EIA to accompany an application for development of the site is to be considered under Schedule 2. Section 10 notes that for ‘industrial estate development projects’ and for ‘urban development projects’ the area of development needs to exceed 5 hectares. Whilst the application site (see total red line on Site Location Plan) measures circa 7.68ha, the area for redevelopment comprises around 2.6ha, falling below the EIA threshold. Following a review of the above thresholds, it is not considered that the proposals constitute EIA development and therefore no further action is required in this regard.

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

- 9.110 The Chilterns Beechwoods Special Area of Conservation (“SAC”) includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (“SSSI”) and the Tring Woodlands SSSI.
- 9.111 As part of Dacorum’s emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to these protected sites and an increase in adverse activities e.g. trampling. To limit this impact, a Habitat Regulations Assessment (“HRA”) is required for any development that results in an additional residential unit within the ‘zone of influence’.
- 9.112 The proposals are a ‘non-residential’ project, which due to its nature would not give rise to additional visitors to the SAC, as there is no net increase in dwellinghouses. Therefore, it is concluded that there would not be likely significant effects either alone or in combination with other plans/projects on the qualifying features of the SAC in respect of recreational pressure.

#### *Biodiversity, Ecological Mitigation and Habitat Creation*

- 9.113 Policy CS26 states that development and management action will contribute towards the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Policy CS29 seeks to ensure that development minimises impacts on biodiversity and incorporates positive measures to support wildlife.
- 9.114 Paragraph 180 (a) of the NPPF advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated.
- 9.115 The application site has been previously developed for general industrial uses, which are likely to have significantly decreased the ecological value of the site. However, as the intensity of the brickworks use declined, the ecological value may have increased. A

Biodiversity Impact Assessment (July 2023) and supplementary Biodiversity Net Gain (“BNG”) Statement and Metric (2024) have been provided to take account of the emerging requirements for net gain. Whilst these applications were submitted prior to the statutory requirement for BNG, the applicant has committed to provide it.

- 9.116 Drawings ECO1 and ECO2, submitted as part of the BNG Statement illustrate that the proposals can achieve a 48.58% and 29.86% increase in habitat units and hedgerow units, respectively. The biodiversity enhancements would be achieved primarily through the comprehensive landscaping proposals. ECO2 details the ‘post-development habitats’ that include newly introduced mixed scrub, shrubs, trees and hedgerows. The plan also shows provision for species features (e.g. bird and bat boxes). HCC have concluded that 10% BNG ‘has been demonstrated and is achievable’. They consider the enhancements as ‘significant’ and confirm that the Metric Trading Rules have been met.
- 9.117 Turning to on-site ecology, the site has been subject to numerous recent habitat and species surveys. HCC have noted that these ‘provide a thorough and reliable baseline’ understanding of the site. Most of the site is hardstanding with edges of dense bramble, disturbed ground with ruderal/colonising flora and some scattered scrub and broadleaved woodland. There is drainage pit/pond that would be lost, but HCC consider this ‘of little significance’.
- 9.118 The details provided highlight that there is no evidence of badgers on the site. Regarding bats, there is very limited habitat available with no building suitable for roosts. One tree was identified with ‘high roosting potential’ – this would be retained. A lighting design strategy (see “External Lighting Proposals, Issue 2, 12 June 2023 by Shepherd Brombley Partnership”) has been provided to ensure that lighting is sensitively designed as not to impact wildlife. HCC have commended on this noting its acceptability as it will ‘reduce light spill and glare’ to ‘limit the impact of artificial light on the adjacent LWS and local area’.
- 9.119 No particular bird, mammal or invertebrate interest, including great crested newts, was found. HCC have pointed out that the adjacent Local Wildlife Site (“LWS”) to the east is known for butterflies. A low population of slow worms were recorded within boundary vegetation but otherwise are likely to be absent. Conditions relating to landscaping and habitat maintenance and management will deal with any existing on-site ecology appropriately.
- 9.120 On ecological grounds, the proposals are considered acceptable subject to the imposition of the conditions recommended by HCC relating to BNG and the provision of a Construction and Environmental Management Plan.

#### *Trees and Vegetation*

- 9.121 The proposals would involve the removal of one Category A2 tree (T17) and four Category B trees (T01, T03, T17 and T23). The removal of these trees is necessary to facilitate the proposals. Part of group G03, groups G06 and G07 and trees T11-13 (all defined as Category C) would also need to be removed. Group G02 and trees T04 and T18 would also be removed due to their poor condition and location to public highway/footpaths. These are Category U (trees in irreversible decline or dead).
- 9.122 Whilst a number of trees would be removed, the proposals include over 65 new trees within the warehousing complex and on the boundary to Leyhill Road. There are also large areas of infill native tree planting, native shrub mix and understorey planting as part of the wider landscaping and BNG proposals. These elements would provide further tree planting, primarily within the eastern section of the site.

- 9.123 For the retained trees, a number of techniques would be used to ensure that any works within root protection areas are sensitively managed. For example, excavation methods and no-dig techniques. The root protection measures also extend to the planting of new trees within the root protection areas of existing trees. All of these measures would be conditioned, if approved, and would help to avoid any significant root damage to the retained trees.

#### *Contamination*

- 9.124 The site is situated within an area with potentially contaminative former land uses. DBC's Environmental and Community Protection Team ("ECP") have reviewed the proposals and provided comment. Whilst raising 'no objection' they have explained that a number of planning conditions would be required to further demonstrate that the potential for land contamination to affect the proposed development has been considered and, where it is present, be remediated.
- 9.125 Subject to investigation and suitable mitigation captured through conditions, it is not considered that contamination would be a constraint to the development proposals.

#### *Drainage, Flooding, Foul Water and Sewerage*

- 9.126 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.
- 9.127 The application site is situated entirely within Flood Zone 1, indicating that there is a less than 1 in 1000 year probability of the site flooding and therefore at a low risk of fluvial flooding. The risk of flooding from rivers, seas, groundwater sewers and reservoirs is also considered to be low. The majority of the site is considered at 'very low' risk of surface water flooding with a small portion having 'medium' risk. The site also has a low susceptibility to groundwater flooding.
- 9.128 The application is supported by a Flood Risk Assessment and Drainage Strategy by RGP (dated January 2024), which cover both phases of the proposals. The proposed drainage scheme seeks to dispose of surface water via a deep bore soakaway and a number of locations across the site. The foul water disposal would be dealt with in a similar manner, following wastewater treatment at an on-site facility. Rainwater attenuation in green infrastructure makes up part of the drainage strategy through rain gardens and swales leading to additional attenuation in permeable paving and geo-cellular attenuation tanks.
- 9.129 The drainage strategy is split into separate networks based on pollution risk and retention separators are proposed to mitigate the risk of pollution. For example, the proposed access would include a 'Class 1 Full Retention Separator' as this catchment it at most risk from pollution caused by traffic. This oil water separator would treat polluted runoff water to meet 'Class 1' European Standards (EN 858-1). The remaining areas are considered 'low risk' and would be dealt with by other elements of the drainage strategy.
- 9.130 Subject to the proposed on-site treatment, the Environment Agency ("EA") highlight that there would be no adverse effects on groundwater. Discharge consents would be required from the EA for both foul and surface water. Thames Water have highlighted that, due to the scale of development, the proposals would not 'materially affect the sewer network'. The Lead Local Flood Authority ("LLFA") have reviewed the documents provided. Despite raising some concerns with the initial detail provided, no objections have been raised to the further information provided in January 2024, subject to the imposition of six conditions in relation to:



- Long-Term Groundwater Monitoring;
- Soakaway Testing;
- Surface Water Drainage Details;
- SuDS Maintenance and Management;
- Drainage Survey and Verification; and
- Drainage Method Statement.

9.131 In addition to the above, it is noted that the EA requested conditions in relation to a restriction on infiltration drainage and water contamination. The proposed contamination conditions align with those suggested by ECP, which would be added if the application is approved. Therefore, it is not felt necessary to duplicate these conditions. Overall, the proposals are considered acceptable and policy-compliant in relation to drainage, flooding, foul water and sewerage.

#### Residential Amenity

9.132 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 135(f) of the NPPF states that developments should provide a high standard of amenity for existing and future users.

9.133 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

#### *Future Users*

9.134 The proposed employment environment is considered high quality with buildings designed to modern sustainability and accessibility standards. The proposed level of glazing (via roof lights and other windows) would provide an acceptable level of natural light. The areas of landscaping in and around the site, in addition to the access to public footpaths and green spaces in the vicinity, would enhance worker wellbeing. No concerns are raised with the amenity of future users/employees of the site.

#### *Existing Residents*

9.135 The proposals would be sited over 100 metres from neighbouring residents. Considering this distance, it is not felt that the proposed development would result in any unacceptable residential amenity impacts in relation to visual intrusion, loss of light, loss of privacy/overlooking or overbearing impacts.

9.136 The proposals would result in an intensification of the site when compared to the current activities, which have declined over the years for the reasons previously mentioned. Taking this into account, the proposals are likely to lead to an increased level of activity on-site. Some of this activity would result in additional noise (e.g. vehicular movement, reversing alarms, etc.). However, the proposed buildings and comprehensive landscaping strategy would provide noise attenuation and help to contain it within the site. In addition, it is considered necessary to restrict the movement of HGVs during night-time periods (23:00-06:00) via condition. This would help to limit noise impacts on neighbours and protect the rural/countryside environment. A noise management plan condition for day/night activity is also felt necessary to secure reasonable noise levels. If the site, post-development, did result in any unacceptable levels of noise, other measures could be used such as the Environmental Protection Act and Statutory Nuisance Regulations.

- 9.137 The increased activity and new buildings on the site are also likely to increase light emanating from the site. However, as discussed previously, the submitted External Lighting Proposals are considered sufficient to limit light spill.
- 9.138 The proposals would represent a cleaner and less polluting form of development when compared to the historic brickwork use, or what could be achieved through the re-use of the site for general industrial use. The proposals would provide an acceptable working environment for future employees and when considering the above and the distances to residential properties, it is not felt that there would be any unacceptable noise, disturbance or light spill issues for residential properties within the locality. The proposals are therefore policy-compliant on residential amenity grounds.

### **Other Material Planning Considerations**

#### *Environmental Health*

- 9.139 The ECP Team have recommended a number of informatives relating to waste management, construction working hours with best practical means for dust and air quality and invasive and injurious weeds. These would be added to the decision notice if the application is approved.

#### *Source Protection Zones*

- 9.140 The site is situated within the EA's Source Protection Zones 2 and 3. Any development proposal will need to ensure that groundwater contamination does not occur as a result of the proposal. Subject to the previously discussed conditions and EA permits, it is considered that the proposals are acceptable in this regard.

#### *Heritage Assets*

- 9.141 There are a number of heritage assets around the site, including buildings at Whelpley Ash Farm to the north; Marchants Farm to the south-west; and Green Farmhouse to the east. Considering the existing/previous use and built form on the site, the distances to these heritage assets and the level of screening between the sites, it is not considered that the proposals would result in harm to these assets or their settings.

#### *Air Traffic*

- 9.142 The application site is located within close proximity to Bovingdon Airfield and within the National Air Traffic Services ("NATS") > 15 Metre notifiable development height and the RAF Halton and Chenies Red Zone (10.7m), which relate to height and notification. It appears that several of the units are marginally above 10.7m and therefore the following consultees/organisations were notified: National Air Traffic Services ("NATS"), Civil Aviation Authority ("CAA"), Ministry of Defence ("MOD"), Halton Aeroclub and Chenies Manor.
- 9.143 No specific objections have been received in response from the above consultees. The MOD have highlighted that the proposals would 'not impact on any MOD site or other defence assets.'
- 9.144 NATS highlighted that they have two assets that they safeguard within the vicinity; the DVOR DME Beacon on the disused airfield and the PSR/SSR Radar to the south of the site. In terms of the Beacon, the proposal is over 1km away and therefore anything up to 15m is 'unlikely to cause any impact' because it is below the safeguarding criteria height. However, in respect of the Radar, NATS explained that 'large, flat, metallic' warehouse buildings can cause some reflections, 'leading to false aircraft targets appearing on controllers' screens.'

NATS noted that they do not generally have concerns in this area, as units are mostly significantly lower than the Radar. They reviewed current radar performance and stated:

*...while a couple of units have caused issues at some time in the past, the radar performance is within parameters and we do not expect Phase 1 to significantly worsen things. On that basis, we are unlikely to object. In terms of Phase 2 however, we note that the units present a wider aspect to the radar, and again the orientation is towards busy airspace where we can expect traffic. As such, it is more likely that Phase 2 will have a detrimental impact, and in the worst case scenario, would require NATS to undertake some engineering works to the radar, in order to mitigate the impact (changes to the software and configuration).*

9.145 NATS further explained that:

*...the easiest way would be to request planning conditions, hopefully that means Phase 2 can be consented. Phase 1 would have a no objection. Phase 2, can then be submitted to us at Reserved Matters stage, when we can undertake further, more detailed assessments, and we should also know more about the radar's future. The worst case scenario for Phase 2 however, would be that an impact was confirmed, thus requiring the Mitigation Conditions to be discharged. This is common and standard practice for us, and subject to a commercial agreement around the funding, NATS would be able to modify the radar and mitigate the impact, allowing the Conditions to be discharged. The mitigation takes a maximum of 6 months from the agreement being in place. We do this regularly all over the country, and very often around Heathrow and Gatwick, so I assume that would also work for Dacorum and gives certainty to the planning application/Developer.*

9.146 Two planning conditions were recommended by NATS, which would be added to the Phase 2 application if it approved. This would ensure aircraft safety and protect the operations of the Radar.

#### *Public Consultation Responses*

9.147 There have been three neighbour comments in response to the LPA's public consultation. These include an objection, support and neutral comment. A number of the points raised, including noise, hours of operation, light, footpath relocation, landscaping, ecology, traffic and parking have already been discussed. As such, it is not felt necessary to revisit these here.

9.148 The neutral comment provided some commentary on various points such as design and made suggestions to incorporate more natural tones and textures to consider the rural context. The designers took this on-board and amended the scheme in-line with these comments (e.g. by including Rockpanel Woods effect cladding).

9.149 The neutral comment also highlighted that a new access from Leyhill Road would have a wider impact on the streetscene and increase intrusion into the Green Belt. A suggestion was made to utilise the existing access. This point was discussed with the applicant and they explained their reasons for providing a separate access (as discussed earlier), which primarily related to functionality and to avoid conflicts between vehicles associated with the different uses. To provide mitigation, new boundary treatment was proposed and therefore, if approved, a large portion of the existing galvanised palisade fencing would be replaced by brick walls with piers and metal railings (see Drawing 5040-PL-122, Revision A). The new entrance would also be constructed in a similar fashion. The proposed brickwalls would match the bricks on the new warehouse units (i.e. to replicate the historic Bovingdon

Brickworks style). It is considered that the new boundary treatment would improve the aesthetic of the site boundary and streetscene as a whole.

- 9.150 The applicant suggested replacing the entire palisade fencing along the boundary, however, the boundary vegetation had tangled with parts of it. It was therefore felt that the removal of all of the fencing would have undesirable impacts on the boundary vegetation, ultimately leading to its removal. As such, it was considered that the palisade fencing in the most vegetated areas should be retained.
- 9.151 In addition to the new boundary treatment, the landscaping proposals also indicate that around 22 new trees would be planted along the Leyhill Road frontage, which would help to soften the impact of the proposed built development and enhance the streetscene. Efforts have been made to reduce impacts on the rural character of Leyhill Road and the wider countryside and therefore, the proposals are found to be acceptable in this regard.

#### *Human Rights and Equality*

- 9.152 In-line with Public Sector Equality Duty, the LPA has regard to the need to eliminate discrimination and advance equality of opportunity, as per section 149 of the Equality Act 2010. In determining this application, regard has been given to this Duty and the relevant protected characteristics.
- 9.153 Considering the type of development proposed and assessment above, it is not considered that discrimination or inequity would arise from the proposal.

#### *S106 and Planning Obligations*

- 9.154 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions.
- 9.155 As previously discussed, the following obligations would be captured via a Section 106 Agreement if the application is approved. The ‘Strand 2’ contribution differs between both phases, as it is based on the proposed floor space. Separate Travel Plans would be required by obligation for the individual phases, as they are likely to come forward at different times. As the BNG has been assessed by the Applicant holistically (i.e. both phases in one document/plan), there would be a requirement for either phase to provide the full habitat and hedgerow unit increases listed below. However, this is under the proviso that if the BNG is provided by one of the phases, it does not need to be provided again.

Matter	Contribution	Comments and Triggers
Highway Improvements	<ul style="list-style-type: none"> <li>• Off-site Cycle Route</li> <li>• Off-site Bus Stop Improvements</li> <li>• £22,413.76 ‘Strand 2’ Contribution</li> </ul>	<p>New footway connection on southern side of Green Lane with uncontrolled crossing and accessible kerbing, bus stop post, flag and timetable information.</p> <p>Financial contribution to address cumulative impacts of development for active and sustainable transport networks.</p> <p>Trigger: prior to occupation/first use of the development.</p>

Travel Plan	<ul style="list-style-type: none"> <li>£6,000 Travel Plan Contribution</li> </ul>	<p>Financial contribution towards the cost of implementation, processing and monitoring of the Travel Plan for five years.</p> <p>Trigger: prior to occupation/first use of the development.</p>
Biodiversity Net Gain	<ul style="list-style-type: none"> <li>48.58% increase in Habitat Units</li> <li>29.86% increase in Hedgerow Units</li> </ul>	<p>Requirement for a Biodiversity Management Plan to capture habitat retention, restoration, enhancement and/or creation.</p> <p>Trigger: prior to commencement and to be managed for 30 years.</p>

#### *Section 278 Agreement*

- 9.156 Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S278 Agreement with HCC.

#### *Community Infrastructure Levy*

- 9.157 The Community Infrastructure Levy (CIL) charge is applicable to 'net retail warehousing' and other uses such as residential, retirement housing, convenience-based supermarkets and superstores.

#### *Section 77 Direction*

- 9.158 The Town and Country Planning (Consultation) (England) Direction 2024 sets out the applicable criteria and arrangements to be followed for consulting the Secretary of State (SoS). It explains that any application for planning permission, which is for Green Belt development and includes the provision of building(s) with floor space over 1,000sq.m, must be referred to SoS if the LPA '...does not propose...' to refuse it. The purpose of the Direction is to give the SoS the opportunity to consider using the power to call-in an application under Section 77 to determine the application, rather than the LPA.

#### **Any Other Harm**

- 9.159 As discussed in the 'Principle of Development' section, it is recognised that, following confirmation that proposed development is 'inappropriate', it must be established whether 'any other harm' exists. Reference to this should also be taken to mean non-Green Belt harm (e.g. highways, ecology, etc.).
- 9.160 The 'other harm' associated with the proposals has been discussed in the relevant sections of this report. However, to summarise, the proposals would have some moderate adverse impacts on landscape character, particularly at early stages of the development. However, these would reduce and become neutral and ultimately beneficial as the proposed planting matures.

#### **Very Special Circumstances**

9.161 As established earlier, the proposed development constitutes inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

9.162 The NPPF states that:

*'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.'*

9.163 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development.

9.164 The report above, proposed conditions and legal agreement would capture the positive benefits arising from the development, which are summarised as follows:

- Socio-economic benefits such as job creation, training opportunities, increased revenue;
- Environmental improvements including planting/landscaping proposals, removal of the historic polluting use and a significant biodiversity net gain uplift;
- Footpath improvements both in terms of health and safety, general use (i.e. improved all-weather surfacing) and additional routes;
- Highway improvements such as the new footway connection, crossing point and bus stop improvements.

9.165 All of the points above would serve wider benefits to the area and are considered to represent very special circumstances to justify the development.

## **10. CONCLUSION**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application, and,
- c. Any other material considerations.

10.2 The site has been acknowledged as a 'Major Developed Site' in the Green Belt and is being brought forward in emerging policy with an expanded employment area. Due to the removal of the former brickwork buildings for health and safety purposes, the proposed development is considered to have a 'greater impact' on openness and is therefore considered 'inappropriate' and should not be approved except in very special circumstances.

10.3 Considering the assessment above, it is concluded that the Green Belt harm and other harms are clearly outweighed by all of the benefits and therefore very special circumstances do exist. Therefore, it is recommended that permission be granted subject to the proposed conditions and completion of the legal agreement.

## 11. RECOMMENDATION

- 11.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

### 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 granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan.**

**Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.**

Reason: To ensure that the development provides biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin and to ensure statutory requirements are fulfilled.

3. **Prior to commencement of the development, long term groundwater monitoring shall be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground). The groundwater monitoring should take place for six months starting in October to capture when groundwater levels will be highest.**

**The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities.**

**The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimise flood risk.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

4. **Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority.**

**The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 2 and Condition 3, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.**

**The following will be required to satisfy this condition:**

- a) Following the results from the contamination investigation / remediation statement (see conditions 9 and 10), the applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Planning Authority; and**
- b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

5. **The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:**

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

**The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with these details in perpetuity.**

**The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of



surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

6. **Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3 and 4.**

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

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

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

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

8. **No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

9. **(a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:**

**(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors; and**

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

- 10. Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

- 11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i) Roads and footways**
- ii) Cycleways**
- iii) Foul and surface water drainage**
- iv) Visibility splays**
- v) Access arrangements**

- vi) Parking provision in accordance with adopted standard
- vii) Loading areas
- viii) Turning areas

**The approved works shall be implemented in accordance with the details approved.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 12. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 2018/4189/001/P11, 2018/4189/002/P11 and 2018/4189/004/P3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 13. Prior to the first use of the development hereby permitted any access gates, shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 5.5 metres from the edge of the highway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 14. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers 2018/4189/001/P11 and 2018/4189/002/P11, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 15. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

16. **Notwithstanding the details shown on the proposed plans, the car parking spaces shall be in-line with Section 11: Car Parking Design Layout of Hertfordshire County Council's Place and Movement Planning Design Guide (2023).**

Reason: To ensure that the car parking arrangements are satisfactory and are in accordance with up-to-date guidance.

17. **Prior to the first use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the car parking spaces to have passive provision for EV charging.**

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

18. **Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

19. **Prior to the first use of the 'Proposed Forklift Access' as annotated on Drawing 2018-4189-001-P11, an 'Alternative Footpath Scheme' shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the illustrative details previously submitted to the council and shall include details of the proposed footpath routes, surfacing material, boundary treatment (if applicable) and any other necessary features (such as proposed gates, kissing gates and other access points). The parts of the proposed Alternative Footpath Scheme on land within the applicant's control shall be carried out in accordance with the approved details prior to the first use of the new forklift access points.**

Reason: To ensure construction of a satisfactory development and in the interests of highway and pedestrian safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023). To ensure that the wider health and safety benefits associated with the re-location of the footpath are realised, which forms part of the overall planning balance.

20. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:**

- a. **Construction vehicle numbers and type;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements;**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.

**The construction of the development shall only be carried out in accordance with the approved CMP.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

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

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

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

Reason: To achieve high standards of sustainable demolition and construction; ensure that local air quality standards are maintained throughout the area; and reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023).

- 22. No heavy goods vehicles shall enter or leave the site between 23:00 and 06:00 on any day.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 23. A Noise Management Plan (“NMP”) shall be provided to the Local Planning Authority prior to commencement, detailing measures to contain and reduce noise transmission to the surrounding environs. The NMP shall be enacted before first use of the site and maintained in perpetuity.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum

Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

24. **The proposed external lighting shall be in accordance with the 'External Lighting Proposals' (Issue 2, 12 June 2023 by Shepherd Brombley Partnership) and 'External Lighting Layout' (Drawing: 0244/E/200, Revision 2). The external lighting shall be retained and maintained in-line with these approved specifications.**

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

25. **The trees shown for retention and protection on the approved Tree Protection Plan (referenced: CAS/2022/151) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the plan. The protection measures shall be retained in place and no materials, plant, soil or spoil shall be stored within the protected areas.**

**The tree works identified in the Arboricultural Impact Assessment and Method Statement by Cantia Arboricultural Services (dated June 2023) and the Tree Protection Plan shall be undertaken in accordance with the details provided.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

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

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

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

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

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

27. **Prior to first use of the development hereby approved, a Sustainability and Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide detail on energy demand and supply, carbon**

**emissions, waste and materials, water supply and demand and climate resilience. It shall provide details of measures to demonstrate and achieve reduced regulated carbon emissions of against Part L 2021 (Building Regulations) (as amended). The Statement shall incorporate the passive and active measures set out in Section 4 of the Energy Strategy Report (Issue 1, dated 8 June 2023 by Shepherd Brombley Partnership) to ensure that all of the warehousing units achieve an EPC A rating. The development shall thereafter be constructed and maintained in accordance with the Statement.**

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

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

5040-PL-001 - SITE LOCATION PLAN  
5040-PL-101-D - BLOCK PLAN (UNITS 1-7)  
5040-PL-102-M - SITE PLAN (UNITS 1-7)  
5040-PL-122-A - LEYHILL ROAD BOUNDARY TREATMENT  
5040-PL-110-A - UNITS 1 TO 4 - FLOOR PLANS  
5040-PL-120-B - UNITS 1 TO 4 - ELEVATIONS  
5040-PL-121-C - LEYHILL ROAD STREET SCENE  
5040-PL-130 - UNITS 1 TO 4 - SECTIONS  
5040-PL-131 - UNITS 1 TO 4 - ASTON MARTIN SECTION  
5040-PL-510-C - UNIT 5 - PROPOSED FLOOR AND ROOF PLANS  
5040-PL-511-B - UNIT 5 - PROPOSED FLOOR PLANS  
5040-PL-520-D - UNIT 5 - PROPOSED ELEVATIONS  
5040-PL-530-A - UNIT 5 - SECTION  
5040-PL-111-B - UNITS 1-4 PROPOSED ROOF PLAN  
5040-PL-610-A - UNITS 6 & 7 - FLOOR PLANS  
5040-PL-611-A - UNITS 6 & 7 PROPOSED ROOF PLAN  
5040-PL-620-C - UNITS 6 & 7 - PROPOSED ELEVATIONS  
5040-PL-630 - UNITS 6 & 7 - SECTIONS  
B18020-TLP-PA01-D - LANDSCAPE PROPOSAL 1/2  
B18020-TLP-PA02-C - LANDSCAPE PROPOSAL 2/2  
B18020-TLP-PA03-D - SITE SECTIONS  
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

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

The application is also supported by the following documents:

APPLICATION FORM  
5040-PL-010 - BLOCK PLAN PRIOR TO DEMOLITION  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-F - SITE PLAN (UNITS 8-14)  
2018-4189-001-P11 - PROPOSED ACCESS ARRANGEMENT FULL PLANNING APPLICATION (PHASE 1)  
2018-4189-002-P11 - PROPOSED ACCESS ARRANGEMENTS & OFF-SITE HIGHWAY WORKS  
2018-4189-004-P3 - VEHICLE SWEEP PATH ASSESSMENTS PROPOSED ACCESS ARRANGEMENTS

2018-4189-005-P4 - VEHICLE SWEEP PATH ASSESSMENTS HEAVY GOODS  
 VEHICLES - PHASE 1  
 DESIGN AND ACCESS STATEMENT  
 ECONOMIC STATEMENT  
 ENERGY STRATEGY REPORT (ISSUE 1)  
 EXTERNAL LIGHTING PROPOSALS (ISSUE 2)  
 BIODIVERSITY NET GAIN LETTER (9999/RW/001.LET.DBC)  
 BIODIVERSITY NET GAIN MATRIX  
 BIODIVERSITY IMPACT ASSESSMENT (9999.VIA.VF)  
 SCHEDULE OF AREAS  
 LANDSCAPE AND VISUAL APPRAISAL  
 DESIGN AND ACCESS STATEMENT  
 METHOD OF CONSTRUCTION STATEMENT  
 SURFACE WATER DRAINAGE STATEMENT (6947-RGP-00-ZZ-RP-C-0500)  
 TOPOGRAPHICAL SURVEY (SHEETS 1-5)  
 PLANNING STATEMENT  
 SUPPLEMENTARY PLANNING STATEMENT  
 SUSTAINABILITY STATEMENT  
 ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT  
 (CAS/2022/151)  
 SOFT LANDSCAPING PROPOSALS (CAS/2022/151)

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Parish/Town Council	<p>Object</p> <p>Whilst we accept the principle of the site being redeveloped for commercial use, we consider that the proposed development would have a greater impact on the openness of the Green Belt than the previous use.</p> <p>We consider that the siting, scale, height, and massing of the proposals are inappropriate and disproportionate. We note that the previous developed area of buildings was 4,900 M2 GIA, these proposals are for buildings totaling 8,664 M2 GIA., an increase of more than 75%.</p> <p>We note that the applicants planning statement states that the previous use generated 130 - 140 vehicular movements per day. We would dispute this number which we consider to be an exaggeration.</p> <p>We also have concerns regarding noise, hours of operation, increased light pollution, footpath relocation, and the additional access.</p> <p>We would welcome the opportunity to engage with the applicant and the planning officer to discuss our concerns all of which we are confident could be mitigated.</p> <p>Further comment received 06.03.24</p>



	<p>Object</p> <p>Due to redirection of public footpath the development proposed does not require the relocation of this footpath which will subsequently mean the circular footpath will cease.</p> <p>Further comment received 30.07.24</p> <p>No objection subject to the inclusion of the amended footpath proposals.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Environmental Health Pollution Team</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>

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>

#### Environmental Health Contamination Team

Having reviewed the planning application submissions and the Environmental and Community Protection (ECP) Team records it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been fully considered and where contamination is present that it will be remediated.

This advice takes into account a review of the:

- 1) MRH Geotechnical Initial Contamination Investigation report (ref. 231762contam) dated March 2023.

This report was not originally submitted with this application, but it was submitted in support of the 23/01784/MOA application for the Phase Two development of the same site. The report should be added to the 23/01783/MFA application planning records.

- 2) MRH Geotechnical - Desk Study and Stage I Risk Assessment - February 2023 - 231762/DS.

This report was not originally submitted with this application, but is known to exist and as such should be submitted to the 23/01783/MFA application documentation by the applicant.

As such the following planning conditions will need to be included on any permission that might be granted.

Contaminated Land Conditions:

Condition 1:

(a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:

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

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

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

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

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

Condition 2:

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

Should no ground contamination be encountered or suspected upon

	<p>the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here  <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
Hertfordshire Building Control	No comment.
Defence Infrastructure Organisation (Ministry of Defence)	I can confirm the proposals do not impact on any MOD site or other defence assets.
Lead Local Flood Authority (HCC)	<p>We understand this is a full planning application for a Phase 1 development of light industrial units with open storage, new access road, service yard and a car park on a site located off Leyhill Road in Bovingdon.</p> <p>A Drainage Statement has been produced for the site which also included a preliminary drainage proposal. However, no detailed drainage design has been submitted as part of this application, which is one of the requirements for the developments applying for a full planning permission. A Flood Risk Assessment has also not been provided at that stage.</p> <p>The applicant proposed surface water drainage from the site would discharge into the ground via infiltration by the use of a filter trench located in the Phase 2 area. The applicant also proposed for the majority of the storage volumes required to be held within an attenuation tank before discharging to the infiltration feature. Permeable paving and raingardens are also proposed with addition of a retention separator to provide pollution control before discharging into the ground.</p> <p>Only a preliminary contamination assessment and infiltration testing have been undertaken to date, indicating a permeability rate of 5.22 x</p>

10-6 obtained within the underlying quite cohesive soils, recorded as silty clays / sandy clays. More detailed ground investigations that confirm the depth of the chalk bedrock and associated groundwater levels would be required, along with infiltration testing to BRE 365 undertaken at specific location where infiltration features are proposed. Subject to the testing results, the proposed attenuation tanks should also be considered to allow for infiltration into the ground. We advise the pollution control is carefully considered within the proposed drainage design to ensure acceptable treatment level is provided, which is in line with the CIRIA SuDS Manual C753. In addition, confirmation should be provided that infiltration should not mobilise any existing contaminants in the ground that could lead to the pollution of waterbodies such as the groundwater, watercourses or ponds and wetlands.

We object to this planning application in the absence of the acceptable Flood Risk Assessment (FRA) Drainage Strategy and supporting information relating to:

- o Assessment of flood risk from all sources.
- o Groundwater levels and confirmed infiltration potential.
- o Evidence on how the site is currently drained supplemented by greenfield and brownfield runoff calculations.
- o Evidence of how the storage volumes have been calculated.
- o Full drainage design needs to be provided with appropriate calculations and set of drawings provided as described in the Planning Application Technical Response appended with this letter.
- o Assessment of the potential pollution risk from the site and the appropriate pollution control should be provided.
- o How the proposed SuDS will be maintained throughout the lifetime of development.
- o How the surface water from this development will be managed during construction phase.
- o All other elements covered by the Planning Application Technical Response appended with this letter.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted in this letter and on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

Annex

The following documents have been reviewed, which have been submitted to support the application;

- o Site location plan by LHA, Ref: 5040-PL-001, dated 31 May 2023
- o Surface Water Drainage Statement by RGP, Ref: 6947-RGP-00-ZZ-RP-C-0500, issue 3, dated 19 May 2023

Further comment received 18.03.24

RE: 23/01783/MFA - Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing - Bovingdon Brickworks Ltd,

Leyhill Road, Bovington, HP3 0NW

Thank you for your re-consultation on the above site, received on 25 January 2024. We have reviewed the application as submitted and wish to make the following comments.

We note a flood risk assessment and drainage strategy report has been submitted (Ref. 6947-RGP-ZZ-00-RP-C-0501, dated January 2024) which supersedes the previously reviewed report by the LLFA (Surface Water Drainage Statement prepared by RGP, Ref 6947-RGP-00-ZZ-RP-C-0500, dated May 2023). It is also noted that a response to the previously issued LLFA comments have been provided in a document Ref. 6947-RGP-ZZ-00-RP-C-0001, dated January 2024.

The proposed drainage scheme proposes to dispose of surface water via deep bore soakaway at multiple locations across the site. The same applies to the proposed foul water disposal from the site following treatment at on-site wastewater treatment facility.

The FRA report supports this method of drainage with soakaway testing results obtained from falling head tests conducted in window sample boreholes. The proposed locations of deep bore soakaways are mostly located within close proximity to highways and existing buildings. Also, the recorded depths of chalk strata and the depths of the proposed deep bore soakaways across the site indicate that the soakaways will be shallower than the depths of chalk occurrence. The infiltration rate was obtained from the single tests undertaken in each testing location and not from multiple consecutive tests which would determine the most relevant infiltration rate for the future detailed design.

This is a full application submitted for planning approval for the Phase 1 of this development. An outline application for this project is subject to a separate planning approval (named Phase 2). The FRA and drainage strategy are combined to cover both applications due to the proposal to discharge to the deep bore soakaways.

We advise that you, as the LPA, satisfy yourself that the existing buildings will not be a risk due to subsidence from the deep bore soakaways in the chalk strata.

Disposal of foul water may be subject to separate comments from the Water Company and Environment Agency, considering the proposal to direct foul water to deep bore soakaway. The LLFA have no comment on foul water design and disposal but note that the Environment Agency advise an assessment of the package treatment plant has been provided and will not result in adverse effects on groundwater. It will, however, require a discharge consent from the Environment Agency.



The surface water drainage will also require a discharge consent from the Environment Agency.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. Please note the wording of Condition 3 below should refer to the actual condition numbers of the first 2 drainage conditions in the final decision notice. Similar should be noted for the wording of Condition 5.

#### Condition 1

Prior to commencement of the development, long term groundwater monitoring will be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground).

#### Reason

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

#### Condition 2

The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities. The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimize flood risk.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### Condition 3

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage

components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 1 and Condition 2, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. Additionally, the following will be required to satisfy this condition:

- a) Following the results from the contamination investigation / remediation plan as requested by the Environment Agency. The applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Authority.
- b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.

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

#### Condition 4

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

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

Condition 5

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [1, 2 and 3]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the

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Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Dacorum Borough Council.

Condition 6

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

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

Informative

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and

	FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.
Trees & Woodlands	<p>Looking at the both applications there are a number of tree removals required to facilitate access and the wider the development. Considering the extent of the development a comprehensive planting scheme will mitigate the loses. I would expect a planting scheme to be submitted after determination so if this can be conditioned I believe that should suffice.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>The planning application proposal sets out that FOUL WATER will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p>

	<p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
<p>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>REASONS AND COMMENTS</p> <p>Whilst HCC has no principal objection to the redevelopment of the Bovington Brickworks site, the Highways Authority currently has concerns about the sustainability of this site and considers that the current proposal fail to maximise sustainable transport option to/from the site as required by HCC's Local Transport Plan (LTP) 4 (May 2018).</p> <p>The village of Bovington is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovington village on Leyhill Road.</p> <p>The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in outline).</p> <p>Sustainable Transport Access</p>

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovingdon is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places. The footpath also disappears entirely northeast of Bovingdon, leaving only the 40-50mph road connection to Hemel Hempstead.

Whilst Leyhill Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with 85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/ Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site.

The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening.

No current proposals have been put forward by the applicant to improve the bus stop or the frequency of services by it despite the TA indicating in paragraph 4.5.4 "that a large increase in daily movements in bus travel might be expected". Without, improving the waiting area or the frequency of service an increase in patronage would not be achievable. It is considered by HCC that improvements to the waiting area (covered and sheltered) and improvements to services are vital to finish unlocking this site sustainably.

#### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access

onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85%tile driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

#### Travel Plan

HCC's travel plan team has reviewed the applicant's travel plan and consider a number of items need to be addressed before it can be approved.

A commitment to providing Individual Travel Plans where required by HCC by Appendix A of HCC's Highway Travel Plan guidance (see [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans)) is required;

The details of the Travel Plan Co-Ordinator (TPC) along with those of a secondary contact are required. If this is unavailable at this time details of an Interim TPC are required;

A statement of commitment from the management team to the plan and remedial measures if required is needed;

In addition to the measures identified presented (TP Paragraph 6.1.3) details of improvements to the bus service along with the identification of measures such as: the use of low emission vehicles, consolidation, timings outside of peak hours - which can be further tailored to appropriate businesses once occupiers are known;

A commitment to full annual monitoring of all modes is required so that the TP can be assessed against targets and remedial measures implemented if necessary. Furthermore, HCC Highways use the Modeshift platform (rather than iTRACE mentioned in the submitted TP);

Commitment to a TP Evaluation and Support Fee of £1200 per year (for 5-year plans, index linked to RPI March 2014) for each Travel Plan that is produced is required. The TP Evaluation and Support Fee £6,000 will be secured by a S106 agreement.

#### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1

s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a 8,664sqm site of this nature could create approximately 146 jobs jobs (82 associated with this Full application). Therefore,if the development does proceed in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £34,604. This would be allocated to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).

Further comments received 28.02.24

Proposal

AMENDED PROPOSAL

Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis – Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing'

Recommendation



Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the agreed contribution of £22,413.76 and the following conditions:

#### CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

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

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers (2018/4189/001 Rev P11, 2018/4189/002 Rev P11 and 2018/4189/004 Rev P3) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. 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).

#### 3) Access Gates – Configuration

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

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

4) Existing Access - Widened or Improved

Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

5) Surface Water

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

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Electric Vehicle (EV) Charging Points as % of total car parking spaces:

Prior to the first occupation / use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the carparking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Cycle Parking - Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted,

a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

#### 8) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan:

The Construction Management Plan shall include details of:

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

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

#### 9) Highway Improvements - Offsite Cycle Route

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

10) Highway Improvements - Offsite Bus Stop Improvements

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (2023/4189/009 Rev P1) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

11) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

12) Travel Plan - Overarching and Plot Travel Plans

No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

APPROPRIATE 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:

AN1) Extent of Highway: Information on obtaining the extent of public

highway around the site can be obtained from the HCC website:  
[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN3) 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.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a 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.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent

water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to 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.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN8) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially

overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN9) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need



to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

#### COMMENTS

The village of Bovington is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovington village on Leyhill Road. The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane.

The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road.

The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane).

A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (23/01784/MOA) applied for in outline.

Phase 1 (23/01783/MFA) is the subject of this response. Further to HCC Highway's previous recommendation for approval for the application (8 November 2023) the applicant has altered their site layout slightly, and it considered that HCC's comments remain valid.

Further comments received 09.11.23

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.

## COMMENTS

The village of Bovingdon is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovingdon village on Leyhill Road.

The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road.

Leyhill Road connects the proposal site to the centre of the village of Bovingdon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in outline).

### Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Whilst sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovingdon is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places.

The footpath also disappears entirely northeast of Bovingdon, leaving only the 40-50mph road connection to Hemel Hempstead. Whilst Leyhill Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with

85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site.

The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening.

However, HCC had concerns over the quality of the waiting facilities at the bus stop (and corresponding stop) to accommodate/ mitigate what the applicant's Transport Assessment (TA, paragraph 4.5.4) identified as "a large increase in daily movements in bus travel". Subsequent to this however, the applicant's transport consultant, RGP, have produced a Transport Assessment Addendum (TAA October 2023) which presents bus stop improvements (Dwg 2023/4189/009 Rev P1). HCC Highways therefore considers that in line with the policies of LTP 4 maximise sustainable transport options to/from the site as far as is reasonable to the scale of development proposed.

#### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85%tile driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

The TAA further explains the operational rotational, etc for the additional access which HCC Highways considers acceptable also.

#### Travel Plan

HCC's travel plan team has reviewed the applicant's updated travel plan and are now content with it for this stage in the planning process although they do indicate that it will require some additional information post planning to discharge the planning condition recommended above when occupants are known. For instance the finalised plan needs to

identify measures surrounding deliveries to units within the site.

#### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

The applicant's transport consultant RGP within the TAA present an analysis of employment levels across the whole site (both Phase 1 - 23/01783/MFA, and this current application Phase 2 - 23/01784/MOA) and estimates that the site will create 95 jobs. Subsequently the TAA recommends that this full application 23/01783/MFA) contributes £22,413.76. In light of the Strand 1 sustainable transport improvements proposed (cycle way and bus stop upgrades), HCC Highways considers this contribution appropriate and would allocate it to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).

<p>Conservation &amp; Design (DBC)</p>	<p>Site context</p> <p>The application site is located on the south-western outskirts of Bovingdon on Leyhill Road leading west towards Botley. The site is set within the Green Belt surrounded by open grassland and immediately adjacent to the eastern boundary is the non-statutory Local Wildlife Site known as 'Bovingdon Brickworks Central'. Bounding the southern boundary is the Bovingdon 008 Public Right of Way, which crosses part of the site in the south-eastern corner. Shantock Hall Lane bounds the site on the western edge.</p> <p>The site is accessed via three vehicle access points off Leyhill Road. The primary access is centrally located on the northern boundary, with a secondary entrance in the westernmost corner. A tertiary access in the northernmost corner connects into a track which follows the north-western edge round to the rear of the site.</p> <p>The existing site has been historically occupied by Bovingdon Brickworks manufacturing and distribution and the Builders Merchants operation. Bovingdon Brickworks ceased production in 2016, since then the open brick storage area now has lawful use as part of the Builders Merchants use [sui generis use]. The brickwork buildings were demolished in October 2022 following confirmation from DBC that Prior Notice of Approval was not required referenced 22/02477/DEM.</p> <p>Site history</p> <p>There is no relevant history on this site.</p> <p>Recommendation:</p> <p>We generally support the principle of development on this site. However, we have some concerns regarding the design of this proposal that should be responded to prior to taking forward to ensure high-quality design is delivered on this site.</p> <p>These relate in principal to the following aspects of the scheme:</p> <p>Building appearance: We generally consider the appearance of the proposed buildings relatively acceptable, however there are some minor concerns regarding the design that we would recommend the applicants respond to prior to taking forward the application.</p> <p>Primarily, the western elevation of units 5no - 7no need to positively respond to the internal vehicular route to the immediate west of the buildings. We suggest that the design should break up the massing and overbearing nature of the buildings, through the inclusion of windows or</p>
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mixed materiality similar to the frontage elevation treatments.

Layout: Some concerns over the retained existing areas of car parking adjacent to Leyhill Road. Despite being set back from the road, the existing car parking areas directly off Leyhill Road have a significantly negative impact on the openness of the Green Belt. A more acceptable approach would be to consider an area of landscape off Leyhill Road with surface car parking set behind the built form.

The proposed building line should follow that of the adjacent buildings on the Aston Martin site. Whilst this existing building is offset from the road, the built form should respond to the orientation of Leyhill Road and would benefit from being perpendicular to the Road rather than slightly offset.

We would like to see greater attempts to connect into the existing footpath, creating a coherent and green network of walking routes across the site that are appropriately separated from the vehicular movement.

Materiality: Generally, the choice of materials has been done with consideration, responding to the historic use of the site reflected in the use of bricks and brickwork detailing.

It is unclear what the proposed boundary treatment will be onto Leyhill Road. We would recommend that a high-quality approach to the boundary treatment is considered. We suggest extending and connecting the existing brick walls to create a coherent and consistent approach to the boundary onto Leyhill Road. Not only would this reflect the historic use of the site, but it would result in a positive treatment of the boundary onto the road.

Landscape: There is an opportunity to respond to and connect into the Local Wildlife Site abutting the application site. We would recommend that the applicants provide direct access into a natural environment, improving connections and the walking environments for the future users of the site.

In addition the development should reflect the natural setting of the site, and the Local Wildlife Site within the scheme. Providing a more diverse landscape strategy across the scheme, this could include but not be limited to the following:

Providing continuous footpaths provided across the site, promoting walking into Bovingdon, linking into the existing bus stop on Green Lane and connecting into the wider walking network;  
Providing footpaths that are separated from the vehicle movement by

	<p>landscaped verges, swales and tree planting [see examples at Stockley Park below].</p> <p>Tree planting, hedgerows and vegetation should be used to screen the extensive areas of surface car parking. [see example at Stockley Park below]</p> <p>Conclusion:</p> <p>We recommend that the applicants consider and respond to the above recommendations prior to taking forward the application.</p>
Strategic Planning & Regeneration (DBC)	See comments on document web portal.
Hertfordshire Ecology	<p><b>ECOLOGICAL IMPLICATIONS</b></p> <p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any informative / conditions listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o Ecological surveys reliable and thorough;;</li> <li>o BNG 10% has been demonstrated and is achievable;</li> <li>o Biodiversity Gain Plan condition required as a separate condition if approved;</li> <li>o BNG secured though condition or S106.</li> </ul> <p>Comments:</p> <p>1. The site has been subject to numerous recent habitat and species surveys, which provide a thorough and reliable baseline understanding of the site. Most of the site is hardstanding, with edges of dense bramble, disturbed ground with a ruderal / colonising flora and some scattered scrub and broadleaved woodland, characteristic of the old brickworks land and adjacent LWS. A small strip of other broadleaved woodland is present within the site linked to boundary habitats. There is an ornamental (drainage) pond on site which will be lost, but this is of little significance. Historically the whole application site was subject to brick clay extraction or associated works and more recent use for builder's merchants and storage. It now supports little intrinsic ecological interest.</p> <p>2. No evidence of badgers, and limited habitats for bats - no buildings are considered suitable. One mature oak tree is considered to have high roosting potential but will be retained. There is no particular bird ,</p>

	<p>other mammal interest or invertebrate interest - although the adjacent LWS to the east is known for butterflies. A low population of Slow worms were recorded within boundary vegetation but otherwise are likely to be absent. Appropriate habitat manipulation can deal with these accordingly. There is no evidence of Great crested newt presence.</p> <p>3. A Biodiversity report showing appropriate Biodiversity metric extracts has been submitted. I have no reason to consider the baseline has not been completed correctly. This indicates a Net Gain of 45.57% will be achieved for habitat units, and 23.59% for hedgerow units, by habitat creation and enhancement within the site. Details for this are proposed within the ecological management plan which has been submitted. Metric Trading Rules have been satisfied. Given all of the BNG delivery is on-site, the enhancements are considered 'significant' and must be secured legally.</p> <p>4. On this basis, I consider this demonstrates that a minimum of 10% BNG can be achieved for this development.</p> <p>5. A lighting scheme has been proposed and appears acceptable in using horizontal luminaires for standard lamps within the site, downward facing lamps elsewhere, and capped bollards, all of which will reduce light spill and glare when viewed from a distance and prevent upward illumination. This should limit the impact of artificial light on the adjacent LWS and local area, which is generally on relatively high ground on the Chilterns dip slope above the Bulbourne Valley.</p> <p>6. A CEMP is proposed and should include provisions to protect species as necessary. I support this.</p> <p>Conditions</p> <ul style="list-style-type: none"> <li>o Biodiversity Gain Plan (BGP) condition. This will need to be informed accordingly by a Habitat Management and Monitoring Plan, although this has largely been provided already and will only need slight amendments to provide the requirements of a HMMP and 30 years of BNG delivery, rather than 10. The plan currently shows provision for species features (bird / bat boxes etc.).</li> <li>o CEMP condition.</li> <li>o Condition or S106 to legally secure BNG. This is separate to the BGP condition, which is independent.</li> </ul> <p>On the basis of the above, I consider that the application can be determined accordingly.</p>
Environment Agency	Thank you for consulting us on the above planning application on 31 July 2023. As part of the consultation, we have reviewed the following submitted document:



o Surface Water Drainage Statement prepared by RGP and dated May 2023 (ref: 6947-RPG-00-ZZ-RP-C-0500)

In addition, we have also considered the following document, submitted under planning application 23/01784/MOA, for the same site. We ask that this document is also formally submitted as part of this application 23/01783/MFA.

o Initial Contamination Investigate prepared by MRH Geotechnical and dated March 2023 (ref: 231762contam).

The site's previous use for clay working, brick manufacturing and waste disposal associated with these uses presents a medium risk of contamination that could be mobilised and impact on controlled waters (specifically groundwater in the underlying Chalk Principal Aquifer) as a result of the proposed redevelopment of the site.

Based on the above information, and our own review of public records, we note that the proposed development site is underlain by a historic landfill (Bovingdon Brickworks landfill); this does not appear to have been considered in the limited contamination assessment. There is uncertainty regarding the exact location and composition of the landfilled material (or other contaminants) and further investigation / assessment will be required to provide confidence that the ground conditions at the site, with respect to potential contaminants that could present a risk to receptors associated with the site, are fully understood.

In addition, we also note that the site is not connected to mains drainage and the proposed development will be reliant on infiltration drainage via soakaways for the discharge of surface water and treated sewage effluent. Again, the drainage aspects of the of the proposed development will require additional assessment to ensure that proposals will not result in the pollution of the underlying Chalk Principal Aquifer and will be compliant with the requirements of the Environmental Permitting Regulations with respect to the discharge of effluents to ground.

Considering the above, we have no objection to the proposed development subject to the inclusion of the following conditions on any grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1 - Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
  - o all previous uses
  - o potential contaminants associated with those uses.
  - o a conceptual model of the site indicating sources, pathways, and receptors.
  - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

**Condition 2 - Unexpected Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

**Reason**

To ensure that the development does not contribute to and is not put at

unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Condition 3 - Infiltration Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Advice to Local Planning Authority

Connection to mains foul drainage not feasible (foul drainage assessment submitted)

Based on the information in the above report foul drainage will be treated on site, via a package treatment plant, and the resulting effluent discharged to ground via a soakaway.

The treatment plant will need to be large enough to manage the anticipated maximum site staffing and will must be able to treat the effluent to a quality standard to ensure that it will not result in the pollution of the groundwater beneath the site. The site is underlain by cohesive clay with flints deposits and the soakaway will need to bypass these deposits to be able to achieve the required soakage rates and therefore discharge into the underlying Chalk Principal Aquifer. The Chalk is a regionally important aquifer that provides drinking water and therefore we will need to be satisfied that no other options exist for the disposal of sewage effluent before agreeing to this arrangement.

Discharge of treated sewage effluent to ground will require a Discharge Consent issued by the Environment Agency and we recommend that the applicant engages with a specialist contractor to design the foul drainage system and consult the Environment Agency with respect to the permitting requirements before the system is installed at the site. We are aware of several instances where similar systems have needed to be modified after they were installed to meet the requirements of environmental permitting.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

#### Competent persons

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

#### Advice to applicant

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

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

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

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

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

Non-Road Mobile Machinery includes items of plant such as bucket

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

Rainwater drainage from vehicle parking / roadway areas and roofs  
The current proposal combines rainwater drainage from roofs with surface water flows from roadways and carparking areas prior to discharge via an infiltration trench. We advise against combining these flows prior to discharge as it could potentially complicate the assessment and issue of a Discharge Consent, should it be required. The infiltration of roof water to ground does not need a discharge consent if it is via a dedicated system sealed from any other form of drainage. However, surface water flows from roadways and carparking areas may require a Discharge Consent depending on the usage of these areas (for example low risk temporary parking of personal cars will not require a discharge consent whereas higher risk activities such storage and cleaning of commercial vehicles in parking areas may require a discharge consent if it). The applicant and annual maintenance fees associated with a Discharge Consent are assessed based on the quality and quantity of effluent at the point of discharge; by combining flows there is the potential that the application and maintenance fees will be higher than if the flows were separated. Information relating to Discharge Consent application and maintenance fees can be found: The Environment Agency (Environmental Permitting and Abstraction Licensing) (England) Charging Scheme 2022 ([publishing.service.gov.uk](https://publishing.service.gov.uk))

Advice relating to the reuse of excavated materials  
The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- o excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution.
- o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- o treated materials can be transferred between sites as part of a hub and cluster project.
- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the

permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice, and the waste management page on GOV.UK Waste and recycling - GOV.UK ([www.gov.uk](http://www.gov.uk))

#### Water Resources

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

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

#### Commercial/Industrial developments

We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

We also recommend you contact your local planning authority for more information.

#### Pre-Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk).

#### Final comments

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

Should you have any queries regarding this response, please contact

	me.
S106/Infrastructure Team (DBC)	<p>Thank you for your email regarding the above planning application.</p> <p>I can confirm that this application does not trigger specific infrastructure requirements under the current Infrastructure Delivery Plan 2017 or the emerging Infrastructure Delivery Plan (2020) which was consulted on as part of the Regulation 18 consultation of the emerging Local Plan.</p> <p>However, infrastructure in the immediate vicinity of the site may be affected and therefore it is advised that relevant infrastructure providers are consulted as appropriate e.g. highways and transportation, emergency services, utilities and flood protection authorities.</p> <p>Dacorum is a Community Infrastructure Levy (CIL) collecting authority and any CIL liability is calculated at the point of grant of permission. Developers should ensure that all CIL matters have been dealt with prior to commencement of the development. Any queries relating to CIL should be emailed to <a href="mailto:CIL@dacorum.gov.uk">CIL@dacorum.gov.uk</a></p>
Urban Design - Lucy Large (DBC)	<p>Following a review of the amended material shared I have compiled the following comments:</p> <ul style="list-style-type: none"> <li>o The revised layout appears to be in accordance with previous design comments and is considered to be an overall improvement;</li> <li>o The relocation and adjustments to unit 5no are considered to be acceptable from a design perspective;</li> <li>o The proposed boundary treatment at the main entrance and E H Smith Entrance are considered to be acceptable. As discussed on site, the areas of retained 'galvanised palisade fencing' is only agreeable due to the existing hedgerow and tree planting. As it was agree, we would not want to disturb the established vegetation, so have retained portions of existing fencing. However, if this vegetated belt was to be cut back or removed, we would want to see a continuation of the proposed brick wall and fencing.</li> <li>o The variation in materials on units 5no - 7no has not achieved the desired effect. The original feedback was that the primary concern was that 'the western elevation of units 5no - 7no need to positively respond to the internal vehicular route to the immediate west of the buildings. We suggest that the design should break up the massing and overbearing nature of the buildings, through the inclusion of windows or mixed materiality similar to the frontage elevation treatments.' Whilst the applicant has discounted the inclusion of windows it remains that these elevations are overbearing and unattractive. We previously suggested employing materials in a similar style to the frontage treatment that breaks up the vertical nature of the building. Whilst windows have been discounted, we would encourage the applicants to</li> </ul>

	<p>explore the possibility of including un-opening glazed features at the upper level of these elevations.</p> <p>o The proposed materials for Unit 5no are not considered to represent good design. In the first instance improvement to the North Elevation - facing Leyhill Road, needs to have consideration for the its prominence in the site and from the main entrance. As such, the corner should be designed as a feature. Overall, the materials need to work hard to reduce the overall appearance of the unit. We would recommend a horizontal emphasis with a continuous plinth that wraps the buildings. There needs to be more horizontal emphasis, creating more continuous bands of material around the building to visually reduce the massing. Rather than the unbalanced and somewhat disjointed nature of the panelling in the proposed scheme. As an example, bands of lighter coloured materials could extend from the entrance right across the lower portion of the building, creating the appearance of a 'plinth'. Furthermore the design needs to review the focus of the building and put more emphasis on the entrance and corner feature, this could be by introducing a frame around the entrance or extruding part of the structure to visually enhance the entrance [see below examples].</p>
<p><b>Rights Of Way</b></p>	<p>The application site is crossed by a public right of way, Bovingdon public footpath 8.</p> <p>Currently the public footpath passes along the SE boundary of the industrial site, crossing the vehicular crossover for the area of brick storage, before turning in a more easterly direction away from the works. The vehicular crossover has long been a safety concern and an addition of 2 more will only add to that concern.</p> <p>The proposed diversion route is a significant improvement for the general public. Aside from dealing with the safety issues already mentioned, the new path will be constructed to provide an all-weather surface, across as flat a ground as possible, improving access for all users.</p> <p>The new route is aesthetically an improvement, as it takes users away from the industrial area, through land managed by the Boxmoor Trust with the enhancement of nature in mind.</p>

**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

Neighbour Consultations	Contributors	Neutral	Objections	Support



18	4	1	2	1
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## Neighbour Responses

Address	Comments
<p>Pudds Cross Cottages</p> <p>Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ</p>	<p>I am making a neutral comment on the applications for both 23/01783/MFA and 23/01784/MOA, I am making this representation as a local resident of Pudds Cross. I appreciate that the EH Smith site does require development and is brownfield land. My comments below are my view of the application and what it would be positive for DBC to consider when reviewing whether to grant permission and amendments and conditions if it is granted. I have highlighted where I think my comments are supported by relevant Core Strategy policies, but conscious there may be others that are also relevant in relation to my comments.</p> <p><b>Access from Ley Hill Road</b></p> <p>The new Access from Ley Hill Road would have a wider impact on the street scene from Ley Hill Road and increase the intrusion into the greenbelt. My preference to ensure a greener approach would be to utilise the current access from Ley Hill Road for both the current EH Smith site and the new industrial units. In 2001-2004 the new access was granted for the overly wide double access point for the trade vehicles near the junction of Shantock Hall Lane and Ley Hill Road. This proposal would mean there are now three access points from Ley Hill Road to the one EH Smith owned development, further access points have a negative impacted on the perceived over-development and openness of the greenbelt.</p> <p>Whatever option is chosen for the access from Ley Hill, the entranceway(s) and street view should be designed in a way that is minimal intrusion, and given the Chiltern AONB consultation for its expansion which may include this area within the future and that Ley Hill Road leads directly to the Chilterns AONB it would be prudent where possible to design its road frontage to align with the Chiltern AONB Design Guide such as the; Landscape Setting; Agricultural and other rural employment buildings; and paving and other hard surfaces.</p> <p>I appreciate that the removal of the dead and dying trees along Ley Hill Road is necessary. These predominantly beech trees are shallow rooted and have unfortunately been negatively impacted and likely dying due to the previous development on the EH Smith site where hard standing and excavations have taken place right up to the EH Smith boundary fence. I note that I am unable to see the documentation from the 2001-2004 applications which may have permitted this such as: 4/01723/01/DRC; 4/01488/00/FUL; 4/02215/00/FUL and 4/00544/04/DRC. I would like to see that any new planting is fully protected in perpetuity and that a living green screening of trees and hedges is provided along Ley Hill road irrespective of future development. A preferred and desirable outcome would be if EH Smith relinquished some of the recently developed hard standing that has had detriment to the mature trees to provide a thicker hedging and</p>

screen along Ley Hill Road, allowing trees to grow to their full height, recognising the historic value in that there has been a belt of woodland here for centuries (as outlined in their application and can be seen in historic maps). An increase in the width of this banding of trees would provide both noise attenuation and have a positive impact on the street scene and development in the greenbelt.

These comments are primarily in relation to: POLICY CS24: The Chilterns Area of Outstanding Natural Beauty and POLICY CS25: Landscape Character

#### Sound

Audible vehicle sounds are currently produced from within the red line boundary which can be heard from the residential properties at Pudds Cross, as well as within the neighbouring amenity space. This includes outside of the 7.30am - 5.30pm timeframe with regular working from around 6.30. All operations of the new site should be restricted to the 7.30-5.30 working week to minimise impact on the local community. The current sound is generally what sounds like the reversing sound of forklift trucks and on-site vehicles. It is requested that as part of any proposed development all operations and vehicles operating within the red line boundary during and after construction should use White Noise reversing alarms which would be far less intrusive to local residential properties and operate within the planning requirements. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Light

Light from the current EH Smiths, primarily the night-time security lighting is both inward and upward facing, this produces a large dome of light and produces a high amount of evening light pollution, this has a negative impact on the amenity and environment. This source of light is clearly visible from the Chilterns AONB (in Ley Hill), and can be seen as a bright beacon when driving back towards Pudds Cross. Care should be taken with the proposed development to ensure that the lighting is as low level as practicable, and that within the red line boundary the current lighting is having a minimal impact on the amenity, environment and Chilterns AONB. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Habitat improvements

I am pleased to see the inclusion of additional habitat features, such as bird and bat boxes, as well as habitat features and log piles across the site. This site itself sits between two Local Wildlife Sites (Bovingdon Brickworks and Pocketsdell Lane) so care should be taken to ensure connectivity between those sites is maintained and improved. I would request that it would be beneficial to increase the number of bird and bat boxes, including those that are attached to or integrated into buildings in perpetuity, this will ensure the buildings themselves also provide additional habitat to local wildlife, rather than just the surrounding trees. It is also noted that there historically used to be House Martin nests demolished site and future habitat should be provided for this species. This is in relation to POLICY CS26: Green Infrastructure

	<p><b>Design</b></p> <p>I am really pleased to see that all the roofs contain photovoltaics. Regarding the aesthetic of the design, my feedback would be that to ensure a minimal, more conducive with the vernacular of the area, and appropriate for greenbelt development primacy should be given to the brick effect and wood effect (or using actual wood) cladding, this is of particular importance for all of the publicly visible parts of the building. Noting that a natural tone may reduce the impact of the buildings on the greenbelt. I note that the vertical wood effect cladding design is proposing to use a single RAL colour (they have stated RAL9007 (grey)) for the wood effect cladding. However, for clarity I would suggest that instead of using a block colour to ensure they use the Rockpanel Woods effect vertical cladding. This is in relation to POLICY CS25: Landscape Character</p> <p>Thank you for considering my comments.</p>
<p>3 Pudds Cross Cottages</p> <p>Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ</p>	<p>I am writing in response to planning applications 23/01783/MFA and 23/01784/MOA and my comments apply to both applications. I have lived in Pudds Cross for 33 years and am one of E H Smith's closest neighbours.</p> <p>Whilst not objecting to the development of the old Brickworks site per se, I would like to raise a number of concerns that will impact local residents and the local community.</p> <p><b>Increased Traffic and Parking</b></p> <p>I attended the presentation given by E H Smith at the Bovingdon Parish Council Planning Committee meeting. I was concerned that they were quoting a figure of 130 vehicle movements a day when the Brickworks was operational to support their view that there would be very little increase in traffic with the new development. Many people at the meeting challenged that figure, as do I. This development will inevitably bring an increase in traffic, not just to Ley Hill Road but to the surrounding lanes.</p> <p>The proposed addition of a new entrance from Ley Hill Road adds to my concern. I watch drivers either pull out as a vehicle turns into the current site, or speed up as soon as the vehicle has turned. Having three access points on the site, plus the proximity to Shantock Hall Lane, which is continually used by lorries travelling to and from the Chicken Farm and farm vehicles to Pudds Cross Farm, represents a risk in my opinion. The speed limit on the road is 40mph although many vehicles travel a lot faster, so a reduction to 30mph could help with road safety.</p> <p>It is a fact of life in any of these developments that there is never enough parking for employees, contractors and visitors. I would like to see consideration given to measures to avoid vehicles being parked on Ley Hill Road otherwise this will be adding to the road safety risks mentioned above. Some HGVs already park on the road early morning, often half on the pavement which restricts usage for pedestrians and damages the pavement.</p> <p><b>Noise</b></p> <p>Given the safety requirements for vehicles to be fitted with reverse alarms and even turning warning sounds, these sounds can be heard</p>

by residents when the E H Smith site is operational. As the development is light industry, it is inevitable that there will be an increase in vehicle movements and consequently an increase in the noise levels.

#### Light

Over time E H Smith have increased the lighting on their site, including illuminated barriers. The Ley Hill Road has no streetlighting, so the lighting makes the site more visible to residents, especially at night. I would like consideration to be given to low level lighting across the whole site which does not negatively impact the amenity of local residents or the nocturnal wildlife on the Boxmoor Trust land.

#### Working Hours

In light of the issues regarding traffic, noise and light pollution, I would like consideration to be given to a restriction on working hours within the new development. None of the other existing businesses have 24/7 operation, most seem to work Mon - Fri and Saturday Morning. They also seem to keep reasonable working hours from around 7am to 5.30pm, although E H Smith do open earlier for deliveries.

#### Signage

If an objective of the development is to be as unobtrusive as possible, I hope that there will be restrictions on the type, size, amount and illumination of any signage used at the entrances.

#### Green Buffer

I note the plans include the removal of dead or dying trees along the Ley Hill Road frontage. I have watched these trees disappear over the years as E H Smith have extended their storage area and sadly the trees that now have to be removed are as a direct result of that expansion failing to give them the necessary conditions to flourish. I hope that within the planting plans a good amount of space has been allocated to provide good quality conditions for the trees and their roots to grow and be sustained.

#### Footpath Diversion

Whilst I understand the requirement to divert the footpath that currently runs through the proposed site, I feel that little consideration has been given how that footpath is used by the community. The current path forms part of a regularly used circular walk along the footpath and back across the path that is currently the proposed diversion. So, it feels like we are losing a footpath and being give in its place a path we already have, thus depriving the community of a popular amenity. Whilst Bovingdon may be in a rural location we have very few green spaces and are grateful to the Boxmoor Trust for providing that land for recreational use.

Would it be possible for E H Smith to move the footpath to their boundary with the Boxmoor Trust land, so we maintain the circular walk? I have added this suggestion to one of the plans but have emailed it separately as I cannot upload files here. The land inside their red line boundary is flat so a 3m wide path would make the path accessible and the addition of an all-weather surface would provide a suitable alternative. I note that in one area there is a deep drop on the Boxmoor Trust side, so it would need some sort of safety fencing in that

	section.
19 Dinmore Bovingdon Hemel Hempstead Hertfordshire HP3 0QQ	With the proposals to build many new houses in and around Bovingdon, I fully support the proposed development by E H Smith to build new units on their site. This could supply much need employment in the area, and will have no adverse affect on the surrounding rural outlook or wildlife in my opinion. The proposed new pathway route is just as nce to walk as the old route.

# Agenda Item 5b

ITEM NUMBER: 5b

<b>23/01784/MOA</b>	<b>Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage &amp; Distribution Use (Units 8 to 14)</b>	
<b>Site Address:</b>	<b>Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0NW</b>	
<b>Applicant/Agent:</b>	<b>Mr Mark Leinster</b>	<b>Mr Simon Milliken</b>
<b>Case Officer:</b>	<b>Martin Stickley</b>	
<b>Parish/Ward:</b>	<b>Bovingdon Parish Council</b>	<b>Bovingdon/Flaunden/Chipperfield</b>
<b>Referral to Committee:</b>	<b>The application is a 'large scale major development' (i.e. the site area is over 2 hectares) and there is a proposed s.106 agreement</b>	

## 1. RECOMMENDATION

- 1.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

## 2. SUMMARY

- 2.1 This report relates to 'Phase 2' of the Bovingdon Brickworks redevelopment. It details all of the relevant planning considerations against local and national planning policy. The report ends with an overall planning balance in-line with the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 2.2 The proposals form part of a wider Major Developed Site ("MDS") in the Green Belt, of which the employment area is proposed to be enlarged by 0.6 hectares in emerging policy. Due to the need to remove the former brickwork buildings for safety purposes, the proposals would result in increased visual and spatial impacts on the openness of the Green Belt and are thus considered to have a 'greater impact' on openness. Therefore, a case for 'very special circumstances' has been advanced.
- 2.3 The planning balance concludes that, in this instance, the potential harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.

## 3. SITE DESCRIPTION

- 3.1 The application site (the "site") is located on the south-eastern side of Leyhill Road, approximately one kilometre to the south-west of Bovingdon Village. The site is roughly 6.5km to the south-west of Hemel Hempstead and 5km to the north-east of Chesham. The B4505 provides access to the A41 and M25 from the Site.
- 3.2 The site formerly comprised buildings associated with the Bovingdon Brickworks (Class B2: General Industrial) use that involved the production and storage of bricks on the site. The Brickworks was established on the site in the 1920-30s and benefitted from localised, good quality clay deposits. However, the site ceased production in 2016 due to the viability and declining quality of the clay deposits. The brickwork buildings were demolished in October 2022, following a 'demolition prior approval' application under Schedule 2, Part 11 of the Town and Country (General Permitted Development) Order 2015 (as amended).

- 3.3 E H Smith (the “Applicant”) is the freeholder of the 2.6 hectare former Bovingdon Brickworks site, which is located within the northern part of the overall 7.68 hectare Site. The brickworks site adjoins their builders merchants use to the west, which is roughly 1.85 hectares. There are also existing areas of open storage in the western and southern parts of the site. The supporting documentation notes that the merchants use was established on the back of the diminishing brickworks business and the Applicant wishes to retain the employment development as a long-term investment.
- 3.4 Part of the former Brickworks site comprises Pudds Cross Industrial Estate, situated to the north-east of the site. This area comprises a small number of industrial and commercial uses. South of Pudds Cross, lies Loveday Aggregates used for the open storage of aggregates. It is worth noting that a large part of the brickworks site; the whole of the builders merchants site; and all of Pudds Cross Industrial Estate is considered a ‘Major Development Site’ within the Green Belt. The Chilterns Area of Outstanding Natural Beauty (AONB) is approximately one kilometre to the south-west.

#### **4. PROPOSAL**

- 4.1 This application seeks outline planning permission for the construction of seven warehousing units with a flexible Class E (g) (iii) light industrial and Class B8 storage and distribution use. This proposal represents ‘Phase 2’ of the redevelopment of the site and equates to an area of 0.85ha. The proposed warehouse units would be built over the area laid out for open storage use in the ‘Phase 1’ application (see 23/01783/MFA), which was submitted concurrently with this application. The Planning Statement notes that the Applicant would seek to implement Phase 2 ‘...by means of a detailed planning application submission in a few years’ time’.
- 4.2 The application is in outline form but seeks approval for the access, landscaping, layout and scale. The design/appearance would be a reserved matter. The proposals would result in a total employment footprint of 3,433sq.m gross internal area (GIA) with additional mezzanine ancillary office use. The total floor area would therefore equate to 3,831sq.m. Unit 10 would be the largest unit, with a footprint of 1,132.7sq.m. The rest of the units would range between 262.4sq.m to 574.2sq.m. The full breakdown of the floor areas can be found at paragraph 60 of the Planning Statement. Overall, the proposals would represent a number of smaller warehousing units when compared to Phase 1.
- 4.3 It is noted that there is some overlap between the documents submitted with the applications. For example, both Phases 1 and 2 rely on the same Sustainability and Economic Statements. The differences between the schemes will be highlighted throughout this report. However, in some areas the schemes will be discussed holistically.

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

Planning Applications:

20/00442/CON - Consultation - Application for a certificate of existing lawful use (CLEUD) open brick storage

*Raise No Objection - 6th April 2020*

21/04622/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 21st February 2022*

22/02086/FUL - Replacement of crushed brick surfacing with new Bitumen Road Planings  
*Granted - 1st September 2022*

22/02477/DEM - Demolition of former Bovington Brickwork Buildings  
*Prior Approval Not Required - 2nd September 2022*

23/01783/MFA - Phase One: Seven warehouse units with a flexible Class E(g)(iii) (light industrial) / Class B8 (storage and distribution) use and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing'  
*Pending Consideration*

4/02819/15/CPA - Brick-clay extraction with land restoration primarily back to agricultural use, ancillary works to construct a road crossing over Shantock Hall Lane and a haul road into Bovington brickworks  
*Raise No Objection - 8th December 2015*

4/01725/09/ROC - Removal of condition 3 (offices shall only be utilised in connection with the existing brickwork business) of planning permission 4/00199/81 (office building)  
*Granted - 23rd December 2009*

4/00545/04/DRC - Details of office building as required by condition 4 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 30th April 2004*

4/00544/04/DRC - Details of landscaping as required by condition 5 of planning permission 4/01701/01 (haulage yard and office accommodation)  
*Granted - 12th May 2004*

4/01808/02/CMA - Re-cycling plant  
*Raise Objection - 13th November 2002*

4/01723/01/DRC - Details of materials and foundations and tree protection required by conditions 2, 6 and 8 of planning permission 4/02215/00 (new entrance gate, alterations to access, additional car parking, new welfare building and demolitions)  
*Granted - 6th November 2001*

4/01701/01/FUL - Haulage yard and office accommodation  
*Granted - 3rd December 2001*

4/02215/00/FUL - New entrance gate, alterations to access, additional car parking, new welfare building and demolitions  
*Granted - 21st March 2001*

4/01488/00/FUL - Formation of access and car park  
*Granted - 17th October 2000*

4/01087/00/CMA - Change of use to open brick storage area  
*Raise No Objection - 8th August 2000*

4/00121/98/CMA - Review of mineral planning permission (reference numbers 4/0363/48 & 4/0168/57) application for the determination of new conditions  
*Raise No Objection - 5th March 1998*

4/01843/97/FUL - Change of use to pallet storage  
*Granted - 18th June 1998*



4/01189/97/FUL - Replacement workshop  
*Granted - 23rd September 1997*

4/00912/95/RET - Continued use of land for storage of pallets (renewal)  
*Refused - 7th September 1995*

4/00762/94/RET - Retention of portable office building  
*Temporary - 11th August 1994*

4/00488/94/RET - Use of land for storage of pallets  
*Temporary - 11th July 1994*

4/00302/91/FUL - Continued use of land for storage & repair of pallets on permanent basis  
*Temporary - 25th April 1991*

4/00164/91/CMA - Use of land for open storage of minerals  
*Granted - 10th June 1991*

## **6. CONSTRAINTS**

Advert Control  
CIL Zone: 2  
Former Land Use (Risk Zone)  
Green Belt  
Heathrow Safeguarding Zone: LHR Wind Turbine  
NATS Safeguarding Zone: Notifiable Development Height: > 15 Metres High  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Parking Standards: Zone 3  
EA Source Protection Zone: 2 and 3

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2023)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)  
Hertfordshire County Council Waste Core Strategy (2012)

Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - Green Belt

CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS23 - Social Infrastructure  
CS24 - The Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
CS35 - Infrastructure and Developer Contributions

#### *Local Plan*

Policy 37 - Environmental Improvements  
Policy 51 - Development and Transport Impacts  
Policy 57 - Provision and Management of Parking  
Policy 79 - Footpath Network  
Policy 80 - Bridleway Network  
Policy 97 - Chilterns Area of Outstanding Natural Beauty  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 100 - Tree and Woodland Planting  
Policy 101 - Tree and Woodland Management  
Policy 108 - High Quality Agricultural Land  
Policy 111 - Height of Buildings  
Policy 113 - Exterior Lighting  
Policy 119 - Development Affecting Listed Buildings  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 1 - Sustainability Checklist  
Appendix 8 - Exterior Lighting

#### *Hertfordshire County Council Waste Core Strategy*

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

#### *Supplementary Planning Guidance/Documents (SPG/SPD) and Other Relevant Information*

Manual for Streets (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Refuse Storage Guidance Note (2015)  
Sustainable Development Advice Note (2016)  
The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning (2017)  
Chilterns Area of Outstanding Natural Beauty Management Plan (2019 – 2024)  
Natural Environment – Landscape (PPG) (July 2019)  
South West Herts Economic Study Update (2019)  
Car Parking Standards (2020)  
Dacorum Strategic Design Guide (2021)  
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 impact on the Green Belt;
- The effect on the countryside and landscape impacts;
- Scale, layout and landscaping;
- Sustainability and socio-economics;
- Impact on the road network, internal circulation/manoeuvrability and parking provision;
- Environmental implications;
- The impact on residential amenity;
- Other material planning considerations;
- Any other harm; and
- The case for very special circumstances.

### Principle of Development

#### *Development in the Green Belt – Current Policies*

- 9.2 Dacorum Borough Council (“DBC”) in-line with the National Planning Policy Framework (“NPPF”) (December 2023) has adopted an ‘open for business’ approach to new development in order to secure economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design. The NPPF places significant weight on economic growth and productivity (see paragraph 85).
- 9.3 The application site is situated within the designated Green Belt. The Government attaches great importance to Green Belts with the key purpose of keeping land open. There is a presumption against the construction of new buildings. However, the redevelopment of previously developed land (“PDL”) is considered acceptable, provided that it would not have a greater impact on the openness of the Green Belt (paragraph 154 (g)).
- 9.4 Part of the site is also within an ‘MDS’ in the Green Belt (see Figure 1). Policy SA2 (Major Developed Sites in the Green Belt) of DBC’s Core Strategy (Site Allocations Written Statement 2017), states that proposals on MDS land shall be determined in accordance with Policy CS5. This policy establishes that within the Green Belt there are a number of MDS that largely pre-date the current planning system and Green Belt designation. The redevelopment or limited infilling of these sites is considered acceptable and should help to achieve economic, social and/or environmental gains. New development should not have a significant impact on the character and appearance of the countryside and should not increase the impacts on the openness and function of the Green Belt.



Figure 1 - Extract from DBC's Site Allocations Map Book 2017 – MDS/5 Bovingdon Brickworks

- 9.5 The MDS area is also considered as an 'Employment Area in the Green Belt'. As such, Policy SA6 applies. This policy identifies that the expansion of floorspace or redevelopment will be permitted if it accords with the aforementioned policies i.e. CS5, SA2 and any other relevant policies and guidance.
- 9.6 The Bovingdon Neighbourhood Plan went to cabinet on 18 June 2024 and has now been formally adopted. Within this document, Bovingdon Brickworks and the adjoining employment uses are called the 'Pudds Cross Business Zone'. The extent of the business zone is the same as the Bovingdon Brickworks Gross External Area (GEA) in the emerging Local Plan (see next section).
- 9.7 Policy BOV EE3 (encouraging new employment) explains that:

*'To meet local economic needs and help maintain and protect the Green Belt, development of brownfield land for employment use, redevelopment of existing employment sites, and expansion of the film industry and supporting businesses, will be favourably considered provided that:*

*i. Development is first considered in the two commercial and businesses zones as shown on the Policies Map, which still have available brownfield land and/or existing buildings for development...'*

#### *Development in the Green Belt – Emerging Policies*

- 9.8 The application site was allocated in DBC's emerging Local Plan (November 2020). The site is referenced as Growth Area Cy02 and identified for employment development for office, industrial and storage and distribution use. The allocation would provide 'around 8,000sq.m' of gross internal floorspace and that development should consist of 'smaller units under around 1,000sq.m including around 2,000sq.m provided in small units of less than circa 400sq.m'. A number of site specific requirements (e.g. urban design, highways, etc.) are also listed.
- 9.9 The allocation includes an area to the east of the Brickwork's buildings, outside of the area previously defined as the 'MDS' as per Figure 1. However, this area is considered to form part of the curtilage of the of the brickworks buildings and is also considered as 'previously developed land'.

9.10 Policy SP29 (Delivering Growth in the Countryside) identifies the site as an Employment Growth Area (“EGA”) suitable for a 0.3 hectare increase in the established employment land (see Figure 2). This is reinforced by Policy SP11, which states that the council will support this expansion to achieve borough-wide objectives. Policy SP5 (Delivering the Employment Strategy) encourages new employment, specifically small and medium sized businesses, on EGAs such as this.



Figure 2 – Extract from emerging Local Plan – Growth Area Cy02: Bovington Brickworks

9.11 The NPPF, paragraph 48, identifies that local planning authorities (“LPAs”) can give weight to relevant policies in emerging plans according to: (a) the stage of preparation; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency with the NPPF.

9.12 The site allocation and policies relevant to the site have not changed in the latest Regulation 18 revision of the emerging Plan and although there are currently no unresolved objections to the proposals for the application site, it is considered that only limited weight can be afforded to the emerging site allocation (Cy02) and other emerging policies, namely Policies SP5, SP11, SP29 and DM16. The council is seeking to progress to Regulation 19 later this year (2024) and it is considered that further weight could be attributed to the policies at this time.

9.13 Turning to specific development management policies in the emerging Plan, Policy DM16 highlights that development and redevelopment within General Employment Areas (“GEA”) will be permitted for office, industrial and warehousing. Further, non-office and industrial uses will be permitted if they:

- (a) are similar in nature to the aforementioned uses;
- (b) will not undermine the specific role of the GEA as an employment and economic centre; and
- (c) provide important services and facilities that would enhance the attractiveness of the GEA as an economic centre.

- 9.14 Potential other uses are then also listed (see Policy DM16 for full details).
- 9.15 Table 19 of Policy DM16 states that new employment, outside of the EGA (as defined in Policy SP29 and Cy02), is also considered acceptable in principle and that within the site landscaping should be strengthened, if necessary, to ensure that new development is not visually intrusive when viewed from the nearby countryside.
- 9.16 DBC's Strategic Planning Team have provided a helpful table, which compares the emerging Plan requirements with the proposals and offers some commentary (see Table 1). It should be noted that their commentary discusses both phases of development, not just this application.

	<b>Emerging Plan requirements</b>	<b>Proposed in applications</b>	<b>Strategic Planning's Comments</b>
Land use	Office, industrial and storage or distribution use	Light industrial and storage and distribution uses	To help meet local needs, we would welcome inclusion of general industrial (B2) development
Floorspace	Around 8,000m <sup>2</sup>	8,664m <sup>2</sup>	Proposed floorspace exceeds Emerging Plan figure, but by only 8%. We have no objections
Unit size	Development should consist of units under around 1,000m <sup>2</sup> , including around 2,000m <sup>2</sup> in small units less than about 400m <sup>2</sup>	Two of the proposed units are over 1,000m <sup>2</sup> , but the largest (1,536m <sup>2</sup> ) is for EH Smith's own use  Over 2,000m <sup>2</sup> is proposed in units under 400m <sup>2</sup>	Proposed unit sizes are acceptable

*Table 1 – Strategic Planning's Comments (Emerging Allocation vs Proposals)*

- 9.17 Regarding the 664m<sup>2</sup> (8%) exceedance of floorspace, this was queried with the Applicant and during the course of the application and viability details were provided to the council. The council had this information independently verified and the conclusions noted, in terms of profits, that the viability surplus was 'marginal'. It is therefore considered that the Applicant has sufficiently justified why a modest increase in floorspace is necessary to the overall viability of the scheme.

*Historic and Interim Uses*

- 9.18 The land within the Applicant's ownership currently and historically comprised various uses, which are split into three main parts: The main Bovingdon Brickworks site, which comprised the old industrial buildings (e.g. kilns, brick-making buildings, etc.) identified as 'General Industrial' Use (Class B2); The lawful use of the south-eastern plot, which was established for the purposes of open brick storage, taking delivery, storage and dispatch of bricks (Class Sui Generis); and The south-western plot comprising a builders merchants and builders yard (Class Sui Generis). There is also an office building associated with this use to the north.
- 9.19 The proposed uses seem to align with the existing uses on the site and the wider MDS. As the Brickworks site was previously used for General Industry (B2), Strategic Planning originally requested the inclusion of B2 within the description. However, it was confirmed that the majority of industrial uses these days fall within the 'light industrial' category. Further, the Applicant could apply for a B2 use if future demand required it. Any application for B2 could include any physical changes required to the units (e.g. noise and dust installation, etc.).
- 9.20 Based on the information provided and discussions with Strategic Planning, it appears that the proposed uses would be acceptable. The proposals would allow the site to continue as, and enhance, the GEA.

#### *Considering the Previously Demolished Buildings*

- 9.21 As previously mentioned, the brickwork buildings were demolished in 2022. Prior to this, the Applicant engaged in pre-application discussions with the council to establish whether the former buildings would be taken into account in future planning applications, or whether it would prejudice the prospect of securing new floorspace on the site. The council acknowledged that the buildings were in a 'state of disrepair' and they had '*been worsened by Storm Eunice*'. It was also confirmed that they represented 'a health and safety' risk because of the 'asbestos present in many of the roofs'.
- 9.22 The pre-application report agreed that the buildings needed to be removed but noted that early demolition could impact the assessment and policy justification for a future planning application, if submitted before the formal allocation. However, it was concluded that if 'there is a need to remove the existing buildings due to health and safety concerns...the LPA would need to take a reasonable and in my opinion, flexible, approach towards future planning applications on the site'.

#### *Summary*

- 9.23 This application proposes commercial development on land previously occupied by the brickworks buildings and a new open storage area on the previously developed land to the rear. The Planning Statement by Braiser Freeth states that:
- The footprint of the brickwork buildings was c. 4,900m<sup>2</sup> with a total volume (based on the footprint and height of the main buildings) of c. 50,000m<sup>3</sup> (paragraph 51).
  - The proposed Phase 1 development has a footprint of 4,135m<sup>2</sup> and a floor area of 4,833m<sup>2</sup> (paragraph 52). It has also been confirmed that the volume of the buildings in Phase 1 are c. 40,000m<sup>3</sup>.
  - Prior to the Phase 2 development, the applicants propose to use 0.85 hectares at the rear of the site for open storage use in association with their builders merchants operation or for independent open storage use (akin to builders merchants use) (paragraph 54).

- The former brickwork buildings were of dominant scale which could be seen across a wide area. The new development would be generally of lower height and massing, albeit spread across a larger part of the site area (paragraph 77, bullet 1).
- 9.24 The existing policy environment allows for redevelopment or limited infilling of the site. The Bovingdon Neighbourhood Plan and the emerging Plan reinforce the case for developing this site, although limited weight is given to the latter.
- 9.25 Due to the fact that the existing brickworks buildings have already been demolished, it is considered that the proposals would result in a 'greater impact' on the openness of the Green Belt when compared to what currently exists on the site. Therefore, it is considered that a case for 'very special circumstances' would be required to justify the development.
- 9.26 Paragraph 151 of the NPPF states that:
- '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.'
- 9.27 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development. The case for very special circumstances will be explored in detail later in the report.

#### The Impact on the Green Belt

- 9.28 The NPPF (Section 13) and Core Strategy (Policy CS5) highlight that, amongst other things, the openness and character of the Green Belt should be preserved. The fundamental aim of the Green Belt is to keep land permanently open. The majority of Phase 2 is outside of the designated MDS.
- 9.29 Paragraph 154 (g) explains that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is acceptable, provided that it would not have a greater impact on the openness of the Green Belt than the existing development.
- 9.30 As discussed in the report for Phase 1, the previous use comprised buildings of significant built form and resulted in a number of undesirable impacts on the locality (e.g. noise, dust, light pollution, etc.). It is acknowledged that the proposals would result in a less polluting form of development and provide other benefits e.g. additional planting.
- 9.31 The Planning Statement indicates that the total footprint of the existing buildings was circa 4,900sq.m GIA and Phases 1 and 2 would equate to a total of circa 8,000sq.m GIA. The volume of the previous buildings were around 50,000cu.m, which would increase to 75,000cu.m as a result of both Phases. Phase 2 would make up around 3,167sq.m of the proposed floor area and around 35,000cu.m of the proposed volume.
- 9.32 The Phase 1 proposals would have resulted in an overall reduction in floor area and volume when compared to the previous buildings. However, when combined with the Phase 2 proposals, there would be an overall spatial increase of roughly 3,100sq.m GIA and 25,000cu.m in volume.
- 9.33 The removal of the historic amenity issues and the other benefits of the proposal (e.g. visual improvements), which will be discussed later, are acknowledged. The emerging policy



context, such as the proposed increase in established employment land, is also borne in mind. However, as the proposals would result in a substantial increase in built form above the previous buildings, and when considering the fact that these buildings have already been demolished, it is concluded that the proposals would result in a very substantial visual and spatial loss of openness to the Green Belt. In addition, there would be moderate conflict with the third Green Belt purpose i.e. to safeguard the countryside from encroachment.

- 9.34 Despite the above, if the emerging Plan was at a later stage, the proposals would have attracted additional policy support. However, as the proposals would result in a greater impact on the openness of the Green Belt, very special circumstances are required in justification.

#### The Effect on the Countryside and Landscape Impacts

- 9.35 The Dacorum Landscape Character Assessment (LCA) (May 2004) identifies the site and the whole of Bovingdon village as falling within Landscape Character Area 107: Bovingdon and Chipperfield Plateau. Bovingdon Brickworks is specifically noted as a distinctive feature within the landscape. The supporting text states: 'Historical and Cultural Influences. The Bovingdon brickfields have created a localized industrial landscape through a combination of clay extraction and the associated brickworks.'
- 9.36 The site also falls within the central section of National Character Area (NCA) 110: Chilterns, which comprises a wooded and farmed landscape underlain by chalk bedrock that runs from south-west to north-east.
- 9.37 Policy CS25 (Landscape Character) identifies that new development should conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure they conserve or improve the prevailing landscape quality, character and condition and take full account of the LCA, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.
- 9.38 The former buildings on the site, specifically the taller ones, were visible from a number of public vantage points. This includes views from Leyhill Road at the entrance to the site and from Shantock Hall Lane to the south. When looking south-west from Green Lane, the former taller buildings were apparent. It also appears that glimpsed views, primarily in times of leaf-fall, may be available from Footpath/Byway 006 (Bovingdon), when looking north-east.
- 9.39 Public Footpath 008 (Bovingdon) passes through the site and therefore the demolished buildings were prominent from this walking route. The footpath passes directly through the site, where the brickworks site borders the open storage yard. The existing uses, combined with the forklifts/HGVs that cross the footpath, have negative impacts on both visual amenity and pedestrian safety. A planning condition is proposed on Phase 1 that, if approved, would secure the repositioning of this footpath.
- 9.40 Wider distance views of the site and the former buildings were available, for example, when looking north-east from the neighbouring Boxmoor Trust land or looking west from Public Footpath 008. It appears that these views are more apparent during winter. Views are also possible from B4505 Chesham Road/Whelpley Hill when looking south-east.
- 9.41 A Landscape and Visual Appraisal (LVA) has been submitted in support of the application. It considers the likely visibility of the proposed development via a derived 'zone of visual influence' and the selection of 11 representative viewpoints agreed with the LPA. The LVA has undertaken an assessment of the effects on site features, landscape features, landscape character and visual receptors including residential properties. The assessment describes the effects and then compares them to 'winter year 1' and 'summer year 15'.

- 9.42 The main landscape feature effects at year one include the loss of some established trees to facilitate the improved access points and internal layout. These are deemed as localised major/moderate effects on the site vegetation. However, at year 15, the overall impact is considered moderate beneficial. The impact to the public right of way is considered moderate neutral at year one, also reducing to moderate beneficial by year 15.
- 9.43 Regarding the effects on landscape character, the LVA notes that 'at the national scale of the LCA there would be a negligible effect on NCA 110: Chilterns'. This is because the site is a very small part of the NCA and not typical of the local characteristics of the character area overall.
- 9.44 At district level, LCA 107: Bovingdon and Chipperfield Plateau would experience a moderate/minor adverse change at year one with the addition of medium scale industrial/commercial development and a loss of several established trees on a brownfield site. The proposed landscape enhancements would alter the nature of change to neutral and moderate/minor by year 15. At a local level (<200m) there would be a relatively increased magnitude of change at 'medium', although the sensitivity is reduced due to the brownfield character of the core area. The effects would be moderate adverse at year 1 due to the proposed built form and moderate neutral at year 15.
- 9.45 Turning to visual receptors, the site is reasonably well contained and therefore the most sensitive receptors are those closest to the site. The LVA has provided a number of viewpoints and wireframes at Appendix 5 and 7 give a visual representation of the proposals from the surrounding environs. The overall effects on neighbouring land uses and residential properties were predicted as minor adverse and typically negligible due to existing screening in/around the site.
- 9.46 The proposals would be visible from roads but these would be limited in extent and duration. For example, there would be short, open views into the industrial estate but these would be set back beyond a new landscaped frontage, which includes new tree planting and understorey planting. There would be some impacts from rights of way and open land, albeit these are limited. The most open location is illustrated in Viewpoint 7 and its associated wireframe (see Appendix 7, VP7.3-7.4) where the upper part of Unit 5 would be visible. The effect from this section of the diverted route for c. 60 metres would be moderate adverse at year one and minor neutral at year 15, as the proposed planting establishes. Views along the rest of the diverted route are predicted to be minor to negligible with any glimpses of brick stacks or roofs in the distance being heavily filtered by vegetation.
- 9.47 Effects from the Boxmoor Trust open land to the east of the site are represented in Viewpoint 6 (see VP6.3-6.4). This illustrates a reduction from minor adverse to negligible neutral over 15 years. The remainder of the areas to the south and south-west have substantial screening. There would be no views of the proposed built form from Footpath 010 to the south or Byway 011/Footpath 006 due to the presence of established woodland and dense scrub.
- 9.48 A comprehensive Landscape Strategy has been provided (see Figure 08, Appendix 4 of the LVA). It includes the following key features:
- (a) Retention of the majority of the existing woodland, scrub and trees within the site;
  - (b) New trees, hedging and shrub planting to the Leyhill Road frontage;
  - (c) The removal of a group of over-mature and dying beech trees. New trees and a mixed native hedge are proposed to compensate;
  - (d) New trees, hedging, shrubs and grass areas within the proposed industrial estate;

- (e) Areas of native shrubs to the eastern and southern boundary of Phase 2 including a re-profiled bund next to the boundary; and
- (f) Planting of areas of native trees and shrubs to the wider site boundaries to the east and south.

- 9.49 The LVA notes that the proposals would be implemented and managed in accordance with a Landscape and Ecological Management Plan (LEMP), which would be secured via condition if the application is approved.
- 9.50 The findings of the LVA have been considered by the LPA and subject to the proposed landscaping strategy, LEMP and other conditions, no specific concerns are raised on landscape grounds. However, it is noted that there would be some harm arising from the proposals, particularly during construction and in the early years of operation (i.e. until the landscaping fully establishes).
- 9.51 In summary, the proposals would cause limited effects on land use and topography. There would be moderate neutral effects on Bovingdon 008 at year one, changing to beneficial at year 15 and localised major/moderate adverse on site vegetation at year one changing to beneficial by year 15. Landscape character would experience a moderate/minor adverse effect at district scale though the existing/previous use/buildings are considered atypical in the wider landscape. The proposals would be in character with the neighbouring industrial uses within the MDS designation. Change to the landscape character is deemed 'neutral' by year 15. Local level changes would also be moderate adverse as a result of the built form, lessening to moderate neutral at year 15. None of the effects on the visual receptors are considered significant.
- 9.52 Taking the above into account, it no specific concerns are raised in relation to the character and appearance of the countryside or any other landscape/visual considerations. The landscape proposals for the site layout would produce a net benefit to the site and setting by year 15 when established.

#### Scale, Layout and Landscaping

- 9.53 Section 12 of the NPPF identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve.
- 9.54 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; Appendix 3 of the Dacorum Borough Local Plan (DBLP) (2004); and Dacorum's Strategic Design Guide, ensuring that new development is of the highest quality and contributes towards making distinctive, attractive and sustainable places to live and work.
- 9.55 Detail of the overarching design principles have been set out in the Design and Access Statement by LHA. As this application is in outline form with appearance/design to be agreed through a 'reserved matters' application. The appearance/design details agreed for Phase 1 are considered high quality and attractive and therefore, it is likely that a similar approach could be adopted for Phase 2.
- 9.56 The scale, layout and landscaping all form part of this application. The Planning Statement notes that the ground-to-ridge heights of Units 8-14 would be 9.4 metres. No specific concerns are raised in relation to the building heights. It is acknowledged that they are large, however, these building heights are common for the proposed use types. As discussed previously, the extensive landscaping proposals would help to soften/mask the built form from the surrounding area. As no formal elevation plans have been provided, a condition

would be posed, if approved, to ensure that the building heights do not exceed the specified height.

- 9.57 Regarding the external materials, the access road would be tarmac and the parking would be bitmac. The footpaths would be block paving and the service yards would be brushed finished concrete. As such, there is some variety to the external surfacing materials.
- 9.58 DBC's Urban Designer provided the following comments on the proposals:

*Having reviewed the additional information for the application referenced 23/01784/MOA for Phase two of the Bovingdon Brickworks scheme, we have no objections to raise. However, we are concerned with the large areas of hardstanding and surface car parking, with minimal landscaping interventions. The layout for Phase 1 is a more acceptable approach. We recommend that there are greater attempts to soften the environment in Phase 2, including but not limited to: verges and soft planting between parking areas, tree and hedgerow planting to screen car parking from the access route.*

*I do want to note, Unit 14 is prominently located in the site and is visible from Leyhill Road, as such, the design of the northern corner of unit 14 will be important. Ensuring an attractive elevation, architectural detailing and high-quality materials employed to minimise the visual impact of scale and massing.*

- 9.59 The above comments were passed to the Applicant and a revised layout drawing was provided (see Site Plan, drawing 5040-PL-104-F) to provide additional hedge and tree planting within the soft landscaped areas, which could be secured via a landscaping condition.
- 9.60 The Urban Designer also emphasised the need for Unit 14 to be of a high quality aesthetic and design due to its prominent positioning and scale. This is noted and it is confirmed that details could be captured at reserved matters stage in this regard.
- 9.61 The Design and Access Statement highlights that the proposals have been designed in accordance with DBC's supplementary planning guidance on safety and security specifically in relation to commercial/industrial estates. It also states that the access standards and guidance applied to the site and buildings are: Building Regulations Approved Document M 2004 (amended); British Standard 5588 Part 8 1999; British Standard 8300 – 2001; The Disability Discrimination Act 1995: Parts 2 and 3. Taking this into account, it appears that the scheme would be acceptable in relation to crime, safety and disabled access.
- 9.62 The proposals have been subject to pre-application advice and there have been a number of changes to the scheme in-line with the pre-planning discussions. The evolution of the scheme is detailed in the Design and Access Statement. Overall, it is considered that the proposals would provide: (a) buildings of an acceptable height and overall scale; (b) layout; and (c) landscaping proposals, which would help to soften the mass of the buildings and improve the appearance of the site because it is currently devoid of tree planting.

#### Sustainability and Socio-Economics

- 9.63 The NPPF identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors. DBC has declared a climate emergency and therefore, sustainable design and construction is a key consideration. This is a requirement of Policy CS29. Policy CS28 also provides energy efficiency considerations.

- 9.64 The proposals involve the re-use of an existing previously developed site to provide new employment opportunities. The Planning Statement notes that a large amount of soft and hard material from the demolition of the former brickworks buildings has been recycled. It also discusses the proposed highway improvements, which include enhanced footpath and cycle links along the southern side of Leyhill Road between the site and Bovingdon Village. These improvements will be discussed further in the 'highways' section of the report.
- 9.65 As previously mentioned, the proposed development would replace a site historically used for general industry with its associated air, noise and light pollution. The proposals would use modern materials and appliances, which are more energy efficient and less polluting. Although some tree loss would occur, the proposals would provide a comprehensive landscaping strategy that would provide overall gains to the ecology, biodiversity and the natural environment as a whole.
- 9.66 The application is accompanied by a Sustainability Statement. Unlike Phase 1, a more detailed Energy Strategy Report has not been submitted. This is likely due to the outline form of the application. The requirements for sustainability measures (e.g. building fabric, renewable energy, etc.) may also change before the reserved matters are submitted. For example, it is noted that the Future Buildings Standard is predicted to come live in 2025.
- 9.67 Regardless of the above, the Sustainability Statement sets out the proposed energy efficiency measures, such as improved u-values, air leakage targets, solar control glazing, etc. All of these measures are set out in the Statement – see sections 8 and 9. To secure an environmentally sustainable and energy efficient development, it is proposed that a condition be applied for a full Sustainability and Energy Statement, to capture reduced regulated carbon emissions against Part L 2021 (Building Regulations) (as amended), and to ensure that all of the warehousing units achieve an EPC A rating. The Applicant has agreed to this condition, should permission be granted. It is also considered necessary to include conditions relating to site waste and construction management processes to ensure that these elements are managed satisfactorily.
- 9.68 In addition to environmental sustainability, the proposals would also provide social and economic gains. The Applicant has provided an Economic Statement that discusses this. The Economic Statement builds upon the emerging Local Plan and DBC's 2019 'Economic Study Update', which notes a substantial shortage of industrial space within Dacorum. DBC have acknowledged that the 'exceptional circumstances' exist for increasing the employment area by releasing 0.6ha of Green Belt land in its current evidence base. The strategy gives high priority to medium and small sized businesses in new employment development. The additional benefit of Phase 2 is that it involves a number of smaller units, which would provide these small and medium sized business opportunities.
- 9.69 The Applicant's Economic Statement describes the drivers of demand, including:
- The increased rise of e-commerce, modernisation and supply chain resilience following Covid-19;
  - A significant under-supply of industrial sites in Dacorum, continued erosion of stock and low vacancy rates, particularly amongst small and medium sized premises;
  - Strong and continued levels of Gross Value Added (GVA) and employment growth in the borough, including transport and storage sectors; and
  - High population growth and support for higher levels of housing delivery in the future, increasing demand for local employment opportunities.
- 9.70 The Planning Statement provides further commentary, highlighting that the lack of sufficient employment land subsequently decreases the competitiveness and attractiveness of the

borough for inward investment. This can lead to unsustainable travel patterns because residents may travel elsewhere for work opportunities. It further states that the site is located close to a strategic road network and within a growth corridor identified by the Local Economic Partnership. As such, there is a clear advantage to warehousing and light industrial operators in this area due to the accessibility to consumer and business markets.

9.71 The overall economic benefits associated with both phases are summarised as follows:

- Temporary construction jobs, including for local residents, businesses and apprenticeship opportunities;
- 125 to 165 full time jobs on site once the proposed development is operational, across a wider range of occupations and skills levels, leading to a substantial uplift in opportunities compared to when the site was previously operational;
- A further 60-85 indirect (off-site jobs) in the wider Hertfordshire economy across a wide range of occupations and sectors;
- A contribution of £7.5 to £14.5 million in GVA per annum in Dacorum once the scheme is operational and a further £4.6 to £6.2 million per annum across the wider economy; and
- Around £295,000 in business rates per annum to support essential local services in Dacorum.

9.72 The economic benefits associated with both phases of development appear to be linked to the proposed floor area and scale of buildings. For example, it is estimated that both phases could support between 125 to 165 full time jobs based on the employment densities linked to the proposed floor space. Taking this into account, it is predicted that Phase 1, with 4,833sq.m (circa 56%) of the overall 8,664sq.m proposed floor space, would generate roughly 56% of the economic benefits associated with the proposals. Phase 2, with an overall floor area of 3,167sq.m would subsequently provide around 44%. However, despite this prediction, the future uses of the individual units and the businesses that occupy them will likely change these figures to some degree.

9.73 The conclusions from the Economic Statement are as follows:

*'The evidence collated suggests that very special circumstances can be demonstrated in support of the proposed development from a socio-economic perspective. The local socio-economic context (from a performance, growth forecasts and policy perspective) show that there is a need to intervene to support further growth. The proposed nature, scale and location of the development can address current deficiencies in local supply, respond to local needs and deliver benefits that could not be achieved if the scheme does not proceed.'*

9.74 The proposals and their associated economic benefits would, in tandem, provide a number of social benefits (e.g. job and training opportunities to local people), in addition to revenue. Overall, the proposals are considered to provide a highly sustainable development and is considered compliant with local and national policies in this regard.

#### Impact on the Road Network, Internal Circulation/Manoeuvrability and Parking Provision

9.75 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the NPPF states,;

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 9.76 Hertfordshire County Council's (HCC) Local Transport Plan (LTP) is also relevant, specifically Policies 1 (Transport User Hierarchy) and 5 (Development Management) and the recently published 'Place and Movement Planning and Design Guidance'.

*Existing and Proposed Accesses*

- 9.77 The application is supported by various technical documents relating to highways. They have been reviewed by Hertfordshire County Council as the Highways Department who have noted that the proposed access is safe and suitable. As such, no objection has been raised on highway safety grounds. They did note that vehicular speeds are higher on average than the speed limit. The speeds of passing vehicles is clearly outside of the Applicant's control. However, they have designed the access arrangements to accommodate for this, allowing sufficient visibility road and vehicles that may be driving above the speed limit.
- 9.78 The submitted Transport Assessment ("TA") demonstrates that there are no specific road safety issues associated with the site with no accidents reported in relation to the existing site access points. During the course of the application, the proposed highways arrangements have also been subject to an independent Road Safety Audit with no safety concerns raised.
- 9.79 Bovingdon Parish Council and residents have queried the need for a further access onto Leyhill Road. The Transport Assessment Addendum ("TAA") responds to this, highlighting that 'there is an essential requirement to provide a new access to serve the commercial site independently from other operations.' Whilst a further access point would impact the rural character and appearance of the Leyhill Road to some degree (discussed later in the 'public consultation responses' section), it does not appear to raise any unacceptable impacts on highway safety terms. It would also provide less conflicts between businesses operating the warehousing units and people accessing the builders merchants building. The TAA makes the distinction between the vehicular activity associated with the commercial site (staff and customers in cars and light vans) and larger HGVs and articulated lorries associated with the other uses. No specific objections are raised in relation to the alterations to the existing access and the new access proposed.
- 9.80 A number of tracking diagrams have also been provided, illustrating that the access points can be accessed by various vehicles (e.g. box vans, fire appliances, 10 metre rigid van, articulated vehicles, etc.). Internal diagrams demonstrate that all of the warehouse and commercial units can be accessed (and exited) satisfactorily. No concerns have been raised by the Highway Authority in this regard.

*Impact on the Road Network*

- 9.81 An assessment has been undertaken regarding the impact of the proposals on the road network. The TA has reviewed existing levels of traffic, the estimated levels of traffic associated with the former brickworks in full operation and traffic linked to the proposed uses. Regarding the existing road network, an Automatic Traffic Counter survey was undertaken for seven days in March 2023. A summary of existing levels of weekday traffic can be seen in Figure 3.

Time Period	Eastbound	Westbound	Two-way
08:00-09:00	73 (2)	107 (4)	180 (6)
17:00-18:00	88 (1)	77 (1)	166 (2)
<b>Daily Total</b>	<b>997 (48)</b>	<b>1,029 (58)</b>	<b>2,025 (106)</b>

*Figure 3 – Existing Traffic Flow on Leyhill Road (extract from Transport Assessment)*

- 9.82 The road is considered lightly-trafficked during a typical weekday period with around 2,000 two-way vehicle movements with an average of 135 two-way HGV movements, which amount to circa 5% of all vehicles on Leyhill Road.
- 9.83 Despite the former brickworks no longer being operational, a further assessment of the existing access points was undertaken (see Figures 4 and 5). This indicates the current traffic flows associated with the other uses on the site. These accesses are also considered to be ‘lightly trafficked’, particularly during peak hours of the highway network.

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	3 (3)	2 (2)	5 (5)
PM Peak Hour (17:00-18:00)	0 (0)	0 (0)	0 (0)
Daily Total (07:00-19:00)	36 (33)	23 (20)	59 (53)

*Figure 4 - Existing Traffic Movements – Western Access (extract from Transport Assessment)*

Time Period	ARRIVALS	DEPARTURES	TWO-WAY
AM Peak Hour (08:00-09:00)	20 (2)	11 (2)	31 (4)
PM Peak Hour (17:00-18:00)	0 (0)	13 (0)	13 (0)
Daily Total (07:00-19:00)	152 (20)	186 (36)	338 (56)

*Figure 5 – Existing Traffic Movements – Eastern Access (extract from Transport Assessment)*

- 9.84 Overall, the current operation of the site generates 397 two-way vehicle movements during a typical weekday, which is roughly 16% of all traffic using Leyhill Road. The monitored turning movements indicate that vehicles principally enter/exit to the east along Leyhill Road (via Chesham Road), rather from the west, which leads to more rural, convoluted routes.
- 9.85 The TA notes the following key points in relation to the historic brickwork operations:
- The daily operations associated with the manufacturing process included local excavation and the import of materials; manufacture/production of bricks on site; and the sale and distribution of the bricks.
  - The brickworks, when fully operational, imported clay from the Pockets Dell field immediately to the north with regular movements across Leyhill Road from large tipper trucks and grab lorries. These movements were permitted through a historic county application 4/0225/99 that permitted a maximum of 40 vehicle movements (20 arrivals, 20 departures) between the sites each day. There may also have been further haulage movements associated with extraction, however, these are undocumented.



- At its peak, the brickworks business employed between 55 and 70 staff members. All staff were based on site and the majority travelled by car. Based on the level of staff, it is estimated, as a minimum, that staff movements amounted to over 100 two-way car movements per day.
- On average, 6-8 two-way vehicle movements by articulated vehicles for deliveries. Some deliveries would have been made by a 12 metre ridged vehicle, which would amount to 8-10 daily two-way vehicle movements.
- Overall, the existing brickworks is predicted to have generated around 130-140 two-way vehicle movements during a typical weekday of which 30-40 movements were by HGV (although this could be 46-48 two-way movements based on the maximum), and 100 were staff car movements. A large portion would have been during peak hours for the arrival/departure of staff. It is unlikely that the HGV movements would have occurred during these peak hours.

9.86 Some of the figures provided within the TA are considered as the ‘worst case’ scenario i.e. assessing the brickworks at maximum capacity. It notes that the general industrial use could be reinstated and optimised at any time. TRICS data has been used to look at the 2 hectare site area based on this optimised general industrial use. It highlights that there would be the potential for 500 two-way vehicle movements on a daily basis. The TA concludes by noting that the historic use generally represents a much less intensive use than what could be lawfully be reinstated on the site.

9.87 The TA notes that in reality, the aforementioned intensive level of use would not be sensible and therefore the proposed mixture of light industrial and B8 uses (warehousing and storage) are beneficial from a highways perspective. A TRICS assessment details estimated trips associated with the gross floor area of the proposed uses, see Figure 6.

Time Period	Arrivals		Departures		Total Two-way	
	Trip Rate	Traffic	Trip Rate	Traffic	Trip Rate	Traffic
AM Peak Hour (08:00-09:00)	0.198	17	0.048	4	0.246	21
PM Peak Hour (17:00-18:00)	0.049	4	0.058	5	0.107	9
<b>Daily Traffic</b>	<b>1.610</b>	<b>139</b>	<b>1.528</b>	<b>132</b>	<b>3.138</b>	<b>272</b>

*Figure 6 – Predicted Traffic Generation – Industrial Estate (8,664m<sup>2</sup>)  
(extract from Transport Assessment)*

9.88 The above indicates that both phases of development would generate circa 272 two-way vehicle movements including 33 two-way vehicle movements by Ordinary Goods Vehicles (“OGV”) during a typical weekday. This includes larger rigid vehicles (2-3 axles) and larger HGVs. This figure is around the same or less than the historic activity generated by the brickworks i.e. 30 to 40 movements. It is likely that the level of movement associated with each phase would be linked to the proposed scale/floor areas, with Phase 1 producing somewhere between 50-60% of the overall movements and Phase 2 producing between 40-50%.

9.89 The brickworks no longer operates on the site and therefore its associated vehicular movements have decreased. When in operation, the brickworks had 130-140 two-way movements associated with it and the Transport Statement notes that, if intensified, the use could generate up to 500. It further states that the proposed use would represent a 45% decrease in this ‘intensified’ use.

9.90 The proposals would provide a middle ground between the former brickworks use and the potential for an intensified general industrial use. As there are limited vehicular movements associated with the brickworks site due to the loss of the business, there clearly would be more vehicles on local road when compared to now. However, it is not considered that they would overwhelm the highway network or result in unacceptable levels of congestion. The proposals are considered acceptable by the Highways Department, subject to conditions and planning obligations, and the proposed development offers greater opportunities to introduce sustainable travel incentives to the site. The proposals are therefore considered acceptable in terms of their impact on the road network.

*Sustainable Transport Measures and Highway Upgrades*

9.91 Turning to sustainable transport measures and highway upgrades, the HCC originally objected noting that the proposals 'fail to maximise sustainable transport options...' The original proposals included a shared 850 metre pedestrian/cycle route into the centre of Bovington, which was confirmed as an 'important step in starting to unlock this site'.

9.92 Further discussion took place and it was agreed that bus stop improvement works could be funded by the development, if approved. The improvements include:

- Increased hardstanding on the eastern side of Green Lane to provide new shelter and accessible kerbs;
- New footway connections on the southern side of Green Lane with uncontrolled crossing and accessible kerbing; and
- A bus stop post, flag and timetable information.

9.93 The proposed bus stop works can be found in the Transport Assessment Addendum, see drawing 2023/4189/009, and the access and footway/cycle proposals on drawing 2018/4189/002/P11.

9.94 The highways works would be subject to further consideration and design evolution via the Highways Section 278 process and captured via a S106 legal agreement attached to this application. In addition to benefitting future users of the proposed development, these works would serve a wider purpose by benefitting future residents in the recently approved Grange Farm development to the east.

9.95 The proposals include five-year travel plans to maximise opportunities for staff to travel sustainably and car share. The Applicant has committed to paying a travel plan support fee, monitored by a travel plan coordinator. HCC have indicated that two financial contributions would be required in relation to the highways mitigation. 'Strand 1' would include the direct mitigation works to unlock the development including the travel plan monitoring costs of £6,000 (£1,200 per annum). The other Strand 1 works include the access arrangements, off-site highway works and bus stop improvements captured via the S278 process.

9.96 The 'Strand 2' costs relate to the cumulative impacts of all development to facilitate delivery and enhancement of active and sustainable transport networks. This contribution is intended to support wider transport measures in the catchments of new developments. The figure is calculated by HCC's 'Developers Planning Obligation Toolkit 2021'. The Highway Authority have confirmed that the funds would be allocated to projects identified in the emerging South-West Hertfordshire Growth and Transport Plan and/or the emerging DBC Local Cycling and Walking Infrastructure Plan (LCWIP). The agreed contributions for Phase 1 and Phase 2 are £22,413.76 and £17,764.34, respectively (£40,178.10 total), based on TRICS data, floor area and predicted number of jobs.

### *Parking Provision*

- 9.97 The NPPF and Policy CS12 seeks to ensure developments have sufficient parking provision. DBC's Parking Standards (2020) SPD provides specific guidance for the number of parking spaces required for new developments. The site is situated within Accessibility Zone 3 whereby one space per 35sq.m of gross external area is applicable for 'light industrial' uses and one space per 75sq.m for lorries 'on a case-by-case basis' for 'storage/distribution' uses should be provided. In addition, 5% of the total capacity should be disabled spaces. Regarding electric vehicle parking, 20% of all spaces should be active provision and another 30% as passive provision. Sufficient space for bicycles should also be provided, equating to one short-term space per 500sq.m and one long-term space per ten full-time staff.
- 9.98 If the proposals only involved light industrial uses, they would be required to provide around 90 spaces. If purely storage and distribution, roughly 42 lorry spaces would be required, based on the gross external area. As the proposals comprise a flexible use, the application includes circa 64 car parking spaces and seven lorry parking spaces. The applicant has confirmed that in-line with HCC recently published 'Place and Movement Planning Design Guide', all car parking spaces would meet the 2.5m by 5m minimum size requirements, with no spaces obstructed to the side. The applicant has also confirmed that the disabled spaces could also meet the increased size requirement of 5.5m by 2.9m without much impact on layout and landscaping.
- 9.99 Overall, the proposals are considered to provide a satisfactory number of parking spaces noting the 'flexible' uses proposed. The exact uses for the units has not yet been fully defined. All of the units would be provided with a flexible parking arrangement allowing for both cars and lorries to park. In addition, disabled spaces and electric charging points are annotated on the drawings. The proposals are therefore appropriate in terms of parking provision and conditions would be imposed relating to parking space dimensions, bike stores and electric vehicle charging points if the application is approved. This is to ensure that the proposals meet the relevant policies/guidance.

### Environmental Implications

#### *Environmental Impact Assessment*

- 9.100 The aim of Environmental Impact Assessment ("EIA") is to protect the environment by ensuring that an LPA, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
- 9.101 The proposals do not fall under Schedule 1 of the EIA Regulations. Accordingly, the need or otherwise for an EIA to accompany an application for development of the site is to be considered under Schedule 2. Section 10 notes that for 'industrial estate development projects' and for 'urban development projects' the area of development needs to exceed 5 hectares. Whilst the application site (see total red line on Site Location Plan) measures circa 7.68ha, the area for redevelopment comprises around 2.6ha, falling below the EIA threshold. Following a review of the above thresholds, it is not considered that the proposals constitute EIA development and therefore no further action is required in this regard.

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

- 9.102 The Chilterns Beechwoods Special Area of Conservation ("SAC") includes a number of separate sites in the Chiltern Hills and spans three counties. A SAC is an internationally recognised designation with habitats and species of significant ecological importance. The

relevant sites to Dacorum are the Ashridge Commons and Woods Sites of Special Scientific Interest (“SSSI”) and the Tring Woodlands SSSI.

- 9.103 As part of Dacorum’s emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to these protected sites and an increase in adverse activities e.g. trampling. To limit this impact, a Habitat Regulations Assessment (“HRA”) is required for any development that results in an additional residential unit within the ‘zone of influence’.
- 9.104 The proposals are a ‘non-residential’ project, which due to its nature would not give rise to additional visitors to the SAC, as there is no net increase in dwellings. Therefore, it is concluded that there would not be likely significant effects either alone or in combination with other plans/projects on the qualifying features of the SAC in respect of recreational pressure.

*Biodiversity, Ecological Mitigation and Habitat Creation*

- 9.105 Policy CS26 states that development and management action will contribute towards the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Policy CS29 seeks to ensure that development minimises impacts on biodiversity and incorporates positive measures to support wildlife.
- 9.106 Paragraph 180 (a) of the NPPF advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided, mitigated and, as a last resort, compensated.
- 9.107 The application site has been previously developed for general industrial uses, which are likely to have significantly decreased the ecological value of the site. However, as the intensity of the brickworks use declined, the ecological value may have increased. A Biodiversity Impact Assessment (July 2023) and supplementary Biodiversity Net Gain (“BNG”) Statement and Metric (2024) have been provided to take account of the emerging requirements for net gain. Whilst these applications were submitted prior to the statutory requirement for BNG, the applicant has committed to provide it.
- 9.108 Drawings ECO1 and ECO2, submitted as part of the BNG Statement illustrate that the proposals can achieve a 48.58% and 29.86% increase in habitat units and hedgerow units, respectively. The biodiversity enhancements would be achieved primarily through the comprehensive landscaping proposals. ECO2 details the ‘post-development habitats’ that include newly introduced mixed scrub, shrubs, trees and hedgerows. The plan also shows provision for species features (e.g. bird and bat boxes). HCC have concluded that 10% BNG ‘has been demonstrated and is achievable’. They consider the enhancements as ‘significant’ and confirm that the Metric Trading Rules have been met.
- 9.109 Turning to on-site ecology, the site has been subject to numerous recent habitat and species surveys. HCC have noted that these ‘provide a thorough and reliable baseline’ understanding of the site. Most of the site is hardstanding with edges of dense bramble, disturbed ground with ruderal/colonising flora and some scattered scrub and broadleaved woodland. There is drainage pit/pond that would be lost, but HCC consider this ‘of little significance’.
- 9.110 The details provided highlight that there is no evidence of badgers on the site. Regarding bats, there is very limited habitat available with no building suitable for roosts. One tree was identified with ‘high roosting potential’ – this would be retained. A lighting design strategy (see “External Lighting Proposals, Issue 2, 12 June 2023 by Shepherd Brombley Partnership”) has been provided to ensure that lighting is sensitively designed as not to

impact wildlife. HCC have commended on this noting its acceptability as it will 'reduce light spill and glare' to 'limit the impact of artificial light on the adjacent LWS and local area'.

- 9.111 No particular bird, mammal or invertebrate interest, including great crested newts, was found. HCC have pointed out that the adjacent Local Wildlife Site ("LWS") to the east is known for butterflies. A low population of slow worms were recorded within boundary vegetation but otherwise are likely to be absent. Conditions relating to landscaping and habitat maintenance and management will deal with any existing on-site ecology appropriately.
- 9.112 On ecological grounds, the proposals are considered acceptable subject to the imposition of the conditions recommended by HCC relating to BNG and the provision of a Construction and Environmental Management Plan.

#### *Trees and Vegetation*

- 9.113 The proposals would involve the removal of one Category A2 tree (T17) and four Category B trees (T01, T03, T17 and T23). The removal of these trees is necessary to facilitate the proposals. Part of group G03, groups G06 and G07 and trees T11-13 (all defined as Category C) would also need to be removed. Group G02 and trees T04 and T18 would also be removed due to their poor condition and location to public highway/footpaths. These are Category U (trees in irreversible decline or dead).
- 9.114 Whilst a number of trees would be removed, the proposals include over 65 new trees within the warehousing complex and on the boundary to Leyhill Road. There are also large areas of infill native tree planting, native shrub mix and understorey planting as part of the wider landscaping and BNG proposals. These elements would provide further tree planting, primarily within the eastern section of the site.
- 9.115 For the retained trees, a number of techniques would be used to ensure that any works within root protection areas are sensitively managed. For example, excavation methods and no-dig techniques. The root protection measures also extend to the planting of new trees within the root protection areas of existing trees. All of these measures would be conditioned, if approved, and would help to avoid any significant root damage to the retained trees.

#### *Contamination*

- 9.116 The site is situated within an area with potentially contaminative former land uses. DBC's Environmental and Community Protection Team ("ECP") have reviewed the proposals and provided comment. Whilst raising 'no objection' they have explained that a number of planning conditions would be required to further demonstrate that the potential for land contamination to affect the proposed development has been considered and, where it is present, be remediated.
- 9.117 Subject to investigation and suitable mitigation captured through conditions, it is not considered that contamination would be a constraint to the development proposals.

#### *Drainage, Flooding, Foul Water and Sewerage*

- 9.118 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.

- 9.119 The application site is situated entirely within Flood Zone 1, indicating that there is a less than 1 in 1000 year probability of the site flooding and therefore at a low risk of fluvial flooding. The risk of flooding from rivers, seas, groundwater sewers and reservoirs is also considered to be low. The majority of the site is considered at 'very low' risk of surface water flooding with a small portion having 'medium' risk. The site also has a low susceptibility to groundwater flooding.
- 9.120 The application is supported by a Flood Risk Assessment and Drainage Strategy by RGP (dated January 2024), which cover both phases of the proposals. The proposed drainage scheme seeks to dispose of surface water via a deep bore soakaway and a number of locations across the site. The foul water disposal would be dealt with in a similar manner, following wastewater treatment at an on-site facility. Rainwater attenuation in green infrastructure makes up part of the drainage strategy through rain gardens and swales leading to additional attenuation in permeable paving and geo-cellular attenuation tanks.
- 9.121 The drainage strategy is split into separate networks based on pollution risk and retention separators are proposed to mitigate the risk of pollution. For example, the proposed access would include a 'Class 1 Full Retention Separator' as this catchment it at most risk from pollution caused by traffic. This oil water separator would treat polluted runoff water to meet 'Class 1' European Standards (EN 858-1). The remaining areas are considered 'low risk' and would be dealt with by other elements of the drainage strategy.
- 9.122 Subject to the proposed on-site treatment, the Environment Agency ("EA") highlight that there would be no adverse effects on groundwater. Discharge consents would be required from the EA for both foul and surface water. Thames Water have highlighted that, due to the scale of development, the proposals would not 'materially affect the sewer network'. The Lead Local Flood Authority ("LLFA") have reviewed the documents provided. Despite raising some concerns with the initial detail provided, no objections have been raised to the further information provided in January 2024, subject to the imposition of six conditions in relation to:
- Long-Term Groundwater Monitoring;
  - Soakaway Testing;
  - Surface Water Drainage Details;
  - SuDS Maintenance and Management;
  - Drainage Survey and Verification; and
  - Drainage Method Statement.
- 9.123 In addition to the above, it is noted that the EA requested conditions in relation to a restriction on infiltration drainage and water contamination. The proposed contamination conditions align with those suggested by ECP, which would be added if the application is approved. Therefore, it is not felt necessary to duplicate these conditions. Overall, the proposals are considered acceptable and policy-compliant in relation to drainage, flooding, foul water and sewerage subject to all of the conditions discussed above.

#### Residential Amenity

- 9.124 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 135(f) of the NPPF states that developments should provide a high standard of amenity for existing and future users.
- 9.125 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

### *Future Users*

- 9.126 The proposed employment environment is considered high quality with buildings designed to modern sustainability and accessibility standards. The proposed level of glazing (via roof lights and other windows) would provide an acceptable level of natural light. The areas of landscaping in and around the site, in addition to the access to public footpaths and green spaces in the vicinity, would enhance worker wellbeing. No concerns are raised with the amenity of future users/employees of the site.

### *Existing Residents*

- 9.127 The proposals would be sited over 100 metres from neighbouring residents. Considering this distance, it is not felt that the proposed development would result in any unacceptable residential amenity impacts in relation to visual intrusion, loss of light, loss of privacy/overlooking or overbearing impacts.
- 9.128 The proposals would result in an intensification of the site when compared to the current activities, which have declined over the years for the reasons previously mentioned. Taking this into account, the proposals are likely to lead to an increased level of activity on-site. Some of this activity would result in additional noise (e.g. vehicular movement, reversing alarms, etc.). However, the proposed buildings and comprehensive landscaping strategy would provide noise attenuation and help to contain it within the site. In addition, it is considered necessary to restrict the movement of HGVs during night-time periods (23:00-06:00) via condition. This would help to limit noise impacts on neighbours and protect the rural/countryside environment. A noise management plan condition for day/night activity is also felt necessary to secure reasonable noise levels. If the site, post-development, did result in any unacceptable levels of noise, other measures could be used such as the Environmental Protection Act and Statutory Nuisance Regulations.
- 9.129 The increased activity and new buildings on the site are also likely to increase light emanating from the site. However, as discussed previously, the submitted External Lighting Proposals are considered sufficient to limit light spill.
- 9.130 The proposals would represent a cleaner and less polluting form of development when compared to the historic brickwork use, or what could be achieved through the re-use of the site for general industrial use. The proposals would provide an acceptable working environment for future employees and when considering the above and the distances to residential properties, it is not felt that there would be any unacceptable noise, disturbance or light spill issues for residential properties within the locality. The proposals are therefore policy-compliant on residential amenity grounds.

### **Other Material Planning Considerations**

#### *Environmental Health*

- 9.131 The ECP Team have recommended a number of informatives relating to waste management, construction working hours with best practical means for dust and air quality and invasive and injurious weeds. These would be added to the decision notice if the application is approved.

#### *Source Protection Zones*

- 9.132 The site is situated within the EA's Source Protection Zones 2 and 3. Any development proposal will need to ensure that groundwater contamination does not occur as a result of

the proposal. Subject to the previously discussed conditions and EA permits, it is considered that the proposals are acceptable in this regard.

#### *Heritage Assets*

- 9.133 There are a number of heritage assets around the site, including buildings at Whelpley Ash Farm to the north; Marchants Farm to the south-west; and Green Farmhouse to the east. Considering the existing/previous use and built form on the site, the distances to these heritage assets and the level of screening between the sites, it is not considered that the proposals would result in harm to these assets or their settings.

#### *Air Traffic*

- 9.134 The application site is located within close proximity to Bovingdon Airfield and within the National Air Traffic Services (“NATS”) > 15 Metre notifiable development height and the RAF Halton and Chenies Red Zone (10.7m), which relate to height and notification. It appears that several of the units are marginally above 10.7m and therefore the following consultees/organisations were notified: National Air Traffic Services (“NATS”), Civil Aviation Authority (“CAA”), Ministry of Defence (“MOD”), Halton Aeroclub and Chenies Manor.
- 9.135 No specific objections have been received in response from the above consultees. The MOD have highlighted that the proposals would ‘not impact on any MOD site or other defence assets.’
- 9.136 NATS highlighted that they have two assets that they safeguard within the vicinity; the DVOR DME Beacon on the disused airfield and the PSR/SSR Radar to the south of the site. In terms of the Beacon, the proposal is over 1km away and therefore anything up to 15m is ‘unlikely to cause any impact’ because it is below the safeguarding criteria height. However, in respect of the Radar, NATS explained that ‘large, flat, metallic’ warehouse buildings can cause some reflections, ‘leading to false aircraft targets appearing on controllers’ screens.’ NATS noted that they do not generally have concerns in this area, as units are mostly significantly lower than the Radar. They reviewed current radar performance and stated:

*...while a couple of units have caused issues at some time in the past, the radar performance is within parameters and we do not expect Phase 1 to significantly worsen things. On that basis, we are unlikely to object. In terms of Phase 2 however, we note that the units present a wider aspect to the radar, and again the orientation is towards busy airspace where we can expect traffic. As such, it is more likely that Phase 2 will have a detrimental impact, and in the worst case scenario, would require NATS to undertake some engineering works to the radar, in order to mitigate the impact (changes to the software and configuration).*

- 9.137 NATS further explained that:

*...the easiest way would be to request planning conditions, hopefully that means Phase 2 can be consented. Phase 1 would have a no objection. Phase 2, can then be submitted to us at Reserved Matters stage, when we can undertake further, more detailed assessments, and we should also know more about the radar’s future. The worst case scenario for Phase 2 however, would be that an impact was confirmed, thus requiring the Mitigation Conditions to be discharged. This is common and standard practice for us, and subject to a commercial agreement around the funding, NATS would be able to modify the radar and mitigate the impact, allowing the Conditions to be discharged. The mitigation takes a maximum of 6 months from the agreement being in place. We do this regularly all over the country, and very often*



*around Heathrow and Gatwick, so I assume that would also work for Dacorum and gives certainty to the planning application/Developer.*

- 9.138 Two planning conditions were recommended by NATS, which would be added to the Phase 2 application if it approved. This would ensure aircraft safety and protect the operations of the Radar.

*Public Consultation Responses*

- 9.139 There have been three neighbour comments in response to the LPA's public consultation. These include an objection, support and neutral comment. A number of the points raised, including noise, hours of operation, light, footpath relocation, landscaping, ecology, traffic and parking have already been discussed. As such, it is not felt necessary to revisit these here.
- 9.140 The neutral comment provided some commentary on various points such as design and made suggestions to incorporate more natural tones and textures to consider the rural context. The designers took this on-board and amended the scheme in-line with these comments (e.g. by including Rockpanel Woods effect cladding).
- 9.141 The neutral comment also highlighted that a new access from Leyhill Road would have a wider impact on the streetscene and increase intrusion into the Green Belt. A suggestion was made to utilise the existing access. This point was discussed with the applicant and they explained their reasons for providing a separate access (as discussed earlier), which primarily related to functionality and to avoid conflicts between vehicles associated with the different uses. To provide mitigation, new boundary treatment was proposed and therefore, if approved, a large portion of the existing galvanised palisade fencing would be replaced by brick walls with piers and metal railings (see Drawing 5040-PL-122, Revision A). The new entrance would also be constructed in a similar fashion. The proposed brickwalls would match the bricks on the new warehouse units (i.e. to replicate the historic Bovingdon Brickworks style). It is considered that the new boundary treatment would improve the aesthetic of the site boundary and streetscene as a whole.
- 9.142 The applicant suggested replacing the entire palisade fencing along the boundary, however, the boundary vegetation had tangled with parts of it. It was therefore felt that the removal of all of the fencing would have undesirable impacts on the boundary vegetation, ultimately leading to its removal. As such, it was considered that the palisade fencing in the most vegetated areas should be retained.
- 9.143 In addition to the new boundary treatment, the landscaping proposals also indicate that around 22 new trees would be planted along the Leyhill Road frontage, which would help to soften the impact of the proposed built development and enhance the streetscene. Efforts have been made to reduce impacts on the rural character of Leyhill Road and the wider countryside and therefore, the proposals are found to be acceptable in this regard.

*Human Rights and Equality*

- 9.144 In-line with Public Sector Equality Duty, the LPA has regard to the need to eliminate discrimination and advance equality of opportunity, as per section 149 of the Equality Act 2010. In determining this application, regard has been given to this Duty and the relevant protected characteristics.
- 9.145 Considering the type of development proposed and assessment above, it is not considered that discrimination or inequity would arise from the proposal.

### *S106 and Planning Obligations*

9.146 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions.

9.147 As previously discussed, the following obligations would be captured via a Section 106 Agreement if the application is approved. The ‘Strand 2’ contribution differs between both phases, as it is based on the proposed floor space. Separate Travel Plans would be required by obligation for the individual phases, as they are likely to come forward at different times. As the BNG has been assessed by the Applicant holistically (i.e. both phases in one document/plan), there would be a requirement for either phase to provide the full habitat and hedgerow unit increases listed below. However, this is under the proviso that if the BNG is provided by one of the phases, it does not need to be provided again.

Matter	Contribution	Comments and Triggers
Highway Improvements	<ul style="list-style-type: none"> <li>Off-site Cycle Route</li> <li>Off-site Bus Stop Improvements</li> <li>£17,764.34 ‘Strand 2’ Contribution</li> </ul>	<p>New footway connection on southern side of Green Lane with uncontrolled crossing and accessible kerbing, bus stop post, flag and timetable information.</p> <p>Financial contribution to address cumulative impacts of development for active and sustainable transport networks.</p> <p>Trigger: prior to occupation/first use of the development.</p>
Travel Plan	<ul style="list-style-type: none"> <li>£6,000 Travel Plan Contribution</li> </ul>	<p>Financial contribution towards the cost of implementation, processing and monitoring of the Travel Plan for five years.</p> <p>Trigger: prior to occupation/first use of the development.</p>
Biodiversity Net Gain	<ul style="list-style-type: none"> <li>48.58% increase in Habitat Units</li> <li>29.86% increase in Hedgerow Units</li> </ul>	<p>Requirement for a Biodiversity Management Plan to capture habitat retention, restoration, enhancement and/or creation.</p> <p>Trigger: prior to commencement and to be managed for 30 years.</p>

### *Section 278 Agreement*

9.148 Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S278 Agreement with HCC.

### *Community Infrastructure Levy*

- 9.149 The Community Infrastructure Levy (CIL) charge is applicable to 'net retail warehousing' and other uses such as residential, retirement housing, convenience-based supermarkets and superstores.

*Section 77 Direction*

- 9.150 The Town and Country Planning (Consultation) (England) Direction 2024 sets out the applicable criteria and arrangements to be followed for consulting the Secretary of State (SoS). It explains that any application for planning permission, which is for Green Belt development and includes the provision of building(s) with floor space over 1,000sq.m, must be referred to SoS if the LPA '...does not propose...' to refuse it. The purpose of the Direction is to give the SoS the opportunity to consider using the power to call-in an application under Section 77 to determine the application, rather than the LPA.

**Any Other Harm**

- 9.151 As discussed in the 'Principle of Development' section, it is recognised that, following confirmation that proposed development is 'inappropriate', it must be established whether 'any other harm' exists. Reference to this should also be taken to mean non-Green Belt harm (e.g. highways, ecology, etc.).
- 9.152 The 'other harm' associated with the proposals has been discussed in the relevant sections of this report. However, to summarise, the proposals would have some moderate adverse impacts on landscape character, particularly at early stages of the development. However, these would reduce and become neutral and ultimately beneficial as the proposed planting matures.

**Very Special Circumstances**

- 9.153 As established earlier, the proposed development constitutes inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.
- 9.154 The NPPF states that:

*'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.'*

- 9.155 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development.
- 9.156 The report above, proposed conditions and legal agreement would capture the positive benefits arising from the development, which are summarised as follows:
- Socio-economic benefits such as job creation, training opportunities, increased revenue;
  - Environmental improvements including planting/landscaping proposals, removal of the historic polluting use and a significant biodiversity net gain uplift;
  - Highway improvements such as the new footway connection, crossing point and bus stop improvements.

- 9.157 The additional benefit of the Phase 2 proposals relates to the size of unit being proposed. As previously mentioned, the emerging allocation for this site highlights the need for 'units under around 1,000sq.m including 2,000sq.m in small units less than about 400sq.m'. The reason for this is because the South West Herts Economic Study Update (2019) has identified that there is a local need for smaller units, particularly those for industry. This study specifically identifies Bovingdon Brickworks as a site that 'may be suitable' for this. The proposals would provide over 2000sq.m in units under 400sq.m. As such, it is considered that Phase 2 would respond directly to identified employment needs.
- 9.158 All of the points above would serve wider benefits to the area and are considered to represent very special circumstances to justify the development.

## **10. CONCLUSION**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application, and,
  - c. Any other material considerations.
- 10.2 The site has been acknowledged as a 'Major Developed Site' in the Green Belt and is being brought forward in emerging policy with an expanded employment area. Due to the removal of the former brickwork buildings for health and safety purposes, the proposed development is considered to have a 'greater impact' on openness and is therefore considered 'inappropriate' and should not be approved except in very special circumstances.
- 10.3 Considering the assessment above, it is concluded that the Green Belt harm and other harms are clearly outweighed by all of the benefits and therefore very special circumstances do exist. Therefore, it is recommended that permission be granted subject to the proposed conditions and completion of the legal agreement.

## **11. RECOMMENDATION**

- 11.1 That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

## **List of Conditions & Informatives**

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

1. **Details of the design and appearance of the buildings (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2. **The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3. **Prior to commencement of the development, long term groundwater monitoring shall be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground). The groundwater monitoring should take place for six months starting in October to capture when groundwater levels will be highest.**

**The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities.**

**The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimise flood risk.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

4. **Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority.**

**The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 2 and Condition 3, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.**

**The following will be required to satisfy this condition:**

**a) Following the results from the contamination investigation / remediation statement (see conditions 9 and 10), the applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Planning Authority; and**

**b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

- 5. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:**

**a) a timetable for its implementation;**

**b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and**

**c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.**

**The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with these details in perpetuity.**

**The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

- 6. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3 and 4.**

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

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

- 7. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This**

**information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

- 8. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

- 9. (a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:**

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

10. Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2023).

11. **No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

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

**The approved works shall be implemented in accordance with the details approved.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

12. **Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 2018/4189/001/P11, 2018/4189/002/P11 and 2018/4189/004/P3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).



- 13. Prior to the first use of the development hereby permitted any access gates, shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 5.5 metres from the edge of the highway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 14. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers 2018/4189/001/P11 and 2018/4189/002/P11, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

- 15. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

- 16. Notwithstanding the details shown on the proposed plans, the car parking spaces shall be in-line with Section 11: Car Parking Design Layout of Hertfordshire County Council's Place and Movement Planning Design Guide (2023).**

Reason: To ensure that the car parking arrangements are satisfactory and are in accordance with up-to-date guidance.

- 17. Prior to the first use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the car parking spaces to have passive provision for EV charging.**

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

- 18. Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.**

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

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

**The construction of the development shall only be carried out in accordance with the approved CMP.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 111 of the National Planning Policy Framework (2023).

20. **The heights of the buildings hereby permitted shall have a ground-to-ridge height no greater than 9.4 metres. Details of the building heights and slab level shall be provided to the Local Planning Authority for approval prior to the commencement of works.**

Reason: To ensure that the building heights match the details provided and to protect the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and the National Planning Policy Framework (2023).

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

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

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

Reason: To achieve high standards of sustainable demolition and construction; ensure that local air quality standards are maintained throughout the area; and reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023).

- 22. No heavy goods vehicles shall enter or leave the site between 23:00 and 06:00 on any day.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 23. A Noise Management Plan ("NMP") shall be provided to the Local Planning Authority prior to commencement, detailing measures to contain and reduce noise transmission to the surrounding environs. The NMP shall be enacted before first use of the site and maintained in perpetuity.**

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 24. The proposed external lighting shall be in accordance with the 'External Lighting Proposals' (Issue 2, 12 June 2023 by Shepherd Brombley Partnership) and 'External Lighting Layout' (Drawing: 0244/E/200, Revision 2). The external lighting shall be retained and maintained in-line with these approved specifications.**

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

- 25. The trees shown for retention and protection on the approved Tree Protection Plan (referenced: CAS/2022/151) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the plan. The protection measures shall be retained in place and no materials, plant, soil or spoil shall be stored within the protected areas.**

**The tree works identified in the Arboricultural Impact Assessment and Method Statement by Cantia Arboricultural Services (dated June 2023) and the Tree Protection Plan shall be undertaken in accordance with the details provided.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

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

**a. all external hard surfaces within the site;**

- b. other surfacing materials;
- c. means of enclosure;
- d. soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- e. minor artefacts and structures (e.g. street furniture, signs, refuse or other storage units, etc.).

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

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

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

27. **Prior to first use of the development hereby approved, a Sustainability and Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide detail on energy demand and supply, carbon emissions, waste and materials, water supply and demand and climate resilience. It shall provide details of measures to demonstrate and achieve reduced regulated carbon emissions of against Part L 2021 (Building Regulations) (as amended). All of the warehousing units shall achieve an EPC A rating. The development shall thereafter be constructed and maintained in accordance with the Statement.**

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

28. **No construction shall commence on site until a Radar Mitigation Scheme (RMS), (including a timetable for its implementation during construction), has been agreed with the Operator and approved in writing by the Local Planning Authority.**

Reason: In the interests of aircraft safety, the operations of the nearby aeronautical radar and the operations of NATS En-route PLC.

29. **No construction work shall be carried out above 3m AGL unless and until the approved Radar Mitigation Scheme as per condition 28 has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.**

Reason: In the interests of aircraft safety, the operations of the nearby aeronautical radar and the operations of NATS En-route PLC.

For the purpose of conditions 28 and 29 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Bovingdon Secondary Surveillance Radar and air traffic management operations of the Operator.

- 30. The development granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan.**

**Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.**

Reason: To ensure that the development provides biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin and to ensure statutory requirements are fulfilled.

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

**5040-PL-001 - SITE LOCATION PLAN  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-F - SITE PLAN (UNITS 8-14)  
5040-PL-122-A - LEYHILL ROAD BOUNDARY TREATMENT  
B18020-TLP-PA01-D - LANDSCAPE PROPOSAL 1/2  
B18020-TLP-PA02-C - LANDSCAPE PROPOSAL 2/2  
B18020-TLP-PA03-D - SITE SECTIONS  
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

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

The application is also supported by the following documents:

APPLICATION FORM  
5040-PL-010 - BLOCK PLAN PRIOR TO DEMOLITION  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-F - SITE PLAN (UNITS 8-14)  
2018-4189-001-P11 - PROPOSED ACCESS ARRANGEMENT FULL PLANNING APPLICATION (PHASE 1)  
2018-4189-002-P11 - PROPOSED ACCESS ARRANGEMENTS & OFF-SITE HIGHWAY WORKS  
2018-4189-004-P3 - VEHICLE SWEPT PATH ASSESSMENTS PROPOSED ACCESS ARRANGEMENTS  
2018-4189-005-P4 - VEHICLE SWEPT PATH ASSESSMENTS HEAVY GOODS VEHICLES - PHASE 1  
DESIGN AND ACCESS STATEMENT  
ECONOMIC STATEMENT  
ENERGY STRATEGY REPORT (ISSUE 1)  
EXTERNAL LIGHTING PROPOSALS (ISSUE 2)  
BIODIVERSITY NET GAIN LETTER (9999/RW/001.LET.DBC)  
BIODIVERSITY NET GAIN MATRIX

BIODIVERSITY IMPACT ASSESSMENT (9999.VIA.VF)  
 SCHEDULE OF AREAS  
 LANDSCAPE AND VISUAL APPRAISAL  
 DESIGN AND ACCESS STATEMENT  
 METHOD OF CONSTRUCTION STATEMENT  
 SURFACE WATER DRAINAGE STATEMENT (6947-RGP-00-ZZ-RP-C-0500)  
 TOPOGRAPHICAL SURVEY (SHEETS 1-5)  
 PLANNING STATEMENT  
 SUPPLEMENTARY PLANNING STATEMENT  
 SUSTAINABILITY STATEMENT  
 ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT  
 (CAS/2022/151)  
 SOFT LANDSCAPING PROPOSALS (CAS/2022/151)

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>Object</p> <p>Whilst we accept the principle of the site being redeveloped for commercial use, we consider that the proposed development would have a greater impact on the openness of the Green Belt than the previous use.</p> <p>We consider that the siting, scale, height, and massing of the proposals are inappropriate and disproportionate. We note that the previous developed area of buildings was 4,900 M2 GIA, these proposals are for buildings totaling 8,664 M2 GIA., an increase of more than 75%.</p> <p>We note that the applicants planning statement states that the previous use generated 130 - 140 vehicular movements per day. We would dispute this number which we consider to be an exaggeration.</p> <p>We also have concerns regarding noise, hours of operation, increased light pollution, footpath relocation, and the additional access.</p> <p>We would welcome the opportunity to engage with the applicant and the planning officer to discuss our concerns all of which we are confident could be mitigated.</p> <p>Further comment received 06.03.24</p> <p>Object</p> <p>Due to redirection of public footpath the development proposed does not require the relocation of this footpath which will subsequently mean the circular footpath will cease.</p>

	<p>Further comment received 30.07.24</p> <p>No objection subject to the inclusion of the amended footpath proposals.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Environmental Health Contamination Team</p> <p>Having reviewed the planning application submissions and the Environmental and Community Protection (ECP) Team records it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been fully considered and where contamination is present that it will be remediated.</p> <p>This advice takes into account a review of the:</p> <p>1) MRH Geotechnical Initial Contamination Investigation report (ref. 231762contam) dated March 2023.</p> <p>And</p> <p>2) MRH Geotechnical - Desk Study and Stage I Risk Assessment - February 2023 - 231762/DS.</p> <p>This report was not originally submitted with this application, but is known to exist and as such should be submitted to the 23/01784/MOA application documentation by the applicant.</p> <p>As such the following planning conditions will need to be included on any permission that might be granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority, which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(b) No development approved by this permission (other than that</p>

necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan); if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

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

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

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

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

Condition 2:

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

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

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

Informative:

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



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

#### Environmental Health Pollution Team

With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

#### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

#### Construction Dust Informative

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

#### Waste Management Informative

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

#### Air Quality Informative.

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

	<p>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>
Hertfordshire Building Control	No comment.
Defence Infrastructure Organisation (Ministry of Defence)	I can confirm the proposals do not impact on any MOD site or other defence assets.
Lead Local Flood Authority (HCC)	<p>We understand this is an outline planning application with some matters reserved (Appearance): (Phase 2) for redevelopment of former industrial use site to a light industrial/storage and distribution use site, located off Leyhill Road, Bovingdon, HP3 0NW.</p> <p>We note a Drainage Statement has been produced for the site which also included a preliminary drainage proposal. No Flood Risk Assessment has been submitted at this stage. The applicant proposed that surface water drainage from the site would discharge into the ground via infiltration by using a filter trench located in the Phase 2 area. The applicant also proposed that majority of the storage volumes required will be held within an attenuation tank before discharging to the infiltration feature. Permeable paving and rain gardens are also proposed with addition of a retention separator to provide pollution control before discharging into the ground. It is not clear from the supplied drainage strategy plan where the proposed raingardens will be located or if there is enough space available for them.</p> <p>At present, only a preliminary contamination assessment and infiltration testing have been undertaken, indicating a permeability rate of <math>5.22 \times 10^{-6}</math>. The Initial Contamination Investigation as submitted, does not provide any results of the infiltration testing to support the rate used in the drainage statement. Moreover, the proposed infiltration trench depth is 3.5m while the borehole around that location (not in that specific location) has been drilled to only 3m bgl not encountering the ground conditions below / neither testing permeability potential representative for that depth. Significant depth of made ground is also noted around the location of the proposed infiltration trench. The LLFA is concerned about the effect the potential contaminants can make on the underlying groundwaters. More detailed ground investigations that confirm the depth of the chalk bedrock and associated groundwater levels would be required, along with infiltration testing in accordance with BRE 365 undertaken at specific location where infiltration features</p>

are proposed. Subject to the testing results, the proposed attenuation tanks should also be considered to allow for infiltration into the ground. Any infiltration feature should be at least 1m below the made ground levels and the base to be at least 1m above recorded groundwater levels. We advise the pollution control is carefully considered within the proposed drainage design to ensure acceptable treatment level is provided, which is in line with the CIRIA SuDS Manual C753. In addition, confirmation should be provided that infiltration should not mobilise any existing contaminants in the ground that could lead to the pollution of waterbodies such as the groundwater, watercourses or ponds and wetlands.

We object to this planning application in the absence of the acceptable Flood Risk Assessment (FRA) Drainage Strategy and supporting information relating to:

An assessment of flood risk for the proposed development site.

Groundwater levels and confirmed infiltration potential.

Evidence on how the site is currently drained supplemented by greenfield and brownfield runoff calculations.

Evidence of how the storage volumes have been calculated.

How the proposed SuDS will be maintained throughout the lifetime of development.

All other elements covered by the Planning Application Technical Response appended with this letter.

#### Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

#### Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

Further comments received

Please see 'Flood Risk Response' Consultee letter

Thank you for your re-consultation on the above site, received on 25 January 2024.

We have reviewed the application as submitted and wish to make the following comments.

We note a flood risk assessment and drainage strategy report has been submitted (Ref. 6947-RGP-ZZ-00-RP-C-0501, dated January 2024) which supersedes the previously reviewed report by the LLFA (Surface Water Drainage Statement prepared by RGP, Ref 6947-RGP-00-ZZ-RP-C-0500, dated May 2023). It is also noted that a response to the previously issued LLFA comments have been provided in a document Ref. 6947-RGP-ZZ-00-RP-C-0001, dated January 2024.

The proposed drainage scheme proposes to dispose of surface water via deep bore soakaway at multiple locations across the site. The same applies to the proposed foul water disposal from the site following treatment at on-site wastewater treatment facility.

The FRA report supports this method of drainage with soakaway testing results obtained from falling head tests conducted in window sample boreholes. The proposed locations of deep bore soakaways are mostly located within close proximity to highways and existing buildings. Also, the recorded depths of chalk strata and the depths of the proposed

deep bore soakaways across the site indicate that the soakaways will be shallower than the depths of chalk occurrence. The infiltration rate was obtained from the single tests undertaken in each testing location and not from multiple consecutive tests which would determine the most relevant infiltration rate for the future detailed design.

This is an outline application submitted for planning approval for the Phase 2 of this development. A full application for this project is subject to a separate planning approval. The FRA and drainage strategy are combined to cover both applications due to the proposal to discharge to the deep bore soakaways.

We advise that you, as the LPA, satisfy yourself that the existing buildings will not be a risk due to subsidence from the deep bore soakaways in the chalk strata.

Disposal of foul water may be subject to separate comments from the Water Company and Environment Agency, considering the proposal to direct foul water to deep bore soakaway. The LLFA have no comment on foul water design and disposal but note that the Environment Agency advise an assessment of the package treatment plant has been provided and will not result in adverse effects on groundwater. It will, however, require a discharge consent from the Environment Agency. The surface water drainage will also require a discharge consent from the Environment Agency.

We have no objection subject to conditions being attached to any consent if this application is approved. We suggest the following wording. Please note the wording of Condition 3 and 5 below should refer to the actual condition numbers of the first 2 drainage conditions in the final decision notice.

#### Condition 1

Prior to commencement of the development, long term groundwater monitoring will be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground).

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

#### Condition 2

The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities. The applicant shall

implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimize flood risk.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### Condition 3

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 1 and Condition 2, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. Additionally, the following will be required to satisfy Condition 3:

- a) Following the results from the contamination investigation / remediation plan as requested by the Environment Agency. The applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Authority.
- b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.

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

#### Condition 4

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

perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

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

#### Condition 5

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [1, 2 and 3]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Dacorum Borough Council.

#### Condition 6

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



	<p>subsequently approved by the Planning Authority</p> <p>Reason: To prevent flooding and pollution offsite in accordance with the NPPF.</p> <p>Informative</p> <p>For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</a> this link also includes HCC's policies on SuDS in Hertfordshire.</p> <p>Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.</p> <p>In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (<a href="http://hydrosolutions.co.uk">hydrosolutions.co.uk</a>)). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.</p>
Trees & Woodlands	<p>Looking at the both applications there are a number of tree removals required to facilitate access and the wider the development. Considering the extent of the development a comprehensive planting scheme will mitigate the loses. I would expect a planting scheme to be submitted after determination so if this can be conditioned I believe that should suffice.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p>

	<p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>The planning application proposal sets out that FOUL WATER will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Hertfordshire Highways (HCC)	<p>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>REASONS AND COMMENTS</p> <p>Whilst HCC has no principal objection to the redevelopment of the Bovingdon Brickworks site, the Highways Authority currently has concerns about the sustainability of this site and considers that the</p>

current proposal fail to maximise sustainable transport option to/from the site as required by HCC's Local Transport Plan (LTP) 4 (May 2018).

The village of Bovington is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovington village on Leyhill Road.

The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in outline).

#### Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovington is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places. The footpath also disappears entirely northeast of Bovington, leaving only the 40-50mph road connection to Hemel Hempstead. Whilst Leyhill Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with 85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/ Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site. The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities. The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening. No current proposals have been put forward by the applicant to improve the bus stop or the frequency of services by it despite the TA indicating in paragraph 4.5.4 "that a large increase in daily movements in bus travel might be expected". Without, improving the waiting area or the frequency of service an increase in patronage would not be achievable. It is considered by HCC that improvements to the waiting area (covered and sheltered) and improvements to services are vital to finish unlocking this site sustainably.

#### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85% of driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

#### Travel Plan

HCC's travel plan team has reviewed the applicant's travel plan and consider a number of items need to be addressed before it can be approved.

A commitment to providing Individual Travel Plans where required by HCC by Appendix A of HCC's Highway Travel Plan guidance (see [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans)) is required;

The details of the Travel Plan Co-Ordinator (TPC) along with those of a secondary contact are required. If this is unavailable at this time details of an Interim TPC are required;

A statement of commitment from the management team to the plan and remedial measures if required is needed;

In addition to the measures identified presented (TP Paragraph 6.1.3) details of improvements to the bus service along with the identification of measures such as: the use of low emission vehicles, consolidation,

timings outside of peak hours - which can be further tailored to appropriate businesses once occupiers are known;

A commitment to full annual monitoring of all modes is required so that the TP can be assessed against targets and remedial measures implemented if necessary. Furthermore, HCC Highways use the Modeshift platform (rather than iTRACE mentioned in the submitted TP);

Commitment to a TP Evaluation and Support Fee of £1200 per year (for 5-year plans, index linked to RPI March 2014) for each Travel Plan that is produced is required. The TP Evaluation and Support Fee £6,000 will be secured by a S106 agreement.

#### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).

This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.

A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a 8,664sqm site of this nature could create approximately 146 jobs jobs.

(65 associated with this outline application). Therefore, if the development does proceed in order to address the cumulative impact of development HCC would normally expect a Strand 2 contribution of £27,430. This would be allocated to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).

Further comments received

Proposal

AMENDED PROPOSAL

Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage & Distribution Use (Units 8 to 14)

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the agreed contribution of £17,764.34 and the following conditions:

CONDITIONS

1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

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

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers (2018/4189/001 Rev P11, 2018/4189/002 Rev P11 and 2018/4189/004 Rev P3) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. 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).

### 3) Access Gates – Configuration

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

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

### 4) Existing Access - Widened or Improved

Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

### 5) Surface Water

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

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6) Electric Vehicle (EV) Charging Points as % of total car parking spaces:

Prior to the first occupation / use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for EV charging and at least 30% of the carparking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

7) Cycle Parking - Not shown on plan but achievable

Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

8) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan:

The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);



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

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

#### 9) Highway Improvements - Offsite Cycle Route

##### A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers (2018/4189/001 Rev P11 and 2018/4189/002 Rev P11) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

##### B) Implementation / Construction

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 10) Highway Improvements - Offsite Bus Stop Improvements

##### A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (2023/4189/009 Rev P1) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

11) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

12) Travel Plan - Overarching and Plot Travel Plans

No part of the development hereby permitted shall be occupied prior to the approval of the

Overarching Travel Plan and the approval of the relevant Plot Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

#### APPROPRIATE 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:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

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

AN3) 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-pavem>

ents/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a 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.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to 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.

AN7) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the

development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety

(CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN8) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN9) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

#### COMMENTS

The village of Bovingdon is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovingdon village on Leyhill Road. The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane.

The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road.

The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further

Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road. Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane).

A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (23/01784/MOA) applied for in outline.

Phase 1 (23/01783/MFA) is the subject of this response. Further to HCC Highway's previous recommendation for approval for the application (8 November 2023) the applicant has altered their site layout slightly, and it considered that HCC's comments remain valid.

#### Further comments received

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.

#### COMMENTS

The village of Bovindgon is located circa 3.4km south west of the town of Hemel Hempstead, both of which are located in the Dacorum Local Authority of Hertfordshire. The proposed re-development site is located upon the former brickworks site circa 600m south of the Bovindgon village on Leyhill Road.

The brickworks site being separated from the main village by greenspace (donated by the original brickworks, the Boxmoor Trust) either side of Green Lane. The proposal site is mostly bordered to the north east by the existing Pudds Cross Industrial Estate and Loveday Aggregates site (however, within the applicants 'red line' is the track which bound the Loveday site to the north and the access road to the Loveday site from Leyhill Road. The proposal site is further bordered, to the southeast by further green space owned by the Boxmoor trust, to the south west by further Boxmoor Trust land and an existing builders merchants, and to north west by Leyhill Road.

Leyhill Road connects the proposal site to the centre of the village of Bovindgon (circa 1.3km) and Hemel Hempstead (circa 4.6km by the B4505 (Chesham Road/ Box Lane). A hybrid application has come forward for a 8,664sqm re-development of the former brickworks site into phases. Phase 1 (4,833.3sqm) applied for in full (23/01783/MFA) and Phase 2 (the subject of this application, 3,830.7sqm, applied for in

outline).

### Sustainable Transport Access

In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.

Whilst sustainable access to the site is currently possible it is not attractive (this is possibly evidenced in the 2011 census where out of the observed trips to the employment are only 3.13% were by foot, 1.12% by bike, 1.57% by bus and 3.58% by rail. The existing footway along the south eastern side of Leyhill Road/ the B4505 to Bovington is substandard at circa 1m wide at its widest, with the Leyhill Road section being of particularly poor condition and overgrown in places.

The footpath also disappears entirely northeast of Bovington, leaving only the 40-50mph road connection to Hemel Hempstead. Whilst Leyhills Road is posted as a 40mph limit 85% speeds as evidenced in the applicants Transport Assessment (TA) are in excess of this with 85% speeds 45.0mph eastbound and 43.7mph westbound observed.

The applicant however, intends to improve the Leyhills Road/Chesham Road footway from the just south west of the Hyde Lane roundabout in the village and past the site to its southwester vehicle access, establishing a 3m wide shared use (Pedestrian and Cyclist) route which is a welcome and important step in starting to unlock this site.

The nearest bus stop to the site is located on Green Lane circa 415m (5mins) walk from the existing site access. The bus stop is accessed by a similarly substandard footway along one side of Green Lane and has no covered waiting facilities The bus stop is served by the circa hourly Carousel Buses services the 1/1A and 352 (the 1/1A being hourly and the 352 being 2hourly). Furthermore, these services do not operate into the evening.

However, HCC had concerns over the quality of the waiting facilities at the bus stop (and corresponding stop) to accommodate/ mitigate what the applicant's Transport Assessment (TA, paragraph 4.5.4) identified as "a large increase in daily movements in bus travel". Subsequent to this however, the applicant's transport consultant, RGP, have produced a Transport Assessment Addendum (TAA October 2023) which presents bus stop improvements (Dwg 2023/4189/009 Rev P1). HCC Highways therefore considers that in line with the policies of LTP 4 maximise sustainable transport options to/from the site as far as is reasonable to the scale of development proposed.



### Vehicle Access

Whilst HCC Highways has concerns over an additional vehicle access onto Leyhills Road in addition to the existing 2 accesses, particularly given that it has been identified that 85%tile driver speeds are in excess of the speed limit; it is noted that this arrangement has been accepted in pre-application discussions and subject to a stage 1 Road Safety Audit (RSA) which has been responded to. Therefore, HCC Highways are willing to accept the proposed vehicle arrangements.

The TAA further explains the operational rotational, etc for the additional access which HCC Highways considers acceptable also.

### Travel Plan

HCC's travel plan team has reviewed the applicant's updated travel plan and are now content with it for this stage in the planning process although they do indicate that it will require some additional information post planning to discharge the planning condition recommended above when occupants are known. For instance the finalised plan needs to identify measures surrounding deliveries to units within the site.

### S106 Contributions

HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.

In the first instance HCC would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.

In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework

	<p>(NPPF).</p> <p>This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.</p> <p>The applicant's transport consultant RGP within the TAA present an analysis of employment levels across the whole site (both Phase 1 - 23/01783/MFA, and this current application Phase 2 - 23/01784/MOA) and estimates that the site will create 95 jobs. Subsequently the TAA recommends that this full application 23/01783/MFA) contributes £22,413.76. In light of the Strand 1 sustainable transport improvements proposed (cycle way and bus stop upgrades), HCC Highways considers this contribution appropriate and would allocate it to projects identified within HCC's emerging South West Hertfordshire Growth and Transport Plan (SW GTP) and/ or the emerging Dacorum BC LCWIP (Local Cycling and Walking Infrastructure Plan).</p>
<p>Conservation &amp; Design (DBC)</p>	<p>Site context</p> <p>The application site is located on the south-western outskirts of Bovingdon on Leyhill Road leading west towards Botley. The site is set within the Green Belt surrounded by open grassland and immediately adjacent to the eastern boundary is the non-statutory Local Wildlife Site known as 'Bovingdon Brickworks Central'. Bounding the southern boundary is the Bovingdon 008 Public Right of Way, which crosses part of the site in the south-eastern corner. Shantock Hall Lane bounds the site on the western edge.</p> <p>The site is accessed via three vehicle access points off Leyhill Road. The primary access is centrally located on the northern boundary, with a secondary entrance in the westernmost corner. A tertiary access in the northernmost corner connects into a track which follows the north-western edge round to the rear of the site.</p> <p>The existing site has been historically occupied by Bovingdon Brickworks manufacturing and distribution and the Builders Merchants operation. Bovingdon Brickworks ceased production in 2016, since then the open brick storage area now has lawful use as part of the Builders Merchants use [sui generis use]. The brickwork buildings were demolished in October 2022 following confirmation from DBC that Prior Notice of Approval was not required referenced 22/02477/DEM.</p> <p>Site history</p>

There is no relevant history on this site.

Recommendation:

We generally support the principle of development on this site. However, we have some concerns regarding the design of this proposal that should be responded to prior to taking forward to ensure high-quality design is delivered on this site.

These relate in principal to the following aspects of the scheme:

Building appearance: We generally consider the appearance of the proposed buildings relatively acceptable, however there are some minor concerns regarding the design that we would recommend the applicants respond to prior to taking forward the application.

Primarily, the western elevation of units 5no - 7no need to positively respond to the internal vehicular route to the immediate west of the buildings. We suggest that the design should break up the massing and overbearing nature of the buildings, through the inclusion of windows or mixed materiality similar to the frontage elevation treatments.

Layout: Some concerns over the retained existing areas of car parking adjacent to Leyhill Road. Despite being set back from the road, the existing car parking areas directly off Leyhill Road have a significantly negative impact on the openness of the Green Belt. A more acceptable approach would be to consider an area of landscape off Leyhill Road with surface car parking set behind the built form.

The proposed building line should follow that of the adjacent buildings on the Aston Martin site. Whilst this existing building is offset from the road, the built form should respond to the orientation of Leyhill Road and would benefit from being perpendicular to the Road rather than slightly offset.

We would like to see greater attempts to connect into the existing footpath, creating a coherent and green network of walking routes across the site that are appropriately separated from the vehicular movement.

Materiality: Generally, the choice of materials has been done with consideration, responding to the historic use of the site reflected in the use of bricks and brickwork detailing.

It is unclear what the proposed boundary treatment will be onto Leyhill Road. We would recommend that a high-quality approach to the

	<p>boundary treatment is considered. We suggest extending and connecting the existing brick walls to create a coherent and consistent approach to the boundary onto Leyhill Road. Not only would this reflect the historic use of the site, but it would result in a positive treatment of the boundary onto the road.</p> <p>Landscape: There is an opportunity to respond to and connect into the Local Wildlife Site abutting the application site. We would recommend that the applicants provide direct access into a natural environment, improving connections and the walking environments for the future users of the site.</p> <p>In addition the development should reflect the natural setting of the site, and the Local Wildlife Site within the scheme. Providing a more diverse landscape strategy across the scheme, this could include but not be limited to the following:</p> <p>Providing continuous footpaths provided across the site, promoting walking into Bovington, linking into the existing bus stop on Green Lane and connecting into the wider walking network;</p> <p>Providing footpaths that are separated from the vehicle movement by landscaped verges, swales and tree planting [see examples at Stockley Park below].</p> <p>Tree planting, hedgerows and vegetation should be used to screen the extensive areas of surface car parking. [see example at Stockley Park below]</p> <p>Conclusion:</p> <p>We recommend that the applicants consider and respond to the above recommendations prior to taking forward the application.</p>
Strategic Planning & Regeneration (DBC)	See comments on document web portal.
Hertfordshire Ecology	<p>ECOLOGICAL IMPLICATIONS</p> <p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation:</p> <p>Application can be determined with no ecological objections (with any informative / conditions listed below).</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>o Ecological surveys reliable and thorough;;</li> <li>o BNG 10% has been demonstrated for wider site, for which this is</li> </ul>

part, and is achievable;

Comments:

1. The application site lies within the larger Bovingdon Brickworks site. It is largely bare ground, and subject to heavy disturbance. Some limited habitat exists on its eastern boundary - bramble, mixed scrub and an area of ruderal vegetation. Whilst this area has not been surveyed independently of the whole site, detailed surveys exist which include this area and provide a thorough and reliable baseline understanding of the application site. Historically the whole application site was subject to brick clay extraction or associated works; this part of the wider site subject of this application now supports little intrinsic ecological interest.

2. In respect of the main site of which this application site forms a small part, there is no evidence of badgers, and limited habitats for bats - no buildings are present. There is no particular bird, other mammal interest or invertebrate interest. Slow worms were recorded within boundary vegetation of the main site and are otherwise likely to be absent from this site, although the remnant habitat present could support them. Appropriate habitat manipulation can deal with these accordingly. There is no likelihood of Great crested newt presence.

3. A Biodiversity report relating to the wider site showing appropriate Biodiversity metric extracts has been submitted. I have no reason to consider the baseline has not been completed correctly. This indicates for the wider site, a Net Gain of 45.57% will be achieved for habitat units, and 23.59% for hedgerow units, by habitat creation and enhancement within the site. Details for this are proposed within the ecological management plan which has been submitted. Metric Trading Rules have been satisfied. Given all of the BNG delivery is on-site, the enhancements are considered 'significant' and must be secured legally.

4. It is not possible to determine BNG independently for this sub-site within the wider site from the information submitted, The application site would have very limited - if any - baseline value; if it has no baseline value, it would be exempt from mandatory BNG. However, in the context of the wider site, I consider the proposals for the whole site demonstrates that a minimum of 10% BNG can be achieved for this development. Given no habitats appear to be proposed within this application site area itself, any BNG required for this site will technically be achieved off-site for this development, within the wider brickworks site. The calculations for this will have included this application site, so I am satisfied that if any BNG is required, it has been demonstrated and can be achieved.

	<p>5. In respect of BNG requirements, given this is a small area of an existing, largely developed site subject already subject to separate proposals for development which will require and have demonstrated BNG, I do not consider it is necessary to advise that an independent BNG conditions are required for this application, given the existing nature of the site, the proposals and BNG for an application site which already incorporates this site.</p> <p>6. A lighting scheme has been proposed for the wider site and appears acceptable in using horizontal luminaires for standard lamps within the site, downward facing lamps elsewhere, and capped bollards, all of which will reduce light spill and glare when viewed from a distance and prevent upward illumination. It is assumed any lighting within the application site will be subject to the lighting provisions as submitted. This should limit the impact of artificial light on the adjacent LWS and local area, which is generally on relatively high ground on the Chilterns dip slop above the Bulbourne Valley.</p> <p>7. A CEMP should include provisions to protect terrestrial species, as necessary.</p> <p>On the basis of the above, there are no ecological objections to this proposal, which can be determined accordingly.</p> <p>Conditions</p> <ul style="list-style-type: none"> <li>o CEMP</li> </ul> <p>Reason: To include precautionary measures for protection of terrestrial species and adjacent habitats.</p> <p>On the basis of the above, I consider that the application can be determined accordingly.</p>
Environment Agency	<p>Thank you for consulting us on the above planning application on 31 July 2023. As part of the consultation, we have reviewed the following documents:</p> <ul style="list-style-type: none"> <li>o Surface Water Drainage Statement prepared by RGP and dated May 2023 (ref: 6947-RPG-00-ZZ-RP-C-0500)</li> <li>o Initial Contamination Investigate prepared by MRH Geotechnical and dated March 2023 (ref: 231762contam)</li> </ul> <p>The site's previous use for clay working, brick manufacturing and waste disposal associated with these uses presents a medium risk of contamination that could be mobilised and impact on controlled waters (specifically groundwater in the underlying Chalk Principal Aquifer) as a result of the proposed redevelopment / change in use of the site.</p>

Based on the above information, and our own review of public records, we note that the proposed development site is underlain by a historic landfill (Bovingdon Brickworks landfill); this does not appear to have been considered in the limited contamination assessment. There is uncertainty regarding the exact location and composition of the landfilled material (or other contaminants) and further investigation / assessment will be required to provide confidence that the ground conditions at the site, with respect to potential contaminants that could present a risk to receptors associated with the site, are fully understood.

In addition, we also note that the site is not connected to mains drainage and the proposed development will be reliant on infiltration drainage via soakaways for the discharge of surface water and treated sewage effluent. Again, the drainage aspects of the of the proposed development will require additional assessment to ensure that proposals will not result in the pollution of the underlying Chalk Principal Aquifer and will be compliant with the requirements of the Environmental Permitting Regulations with respect to the discharge of effluents to ground.

Considering the above, we have no objection to the proposed development subject to the inclusion of the following conditions on any grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

#### Condition 1 - Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
  - o all previous uses
  - o potential contaminants associated with those uses.
  - o a conceptual model of the site indicating sources, pathways, and receptors.
  - o potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Condition 2 - Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.

#### Condition 3 - Infiltration Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.



	<p>Reason</p> <p>To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.</p> <p>Advice to Local Planning Authority</p> <p>Connection to mains foul drainage not feasible (foul drainage assessment submitted)</p> <p>Based on the information in the above report foul drainage will be treated on site, via a package treatment plant, and the resulting effluent discharged to ground via a soakaway.</p> <p>The treatment plant will need to be large enough to manage the anticipated maximum site staffing and will must be able to treat the effluent to a quality standard to ensure that it will not result in the pollution of the groundwater beneath the site. The site is underlain by cohesive clay with flints deposits and the soakaway will need to bypass these deposits to be able to achieve the required soakage rates and therefore discharge into the underlying Chalk Principal Aquifer. The Chalk is a regionally important aquifer that provides drinking water and therefore we will need to be satisfied that no other options exist for the disposal of sewage effluent before agreeing to this arrangement.</p> <p>Discharge of treated sewage effluent to ground will require a Discharge Consent issued by the Environment Agency and we recommend that the applicant engages with a specialist contractor to design the foul drainage system and consult the Environment Agency with respect to the permitting requirements before the system is installed at the site. We are aware of several instances where similar systems have needed to be modified after they were installed to meet the requirements of environmental permitting.</p> <p>Further advice is available at: Septic tanks and treatment plants: permits and general binding rules</p> <p>Competent persons</p> <p>The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 183 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional</p>
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organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

#### Advice to applicant

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

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

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

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

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

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

#### Rainwater drainage from vehicle parking / roadway areas and roofs

The current proposal combines rainwater drainage from roofs with surface water flows from roadways and carparking areas prior to discharge via an infiltration trench. We advise against combining these flows prior to discharge as it could potentially complicate the

assessment and issue of a Discharge Consent, should it be required. The infiltration of roof water to ground does not need a discharge consent if it is via a dedicated system sealed from any other form of drainage. However, surface water flows from roadways and carparking areas may require a Discharge Consent depending on the usage of these areas (for example low risk temporary parking of personal cars will not require a discharge consent whereas higher risk activities such storage and cleaning of commercial vehicles in parking areas may require a discharge consent if it). The applicant and annual maintenance fees associated with a Discharge Consent are assessed based on the quality and quantity of effluent at the point of discharge; by combining flows there is the potential that the application and maintenance fees will be higher than if the flows were separated. Information relating to Discharge Consent application and maintenance fees can be found: The Environment Agency (Environmental Permitting and Abstraction Licensing) (England) Charging Scheme 2022 ([publishing.service.gov.uk](https://publishing.service.gov.uk))

#### Advice relating to the reuse of excavated materials

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development or remediation is waste or has ceased to be waste. Under the Code of Practice:

- o excavated materials can be reused on-site as part of the development, as a planned activity, providing they are fit for purpose and unlikely to cause pollution.
- o excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- o treated materials can be transferred between sites as part of a hub and cluster project.
- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to the position statement on the Definition of Waste: Development Industry Code of Practice, and the waste management page on GOV.UK Waste and recycling - GOV.UK ([www.gov.uk](http://www.gov.uk))

Water Resources

	<p>Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.</p> <p>We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.</p> <p><b>Commercial/Industrial developments</b>  We recommend that all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.</p> <p>We also recommend you contact your local planning authority for more information.</p> <p><b>Pre-Application Advice</b>  Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at <a href="mailto:HNLsustainableplaces@environment-agency.gov.uk">HNLsustainableplaces@environment-agency.gov.uk</a>.</p> <p><b>Final comments</b>  Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p> <p>Should you have any queries regarding this response, please contact me.</p>
Rights Of Way	<p>The application site is crossed by a public right of way, Bovingdon public footpath 8.</p> <p>Currently the public footpath passes along the SE boundary of the industrial site, crossing the vehicular crossover for the area of brick storage, before turning in a more easterly direction away from the works. The vehicular crossover has long been a safety concern and an addition of 2 more will only add to that concern.</p>

	<p>The proposed diversion route is a significant improvement for the general public. Aside from dealing with the safety issues already mentioned, the new path will be constructed to provide an all-weather surface, across as flat a ground as possible, improving access for all users.</p> <p>The new route is aesthetically an improvement, as it takes users away from the industrial area, through land managed by the Boxmoor Trust with the enhancement of nature in mind.</p>
S106/Infrastructure Team (DBC)	<p>I can confirm that this application does not trigger specific infrastructure requirements under the current Infrastructure Delivery Plan 2017 or the emerging Infrastructure Delivery Plan (2020) which was consulted on as part of the Regulation 18 consultation of the emerging Local Plan.</p> <p>However, infrastructure in the immediate vicinity of the site may be affected and therefore it is advised that relevant infrastructure providers are consulted as appropriate e.g. highways and transportation, emergency services, utilities and flood protection authorities.</p> <p>Dacorum is a Community Infrastructure Levy (CIL) collecting authority and any CIL liability is calculated at the point of grant of permission. Developers should ensure that all CIL matters have been dealt with prior to commencement of the development. Any queries relating to CIL should be emailed to <a href="mailto:CIL@dacorum.gov.uk">CIL@dacorum.gov.uk</a></p>
Urban Design (DBC)	<p>Having reviewed the additional information for the application referenced 23/01784/MOA for Phase two of the Bovingdon Brickworks scheme, we have no objections to raise. However, we are concerned with the large areas of hardstanding and surface car parking, with minimal landscaping interventions. The layout for Phase 1 is a more acceptable approach. We recommend that there are greater attempts to soften the environment in Phase 2, including but not limited to: verges and soft planting between parking areas, tree and hedgerow planting to screen car parking from the access route.</p> <p>I do want to note, Unit 14 is prominently located in the site and is visible from Leyhill Road, as such, the design of the northern corner of unit 14 will be important. Ensuring an attractive elevation, architectural detailing and high-quality materials employed to minimise the visual impact of scale and massing.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
18	4	1	2	1

### Neighbour Responses

Address	Comments
13 Howard Agne Close Bovingdon Hemel Hempstead Hertfordshire HP3 0EQ	I object to the proposed diversion of the public footpath forming part of the application. Diversion will reduce amenity to local residents. The current footpath forms part of a circular route returning via the Boxmoor Trust adjoining brickwork land used by many Bovingdon residents. The diversion is not necessary for the development to proceed. I have no objection to the scheme itself, although have not observed any Public Notices of the intended development displayed on the footpath route.
Pudds Cross Cottages  Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ	<p>I am making a neutral comment on the applications for both 23/01783/MFA and 23/01784/MOA, I am making this representation as a local resident of Pudds Cross. I appreciate that the EH Smith site does require development and is brownfield land. My comments below are my view of the application and what it would be positive for DBC to consider when reviewing whether to grant permission and amendments and conditions if it is granted. I have highlighted where I think my comments are supported by relevant Core Strategy policies, but conscious there may be others that are also relevant in relation to my comments.</p> <p>Access from Ley Hill Road The new Access from Ley Hill Road would have a wider impact on the street scene from Ley Hill Road and increase the intrusion into the greenbelt. My preference to ensure a greener approach would be to utilise the current access from Ley Hill Road for both the current EH Smith site and the new industrial units. In 2001-2004 the new access was granted for the overly wide double access point for the trade vehicles near the junction of Shantock Hall Lane and Ley Hill Road. This proposal would mean there are now three access points from Ley Hill Road to the one EH Smith owned development, further access points have a negative impacted on the perceived over-development and openness of the greenbelt.</p> <p>Whatever option is chosen for the access from Ley Hill, the entranceway(s) and street view should be designed in a way that is minimal intrusion, and given the Chiltern AONB consultation for its expansion which may include this area within the future and that Ley Hill Road leads directly to the Chilterns AONB it would be prudent where possible to design its road frontage to align with the Chiltern AONB Design Guide such as the; Landscape Setting; Agricultural and other rural employment buildings; and paving and other hard surfaces.</p> <p>I appreciate that the removal of the dead and dying trees along Ley Hill</p>

Road is necessary. These predominantly beech trees are shallow rooted and have unfortunately been negatively impacted and likely dying due to the previous development on the EH Smith site where hard standing and excavations have taken place right up to the EH Smith boundary fence. I note that I am unable to see the documentation from the 2001-2004 applications which may have permitted this such as: 4/01723/01/DRC; 4/01488/00/FUL; 4/02215/00/FUL and 4/00544/04/DRC. I would like to see that any new planting is fully protected in perpetuity and that a living green screening of trees and hedges is provided along Ley Hill road irrespective of future development. A preferred and desirable outcome would be if EH Smith relinquished some of the recently developed hard standing that has had detriment to the mature trees to provide a thicker hedging and screen along Ley Hill Road, allowing trees to grow to their full height, recognising the historic value in that there has been a belt of woodland here for centuries (as outlined in their application and can be seen in historic maps). An increase in the width of this banding of trees would provide both noise attenuation and have a positive impact on the street scene and development in the greenbelt.

These comments are primarily in relation to: POLICY CS24: The Chilterns Area of Outstanding Natural Beauty and POLICY CS25: Landscape Character

#### Sound

Audible vehicle sounds are currently produced from within the red line boundary which can be heard from the residential properties at Pudds Cross, as well as within the neighbouring amenity space. This includes outside of the 7.30am - 5.30pm timeframe with regular working from around 6.30. All operations of the new site should be restricted to the 7.30-5.30 working week to minimise impact on the local community. The current sound is generally what sounds like the reversing sound of forklift trucks and on-site vehicles. It is requested that as part of any proposed development all operations and vehicles operating within the red line boundary during and after construction should use White Noise reversing alarms which would be far less intrusive to local residential properties and operate within the planning requirements. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Light

Light from the current EH Smiths, primarily the night-time security lighting is both inward and upward facing, this produces a large dome of light and produces a high amount of evening light pollution, this has a negative impact on the amenity and environment. This source of light is clearly visible from the Chilterns AONB (in Ley Hill), and can be seen as a bright beacon when driving back towards Pudds Cross. Care should be taken with the proposed development to ensure that the lighting is as low level as practicable, and that within the red line boundary the current lighting is having a minimal impact on the amenity, environment and Chilterns AONB. This is linked to: POLICY CS32: Air, Soil and Water Quality as well as 26.19 of the Countryside Place Strategy

#### Habitat improvements

I am pleased to see the inclusion of additional habitat features, such as

	<p>bird and bat boxes, as well as habitat features and log piles across the site. This site itself sits between two Local Wildlife Sites (Bovingdon Brickworks and Pocketsdell Lane) so care should be taken to ensure connectivity between those sites is maintained and improved. I would request that it would be beneficial to increase the number of bird and bat boxes, including those that are attached to or integrated into buildings in perpetuity, this will ensure the buildings themselves also provide additional habitat to local wildlife, rather than just the surrounding trees. It is also noted that there historically used to be House Martin nests demolished site and future habitat should be provided for this species. This is in relation to POLICY CS26: Green Infrastructure</p> <p><b>Design</b> I am really pleased to see that all the roofs contain photovoltaics. Regarding the aesthetic of the design, my feedback would be that to ensure a minimal, more conducive with the vernacular of the area, and appropriate for greenbelt development primacy should be given to the brick effect and wood effect (or using actual wood) cladding, this is of particular importance for all of the publicly visible parts of the building. Noting that a natural tone may reduce the impact of the buildings on the greenbelt. I note that the vertical wood effect cladding design is proposing to use a single RAL colour (they have stated RAL9007 (grey)) for the wood effect cladding. However, for clarity I would suggest that instead of using a block colour to ensure they use the Rockpanel Woods effect vertical cladding. This is in relation to POLICY CS25: Landscape Character</p>
<p>3 Pudds Cross Cottages</p> <p>Pudds Cross Bovingdon Hemel Hempstead Hertfordshire HP3 0NJ</p>	<p>I am writing in response to planning applications 23/01783/MFA and 23/01784/MOA and my comments apply to both applications. I have lived in Pudds Cross for 33 years and am one of E H Smith's closest neighbours.</p> <p>Whilst not objecting to the development of the old Brickworks site per se, I would like to raise a number of concerns that will impact local residents and the local community.</p> <p><b>Increased Traffic and Parking</b> I attended the presentation given by E H Smith at the Bovingdon Parish Council Planning Committee meeting. I was concerned that they were quoting a figure of 130 vehicle movements a day when the Brickworks was operational to support their view that there would be very little increase in traffic with the new development. Many people at the meeting challenged that figure, as do I. This development will inevitably bring an increase in traffic, not just to Ley Hill Road but to the surrounding lanes. The proposed addition of a new entrance from Ley Hill Road adds to my concern. I watch drivers either pull out as a vehicle turns into the current site, or speed up as soon as the vehicle has turned. Having three access points on the site, plus the proximity to Shantock Hall Lane, which is continually used by lorries travelling to and from the Chicken Farm and farm vehicles to Pudds Cross Farm, represents a risk in my opinion. The speed limit on the road is 40mph although many vehicles travel a lot faster, so a reduction to 30mph could help with road safety.</p>



It is a fact of life in any of these developments that there is never enough parking for employees, contractors and visitors. I would like to see consideration given to measures to avoid vehicles being parked on Ley Hill Road otherwise this will be adding to the road safety risks mentioned above. Some HGVs already park on the road early morning, often half on the pavement which restricts usage for pedestrians and damages the pavement.

#### Noise

Given the safety requirements for vehicles to be fitted with reverse alarms and even turning warning sounds, these sounds can be heard by residents when the E H Smith site is operational. As the development is light industry, it is inevitable that there will be an increase in vehicle movements and consequently an increase in the noise levels.

#### Light

Over time E H Smith have increased the lighting on their site, including illuminated barriers. The Ley Hill Road has no streetlighting, so the lighting makes the site more visible to residents, especially at night. I would like consideration to be given to low level lighting across the whole site which does not negatively impact the amenity of local residents or the nocturnal wildlife on the Boxmoor Trust land.

#### Working Hours

In light of the issues regarding traffic, noise and light pollution, I would like consideration to be given to a restriction on working hours within the new development. None of the other existing businesses have 24/7 operation, most seem to work Mon - Fri and Saturday Morning. They also seem to keep reasonable working hours from around 7am to 5.30pm, although E H Smith do open earlier for deliveries.

#### Signage

If an objective of the development is to be as unobtrusive as possible, I hope that there will be restrictions on the type, size, amount and illumination of any signage used at the entrances.

#### Green Buffer

I note the plans include the removal of dead or dying trees along the Ley Hill Road frontage. I have watched these trees disappear over the years as E H Smith have extended their storage area and sadly the trees that now have to be removed are as a direct result of that expansion failing to give them the necessary conditions to flourish. I hope that within the planting plans a good amount of space has been allocated to provide good quality conditions for the trees and their roots to grow and be sustained.

#### Footpath Diversion

Whilst I understand the requirement to divert the footpath that currently runs through the proposed site, I feel that little consideration has been given how that footpath is used by the community. The current path forms part of a regularly used circular walk along the footpath and back across the path that is currently the proposed diversion. So, it feels like we are losing a footpath and being give in its place a path we already have, thus depriving the community of a popular amenity. Whilst

	<p>Bovingdon may be in a rural location we have very few green spaces and are grateful to the Boxmoor Trust for providing that land for recreational use.</p> <p>Would it be possible for E H Smith to move the footpath to their boundary with the Boxmoor Trust land, so we maintain the circular walk? I have added this suggestion to one of the plans but have emailed it separately as I cannot upload files here. The land inside their red line boundary is flat so a 3m wide path would make the path accessible and the addition of an all-weather surface would provide a suitable alternative. I note that in one area there is a deep drop on the Boxmoor Trust side, so it would need some sort of safety fencing in that section.</p>
<p>19 Dinmore Bovingdon Hemel Hempstead Hertfordshire HP3 0QQ</p>	<p>I fully support the planning application to build new units on the EH Smith site. It will bring employment to this area, which with the proposed number on new houses that will be built will be much needed.</p>

**ITEM NUMBER: 5c**

<b>23/01211/FUL</b>	<b>Demolition of frontage buildings and redevelopment of site for 7 dwelling houses</b>	
<b>Site Address:</b>	<b>23 Water End Road And Land To Rear Of 21 Water End Road Potten End Berkhamsted Hertfordshire</b>	
<b>Applicant/Agent:</b>	<b>Mr Groom</b>	<b>Ms Emma Adams</b>
<b>Case Officer:</b>	<b>James Gardner</b>	
<b>Parish/Ward:</b>	<b>Nettleden With Potten End Parish Council</b>	<b>Ashridge</b>
<b>Referral to Committee:</b>	<b>Contrary views of Nettleden and Potten End 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.

**2. SUMMARY**

2.1 The proposal is considered to constitute limited infilling in a village and therefore accords with Policy CS6 of the Dacorum Core Strategy and paragraph 154 (e) of the National Planning Policy Framework (NPPF) (2023).

2.2 The proposed development would satisfactorily integrate with the local character and, through careful consideration of siting and design, would not result in any significant adverse impacts on neighbouring properties.

**3. SITE DESCRIPTION**

3.1 With the exception of the derelict building on the Water End Road frontage, the application site comprises of on an area of undeveloped land to the rear of no. 21 Water End Road, which is bounded to the north-west by Browns Spring and by commercial premises to the south-west.

**4. PROPOSAL**

4.1 Planning permission is sought for the demolition of two buildings located on the Water End Road frontage and their replacement with two dwellings, and the construction of a further five dwellings to the rear of the site.

**5. BACKGROUND**

5.1 It is to be noted that that a previous application<sup>1</sup> to redevelop the land to the rear of 21 – 23 Water End Road was refused by the Council 18<sup>th</sup> August 2022. This application seeks to address those reasons for refusal.

5.2 Design amendments were secured during the course of the application and resulted in the reduction of one unit to the rear of the site, facilitating the provision of more soft landscaping, and resulting in a higher quality scheme overall.

**6. PLANNING HISTORY**

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<sup>1</sup> 21/04555/FUL.

## 6.1 Planning Applications:

19/03263/FUL - Conversion and Alteration of Commercial Buildings to Form Single Dwelling  
*GRANTED - 1st May 2020*

21/04555/FUL - Construction of 3x 2 bedroom and 3x 3 bedroom dwellings with associated site works and landscaping.  
*REFUSED - 18th August 2022*

## 6.2 The application was refused on the basis that:

*'By virtue of its width, length and the number of dwellings it would serve, the access road would not be suitable for its intended purpose and potentially result in vehicles reversing on to Water End Road. In addition, it has not been demonstrated that there would be sufficient manoeuvrability for a refuse collection vehicle to enter the proposed development, turn, and exit in a forward gear.*

*As a result, the access road and the layout of the development is such that it would not provide a safe and satisfactory means of access for all users and be detrimental to highway safety, contrary to Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).'*

Appeals: None.

## 7. CONSTRAINTS

Advert Control: Advert Spec Control  
CIL Zone: 1  
Former Land Use (Risk Zone)  
Green Belt  
Parish: Nettleden with Potten End CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Small Village: 1  
Parking Standards: Zone 3

## 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.

## 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:

## Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS6 – Selected Small Villages in the Green Belt  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 – New Housing  
CS18 – Mix of Housing  
CS19 – Affordable Housing  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS35 – Infrastructure and Developer Contributions

## Local Plan

Policy 12 - Infrastructure Provision and Phasing  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 34 – Other Land with Established Employment Generating Uses  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 55 – Traffic Management  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 102 – Sites of Importance to Nature Conservation  
Policy 103 – Management of Sites of Nature Conservation Importance

## Supplementary Planning Guidance/Documents

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

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

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

### **Principle of Development**

9.2 The application site is located within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban

sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Paragraph 154 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, it goes on to list exceptions to inappropriate development, including:

- e) *limited infilling in villages;*  
[.....]
- 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.*

9.4 Policy CS6 of the Dacorum Core Strategy is supportive of limited infilling within Potten End provided that each development is:

- i. sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and
- ii. retains and protects features essential to the character and appearance of the village.

9.5 Policy CS6 indicates that the principle of limited infilling is acceptable only where it would provide affordable housing for local people.

9.6 Paragraph 65 of the NPPF states that affordable housing should not be sought for residential development that are not major developments, the exception being developments within designated rural areas.

9.7 The National Planning Practice Guidance (NPPG) states that:

*In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under Section 157 (1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.*

9.8 The application site is not located within the Chilterns AONB - now known as the Chilterns National Landscape - and no part of Dacorum has been designated as a rural area pursuant to Section 157 of the Housing Act 1985. Accordingly, there is no requirement for affordable housing to be provided on sites of less than 10 homes. As such, the application does not give rise to a requirement for affordable housing.

#### *Limited Infilling*

9.9 The explanatory text to Policy CS6 states that the term '*limited*' refers to development which does not create more than two extra dwellings, while '*infilling*' is described as a form of development whereby buildings, most frequently dwellings, are proposed or constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings.

9.10 While the explanatory text provides an interpretation of 'limited', the term is not defined within the policy wording itself (nor is it found within the definitions in the glossary to the Core Strategy) and thus there is an argument to say that it is advisory and should not be given the same weight as the policy text itself – a view endorsed by some Planning Inspectors.

9.11 The Core Strategy clearly does not build on the definition in the NPPF in any meaningful or unambiguous way, relying instead on the supported text to provide the required clarification, but not confirming whether this is policy or not. As such, it is submitted that the question of whether a proposed development would constitute limited infilling should be determined on a case-by-case basis.

9.12 Guidance in terms of the types of matters which may be relevant to the question of whether a particular development would comprise limited infilling was outlined in the Court of Appeal case of *R (Tate) v Northumberland County Council* [2018] EWCA Civ 1519, where the court held that:

*The question of whether a particular proposed development is to be regarded as "limited infilling" in a village for the purposes of the policy in paragraph 89 of the NPPF will always be essentially a question of fact and planning judgment for the planning decision-maker. There is no definition of "infilling" or "limited infilling" in the NPPF, nor any guidance there, to assist that exercise of planning judgment. It is left to the decision-maker to form a view, in the light of the specific facts. Can this proposed development be regarded as "limited infilling", or not, having regard to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining it, and adjacent to it? That is not the kind of question to which the court should put forward an answer of its own. Nor will it readily interfere with the decision-maker's own view.*

9.13 Infilling is typically thought of as constructing a building within a gap in a clearly identifiable built-up frontage; however, the term is not so specific that it precludes other forms of infilling. For example, where a building or buildings is constructed amongst a group of other buildings.

#### *Whether the Proposal Constitutes Limited Infilling*

9.14 The demolition of the derelict building along the Water End frontage and its replacement with two new cottages would, in the view of officers, would constitute infilling; that is to say, the filling of gap along a clearly identifiable built-up frontage. In terms of the land to the rear of the nos. 17 – 23 Water End Road, upon which Plots 1 – 5 are proposed to be constructed, this is surrounded on all sides by built development and is therefore considered to be a form of infilling.

9.15 The provision of seven dwellings would be limited insofar as it would be a modest addition to the existing built form of Potten End. In addition, the scale of development is such that it is classed as minor, not major development, and the site layout plan shows that the development can be accommodated comfortably within the confines of the site in a form not dissimilar to the surrounding development. Taking these factors into account, it is considered that the proposed development would constitute limited infilling.

9.16 Accordingly, the development comprises of both infilling of a limited nature and falls within the ambit of paragraph 154 (e) of the NPPF. It is to be noted that the aforementioned paragraph does not include an openness test. If the development comprises of limited infilling in a village, it is acceptable subject to an assessment of all other material planning considerations.

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

9.17 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should, inter alia, respect the typical density intended in an area, preserve attractive streetscapes, protect or enhance significant views within character areas, and integrate with the streetscape character.

9.18 Policy CS12 further states that development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and amenity space.

### *Layout*

9.19 The dwellings to the rear of the site comprise of a staggered terrace row of three dwellings<sup>2</sup> and a semi-detached pair<sup>3</sup>, while those on the frontage<sup>4</sup> would continue the existing terrace. The layout is relatively spacious and therefore allows space for the provision of landscaped areas, full details of which will be reserved by condition, which would assist in breaking up the areas of parking.

### *Design*

9.20 The dwellings to the rear of the site are of relatively simple design, though do contain some traditional features – such as the brick headers above the ground floor fenestration and chimney stacks. The proposed external materials comprise of brick at ground floor and render at first floor. The doors and windows, meanwhile, are stated as being of timber construction. The specific materials specification are to be reserved by condition should Members be minded to grant planning permission.

9.21 The design of the cottages on the Water End Road frontage is traditional, featuring chimneys and gable roofs, and they have fenestration that matches the size and scale of those of the existing terrace. In terms of materiality, the plans suggest that smooth render is proposed for the external walls. Notwithstanding the use of unpainted pebbledash on the existing terrace, no objections are raised with this approach, it being noted that render is also prevalent in the area; and, furthermore, it would help to differentiate the cottages as new additions to the terrace, allowing its evolution to be clearly understood.



*Fig1. Extract of drawing 2724.31 (proposed street scene sketch)*

9.22 In summary, it is considered that the mix of materials is congruent with the prevailing character of the area, while the scale, height and roof forms all appear appropriate to the village setting.

### *Impact on Street Scene*

9.23 The dwellings to the rear of the site would have a relatively limited presence, if any, from the Water End Road street scene. Glimpsed views of Plots 4 – 5 may be possible through the gap

<sup>2</sup> Plots 1 – 3.

<sup>3</sup> Plots 4 & 5.

<sup>4</sup> Plots 7 & 8.



between the MOT test centre to the south-west and the rear boundary treatment of the dwelling known as Puketaha, but this would be from a considerable distance (approximately 46m). In light of the fact that the rear elevations of Plots 4 – 5 are proposed to utilise materials which reflect the local character and are limited to two-storeys, it is not considered that there would be any harm to the street scene should they be visible.

9.24 There is currently some informal landscaping along the builder's yard boundary. The result is that views into the application site are limited to a degree. The plans suggest that this is to be removed, the result of which would be a slight opening up of the site to wider views. However, there is no reason why a suitable landscaping scheme could not improve upon the existing situation. Therefore, should Members resolve to grant planning permission, it is recommended that a condition requiring the approval and implementation of a landscaping scheme be included on the decision notice.

9.25 Plots 7 and 8 are to be located to the front of the site and would extend the existing terrace. A street scene plan (see Fig1. above) shows the relationship between the new plots and the existing terrace. It is to be noted that Plots 7 and 8 include forward projecting gable not dissimilar to that featured on the adjacent unit, and that the roofline steps up in accordance the prevailing character of the terrace, though, importantly, would be no higher than the existing two storey building. The heights of Plots 7 and 8 would also not be dissimilar to those of 25 - 31 Water End Road. As such, it is considered that it would sit comfortably within the street scene.

#### *Amenity Space*

9.26 Appendix 3 of the Dacorum Local Plan states that residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 metres. An allowance is made for infill developments where garden depths would be below 11.5m but of equal depth to adjoining properties.

9.27 Garden depths across the site would range from between approximately 12m – 20m. The gardens also benefit from reasonable widths, ensuring a good level of functionality.

9.28 In summary, the width, shape and size of the amenity spaces would ensure that they are functional and provide a good level of amenity to future occupiers.

#### *Living Environment of Future Occupiers*

9.29 The Council's Environmental Health Team have raised some concerns that two of the proposed dwellings<sup>5</sup> could be subject to noise and disturbance from the vehicle repair workshop<sup>6</sup> in Browns Spring and, accordingly, have requested that a noise assessment be undertaken.

9.30 The potential for noise and disturbance is relevant in light of paragraph 135 (f) of the NPPF which, amongst other things, seeks to ensure that planning decisions '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*'.

9.31 Regard also needs to be had to the principle of the 'agent of change' as set out in paragraph 193 of the NPPF. The agent of change principle was introduced into the NPPF in in 2018 and essentially seeks to protect existing businesses from having unreasonable restrictions placed on them as a result of development permitted after they were established. It is essentially concerned with ensuring a harmonious coexistence between different types of land use. Places of worship,

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<sup>5</sup> Plots 4 and 5.

<sup>6</sup> B & H Autos.

pubs, music venues and sports clubs are provided as examples of existing businesses which could be affected, yet the use of the words 'such as' clearly indicate that this is not a closed list and can equally apply to other types of business.

9.32 The points set out below have been raised with the Environmental Health Team:

- Planning permission was granted (see 4/01099/17/FUL) for the change of use to a vehicle repair workshop in July 2017. The officer report advises that:

*Further, on discussion with Dacorum Environmental Health Officers, it is considered that the proposed use, which would operate between the hours of 8am – 6pm Monday to Friday, 8am – 12.30pm Saturdays and not at all on Sundays, would not result in significant harm to living conditions, in terms of noise and disturbance, when compared to the existing lawful B8 use at the site.*

- Environmental Health did not raise any objections. It is therefore suggested that there is no reason why the conclusion reached in respect of the aforementioned report – i.e. there would be no adverse impact on the residential amenity of nearby properties - would not equally apply to the proposed new dwellings given the not dissimilar distances involved.
- There are no windows serving the workspace of the vehicle repair workshop on the rear elevation of the building. The sole window on the rear elevation serves a washroom. There are windows on the north-western elevation but these face toward Puketaha in Browns Spring. Consequently, any noise emitted from the side facing windows would be directed away from the development<sup>7</sup>.

9.33 Environmental Health have provided the statement set out below in response to the above:

*'Having considered the points raised in your email and further to our conversation please be advised the Environmental Health Pollution Team still have concerns re the potential for noise intrusion to the proposed dwellings marked 4 and 5 from the existing vehicle repair workshop (B&H Autos, Browns Spring). Therefore, we would suggest that a Noise Impact assessment is undertaken with appropriate treatment or mitigation outlined, if applicable to prevent the potential for impacts from nearby industry, and as such, we could look at a pre-commencement condition requiring an NIA with scheme for achieving levels outlined in the NIA, if applicable to be provided prior to commencement.'*

9.34 On this basis, it is considered that a pre-commencement condition which requires the submission of Noise Impact Assessment prior to the commencement of development in respect of Plots 4 and 5 is appropriate, and there is no reason to believe that suitable mitigation, if required, could not adequately address any issues identified. Mitigation, if required, could take the form of windows with higher noise insulation properties, installation of mechanical ventilation and heat recovery (MVHR) systems, acoustic fencing etc.

### **Impact on Residential Amenity**

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

#### *Visual Intrusion*

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<sup>7</sup> It is understood that no works to vehicles take place outside the envelope of the building.

9.36 There is no planning definition of visual intrusion or whether development is overbearing in either the Core Strategy or Local Plan. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. Whether development is visually intrusive or overbearing is essentially a matter of planning judgement.

9.37 The flank wall of Plot 4 would face the neighbouring property, Hill View, on Browns Spring at a distance of approximately 30m, although the distance does increase slightly due the angled nature of the relationship between the two properties. Consideration also needs to be had to the fact that Plot 4 is not excessive in height. It is acknowledged that the application site occupies a higher land level to Hill View and, indeed, all the dwellings in Browns Spring. However, it is considered that the substantial degree of separation is such that, although visible, it would not be visually intrusive.

#### *Loss of Privacy*

9.38 No windows are proposed to be inserted in the eastern elevation of Plot 1 and thus there would be no loss of privacy to the bedroom located at first floor level in the flank elevation of Jenady. That said, if a window were present in the western elevation, the relationship would be oblique and very unlikely to result in a meaningful level of overlooking. Windows are proposed at first floor level on the rear elevation, but as the building line would be located further forward than the rear elevation of Jenady, views would be restricted to the rear of what is a substantial garden. Critically, the more sensitive area immediately to the rear of Jenady would not be overlooked. Concerns have been raised by residents that the proposed planting along the boundary might not be retained by future residents of Plot 1, resulting in a loss of privacy. The reality, however, is that the new residents are likely want to retain this level of privacy between the units by retaining the planting.

9.39 Separation distances of 28 – 33m are to be retained between the rear elevations of Plots 1 – 3 and those of Lynwood, Longview and Springside in Browns Spring. This is well in excess of the 23m minimum separation distance set out in saved Appendix 3 of the Dacorum Local Plan and allows for the fact that there is a change in levels.

9.40 There are no windows proposed on the flank walls of Plots 4 and 5 and thus there are no privacy implications for the residents of Hill View or 13 Elm Tree Cottages. Views of the garden associated with Dunromin from the rear windows of Plots 4 and 5 would be oblique and from a distance.

#### *Noise and Disturbance*

9.41 Given the residential nature of the use and the distances involved, it is considered unlikely that there would be any significant adverse impacts arising from noise following completion of the construction process. Should excessive and unneighbourly levels of noise occur from day-to-day living, this would fall within the remit of the Council's Environmental Health Team.

9.42 In response to concerns raised by local residents in connection with noise and disturbance during the construction process, this would be for a time-limited period and subject to the usual Environmental Health rules regarding working hours.

#### *Loss of Sunlight and Daylight*

9.43 The application site is located to the south-east of the dwellings on Browns Spring. Given the limited height of the proposed dwellings, coupled with the distance from the dwellings on Brown Spring, it is considered that there would not be any significant adverse impacts on daylight and sunlight.

9.44 In terms of the dwellings on Water End Road, these are located to the south of the application site and, in general, are set well away from the proposed development and should not therefore experience any significant loss of daylight and sunlight.

9.45 It is acknowledged that 13 Water End Road has a flank window facing into the application site, and that the flank wall of Plot 5 would be located approximately 10m away from this window. Based on plans submitted in support of planning application 4/01326/96/FHA, it is understood that the window in question serves a dual aspect master bedroom. Two further windows serving this bedroom are located on the front elevation, which are likely to facilitate ample light ingress into the room.

#### Impact on Highway Safety and Parking

##### *Highway Safety*

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

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

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

9.48 The site is currently accessed by way of an existing dropped kerb and private access road. Subject to the road being widened – as shown on drawing no. 2714.23 C – the Highway Authority is satisfied that it would be fit for purpose and not give rise to any concerns in respect of highway safety. Should planning permission be granted, it is recommended that a condition be included requiring the access road to have been widened prior to first occupation of the dwellings.

9.49 There is currently good visibility to the east for vehicles egressing. Demolition of the derelict building adjacent to the access and the removal of the overgrown vegetation would significantly improve visibility to the west. The potential for pedestrian conflict with vehicles is further reduced due to the relatively limited length of the access and the fact that vehicles would be slowing down as they join the highway network.

9.50 It is noted that the Parish Council, amongst others, have raised concerns in relation to the use of a dropped kerb / footway crossover at the junction of Water End Road instead of a bellmouth junction. This concern appears to be based on the fact that previous guidance indicated that a dropped kerb access should serve no more than five dwellings.

9.51 The Highways Officer unequivocally states in his response that '*within emerging guidance dropped kerbs are deemed to [sic] able to cope with more trips than previously recommended*'. The aforementioned emerging guidance was adopted by the Highway Authority in March 2024 and is known as *the Place & Movement Planning and Design Guidance for Hertfordshire*. It supersedes the *Roads in Hertfordshire: Design Guide* of 2011 which the Development Management Section of the HCC's website states has been retired.

9.52 Given the above, it is therefore relevant to have regard to the *Place & Movement Planning and Design Guidance*. An extract of the relevant section has been reproduced below for ease of reference (see Fig2.)

**3.2** A vehicle crossover is suitable on P&M category P2/M1, P3/M1 and P3/M2 streets for up to 2,000 Passenger Car Units (PCU) per day on the entry arm.

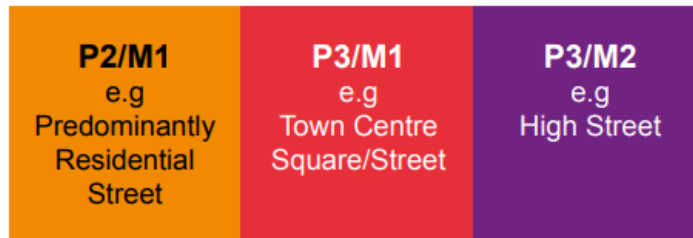


Fig2. Extract from HCC's Place & Movement Planning and Design Guidance

9.53 The Highways Officer has confirmed that this this part of Water End Road is classified as P2/M1; that is to say, a residential street.

9.54 Passenger Car Units (PCU) are is a way of assessing the impact a particular mode of transport has on traffic variables – i.e. headway, speed and density – compared to a single car on the road network. Common vehicle types are assigned a conversion factor which allows counts of heavy vehicles to be converted into counts of passenger cars, such that a mixed flow of heavy and light vehicles is converted to an equivalent traffic stream consisting solely of passenger cars<sup>8</sup>.

9.55 It is submitted that substantial weight should be given to the guidance set out in the *Place & Movement Planning and Design Guidance for Hertfordshire*, as it is very up to date and will have been based on the latest research in the field of highways engineering.

9.56 Even prior to the adoption of the new guidance the approach of using a “footway crossover” was supported in prevailing design guidance - including the *Manual for Streets* - where it is stated that:

*‘...footway crossovers can be used instead of more formal priority junctions, which will give further prominence to pedestrians. Footways crossovers are often used successfully at accesses to commercial premises [.....] demonstrating that they can be used at busy locations.’* (Ref: MFS2 9.4.14).

9.57 The provision of a formal bellmouth junction access would not be in accordance with current good practice as it would encourage higher turning speeds and disrupt the movement of pedestrians on Water End Road by creating a wide bellmouth to cross. Accordingly, it would not give priority to the pedestrian and, unless strictly necessary, are arguably contrary to paragraph 116 (a) of the NPPF.

9.58 The access road would essentially serve as a shared space, there being no other means of exiting the site for pedestrians. With this in mind, it is considered appropriate to require signage alerting motorists to the potential presence of pedestrians on the access road to be provided. Details of this will be reserved by condition should Members be minded to grant planning permission.

9.59 In light of the above, it is considered that the use of a dropped kerb is entirely reasonable and appropriate to the context.

<sup>8</sup> A domestic car will typically have a PCU value of 1.0.

### Manoeuvrability

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

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

9.61 MfS illustrates the type of vehicles various carriageway widths can accommodate. Carriageway widths of 4.1 metres are sufficient to permit two cars to pass one another with care, carriageway widths of 4.8 metres will allow two cars to pass one another with relative ease (see Fig3.), and larger vehicles with care, and carriageway widths of 5.5m will allow large vehicles to pass one another with care.

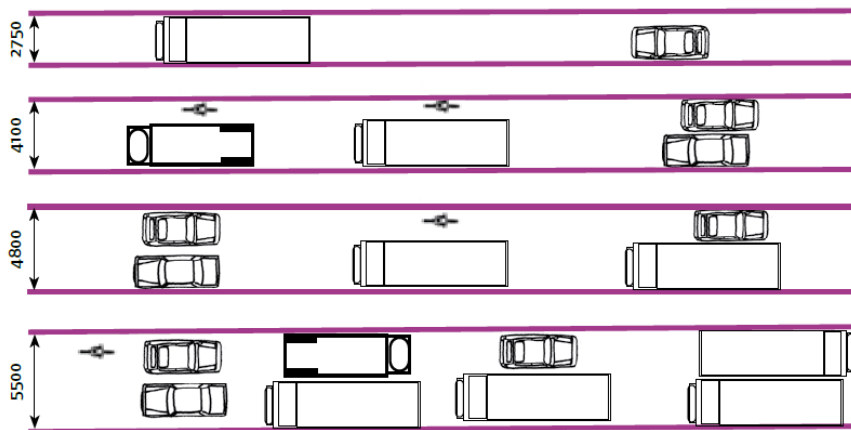


Fig3. Extract from MfS

9.62 For clarification, the proposed access road would measure 5.5 metres - an increase of 0.5m compared with the scheme previously refused by Members.

9.63 Given the size and nature of the development, it is extremely unlikely that two large vehicles would ever have need to pass one another along the access road, although even if this were to occur, as outlined above, there would be sufficient space for this to occur, negating the need for vehicles to reverse out onto Water End Road.

9.64 It is clear from the proposed site layout plan that domestic vehicles would be able to manoeuvre in the site with relative ease.

9.65 In response to concerns raised previously by neighbours in relation to refuse access, the current application is supported by swept path analysis. This demonstrates that a refuse freighter over and above the size of that used by the Council<sup>9</sup> could enter the site, manoeuvre and exit in a forward gear. Given that the vehicle modelled is larger than what is used, there can be a significant degree of confidence that the manoeuvre is not just theoretically achievable in a best-case-scenario but is achievable in a range of circumstances.

<sup>9</sup> 10.2m (L) x 2.53m (W) vs 9.88m (L) x 2.49m (W).

9.66 Notwithstanding the above, for the avoidance of doubt, swept path analysis has now been provided for the specific model of refuse freighter used by the Council, which confirms that manoeuvring within the site can be easily achieved.

9.67 Hertfordshire Fire and Rescue have commented that they have no concerns regarding access, noting that the widening of the access road to 5.5m '*will offer attending firefighters plenty of room to stop if needed on that path and to open doors on both sides of a fire appliance*'. They also explained that there '*also appears to be areas not marked as parking spaces to allow large vehicles to turn.*' The application is also supported by swept path analysis which confirms that a fire tender could enter the site, manoeuvre and exit in a forward gear.

9.68 Whilst swept path analysis has not been provided for domestic cars, it is clear from the site layout that they could comfortably manoeuvre within the site.

*Parking*

9.69 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing.

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

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

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

....

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

9.72 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

9.73 The first step in calculating parking requirement for new development is to establish the number of bedrooms within the respective dwellings. In this case, there is some question as to the whether the rooms identified as offices shown on the floorplans in respect of Plots 1, 2 and 3 should be considered as bedroom space.

9.74 The studies do not provide the necessary floor area and dimensions to count as a single bedspace as defined in the National Described Space Standards. Paragraph 6 of the space standards states that:

*Relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard.*

9.75 However, it is submitted that calculating parking requirements based on a document which itself states that it does not imply actual occupancy, or define the minimum size for any particular type of room, is not the correct approach. Rather, in the first instance, it is appropriate to refer to the car parking standards themselves.

9.76 The Parking Standards SPD does not provide a methodology to define bedrooms. The way in which this is established is therefore a matter for the decision maker. One approach would be to have regard to the location of the room within the dwelling and, having established that the location is appropriate, ascertain whether it would be physically capable of accommodating a bed. For reference, a single bed has a measurement of approximately 1.90m (L) x 0.90m (W) and thus all the offices would be capable of functioning as bedroom space.

9.77 Proceeding on the basis that it is appropriate to treat the offices as bedroom space, the development would give rise to a parking requirement of 15 spaces. The proposed site layout plan shows a total of 17 spaces, exceeding the parking standard.

9.78 As per the Parking standards SPD, since the level of parking provision is in excess of the standard, the overprovision should be justified.

9.79 The Parking Standards SPD is clear that the departures from the standard should be the exception and robustly justified by way of reference to one or more of the seven exceptions set out at paragraph 6.10 of the document. None of the exceptions referenced are considered to be applicable to this application as they relate to instances where there is an under provision of parking.

9.80 Given the lack of clarity in the SPD as to how the overprovision of parking should be dealt with, determining the point at which additional parking becomes unacceptable is not entirely straightforward. The rationale behind limiting parking provision is to discourage car ownership while encouraging a shift to more sustainable means of transportation. Therefore, if an excess of parking would prejudice these aims and objectives, it could reasonably be argued that such a situation would be unacceptable.

9.81 In this case it is considered unlikely that the additional parking would significantly encourage car ownership: although Potten End contains some services, a car would be a likely requirement for most families. Therefore, the default position is that a reduction in parking provision is unlikely to alter the calculus.

#### *Visitor Parking*

9.82 Visitor parking is not required for developments of less than 10 dwellings. Nonetheless, two visitor space are proposed and are shown on the proposed site layout.

#### *Electric Vehicle Charging*

9.83 The proposed site layout plan indicates that eight EV chargers are to be provided. This is in excess of the requirements set out in the Parking Standards SPD; however, as no information has



been provided in relation to their specifications, it would be appropriate to include a compliance condition requiring chargers meeting the relevant specifications to be provided prior to first occupation of the dwellings.

#### *Conclusion*

9.84 In summary, the development would provide for its own parking requirements and is therefore unlikely to result in overspill parking on the public highway. The development is therefore in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

#### **Other Material Planning Considerations**

##### *Contamination*

9.85 The Council's Scientific Officer has been consulted and has advised that he has no objections on the grounds of land contamination subject to the inclusion of an appropriately worded planning conditions. These would be imposed if Members are minded to grant permission.

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

9.86 Saved Policy 34 of the Dacorum Local Plan states that established employment generating sites in the Green Belt or the Rural Area which do not cause environmental problems and provide local employment opportunities will be protected from change to non-employment generating uses unless satisfactory replacement opportunities are provided.

9.87 A shop called Yvette's Chocolates currently operates out of no. 21a Water End Road. Concerns have been raised by local residents that the redevelopment of the site will result in the loss of this facility, as the preparation area is located within the garage proposed to be demolished. It has, however, been confirmed that the preparation area will be moved to the remaining ground floor of no. 21a, which was previously used as a preparation area by Grooms Bakery, retaining the shop and business for the community.

9.88 No objections have been received from the chocolate shop itself and therefore it is assumed that this arrangement is satisfactory. It follows that the development would be in accordance with saved Policy 34 of the Dacorum Local Plan.

##### *Impact on Ecology*

9.89 Policy CS26 of the Dacorum Core Strategy states, inter alia, that development will contribute towards the conservation and restoration of habitats and species and the strengthening of biodiversity corridors.

9.90 The application has been supported by a Preliminary Ecological Appraisal (PEA) prepared by Philip Irving.

9.91 The PEA notes that the derelict building and converted garage (both scheduled for demolition) have a negligible potential to support roosting bats, while none of the on-site trees contain enough deadwood features that could be used. It goes on to add that the site contains no habitat features of significant ecological interest, the site consisting primarily of heavily disturbed ground with developing weed and ruderal vegetation, and an area of mown, species-poor grassland.

9.92 Hertfordshire Ecology have reviewed the application particulars and advised that there are no objections to the development, subject to conditions securing the provision of biodiversity improvements and the mitigation measures set out in Section 6 of the report.

9.93 The inclusion of a condition requiring biodiversity improvements is considered to be appropriate, according with the aims and objectives of Policy CS26. By contrast, the mitigation

measures set out in Section 6 are recommended as informatives, which would be added to the decision notice if permission is granted.

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

#### *Affordable Housing*

9.95 The development does not give rise to a requirement for affordable housing contributions due to the proposed scale of development.

#### *Flood Risk*

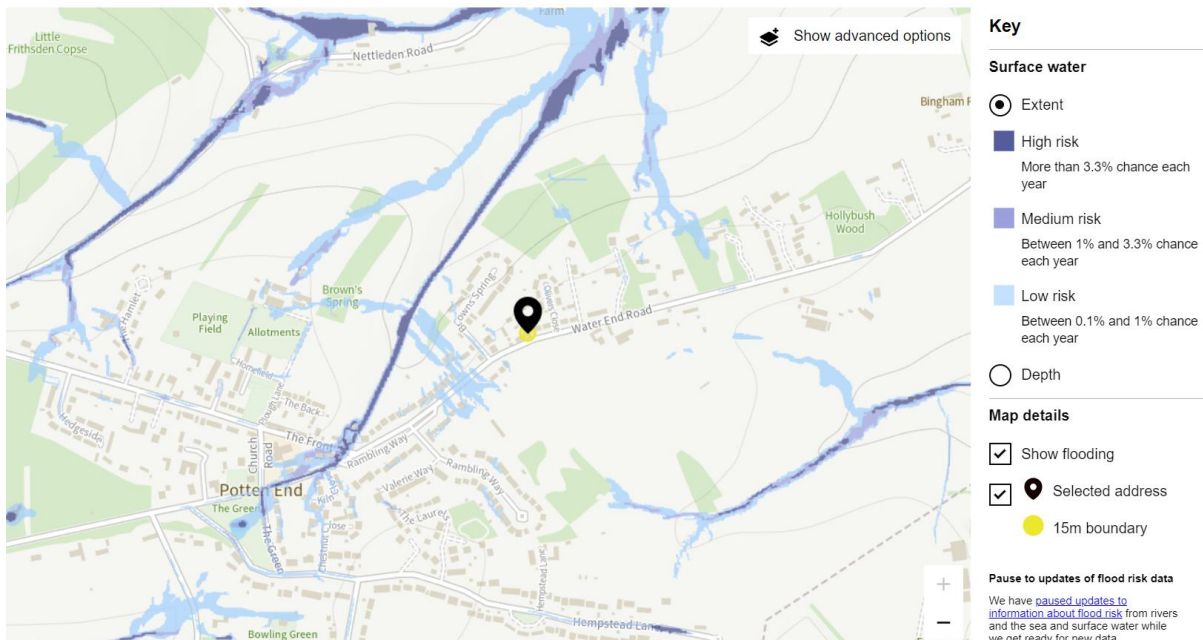
9.96 Policy CS31 of the Dacorum Core Strategy requires development to, inter alia, avoid Flood Zones 2 and 3 unless it is for a compatible use and minimise water runoff.

9.97 The application site is located within Flood Zone 1 and has a low probability of flooding from rivers and the sea, and deemed to be at a low risk from surface water flooding.

9.98 Advice from government is clear that the sequential test is not applicable to development in Flood Zone 1 unless there are flooding issues in the area of the development. There are no known issues<sup>10</sup> and therefore a sequential test is not required.

9.99 Concerns have been raised by local residents in relation to the potential for surface water run-off to result in flooding of their rear gardens and properties which occupy a lower land level. Whilst it is noted that the development of the site would result in a reduction in permeable land, area of garden would continue to be interposed between the development and the houses on Browns Spring.

9.100 The Environment Agency Surface Water Flood Risk Map (see Fig4) indicates that the application site and its immediate surroundings is at a low risk from surface water flooding.



*Fig4. EA Surface Water Flood Map*

<sup>10</sup> Based on evidence-based assessments.

9.101 The application form indicates that surface water is to be disposed of via soakaways, although the feasibility of this will ultimately need to be subject to infiltration testing to ensure that ground conditions are appropriate. However, even if infiltration is not possible from a technical perspective, it is important to note that Thames Water have confirmed that they have no objections to the disposal of surface water via the public sewer and, as a result, there is no reason to believe that the development would increase flood risk in the surrounding area.

#### *Sewage Capacity*

9.102 Thames Water have confirmed that their network has sufficient capacity to handle an additional seven dwellings in this location.

#### *Removal of Permitted Development Rights*

9.103 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.*”

9.104 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*

9.105 Whilst the development provides for its own parking requirements and, indeed, includes a surplus of two parking spaces, it must be acknowledged that there is the potential for future occupiers to exercise permitted development rights and form habitable accommodation in the roof by way of the construction of dormer windows. The cumulative impact of additional bedroom space has the potential to result in a deficit in parking which could result in overspill parking Water End Road. Accordingly, it is considered appropriate to restrict Class B<sup>11</sup> permitted development rights.

9.106 Dwellings constructed as part of a housing development 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. In this instance, however, the dwelling proposed at Plot 2 would have a building line forward of Plot 1 by approximately 2.3m. 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 in respect of Plot 2 is justified.

#### *Impact on Trees and Landscaping*

9.107 The trees along the north-western boundary of the site do not appear to have a high level of amenity value. However, it is appreciated that they will have ecological value and provide a form of screening. Should Members be minded to grant permission, it is recommended that conditions are included to require the submission of a tree protection plan.

#### *Chiltern Beechwoods Special Area of Conservation*

9.108 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

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<sup>11</sup> Schedule 2, Part 1, Class B.

identified to the Chilterns Beechwoods Special Area of Conservation (CBSAC) and Councils' duties under law required by Habitat's Regulations.

9.109 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.

9.110 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.

9.111 The agent has confirmed that the applicants are prepared to enter into a legal agreement to secure the above.

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

9.112 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. The application site is located within CIL Zone 1 where a charge of £375 per square metre of new residential floor area applies.

## **10. CONCLUSION**

10.1 The application represents limited infilling in a village and is therefore acceptable in principle. Careful consideration has been given to the design and layout of the proposed dwellings and it is considered that an appropriate balance has been struck between maximising the use of the site while respecting the character of the surrounding area. The scheme has been proactively amended during the determination period to provide a more spacious, verdant proposal with additional areas of landscaping.

10.2 Subject to a widening of the access road the Highway Authority is satisfied that the intensification of the access would not give rise to any concerns from a highway safety perspective. Furthermore, it has been confirmed that a dropped kerb access is sufficient and safe for the number of units concerned. It is noted, too, that parking in excess of that required by the Parking Standards SPD is proposed and, therefore, it is not considered that there will be any knock-on effects on the local highway network in terms of additional parked cars.

10.3 It is acknowledged that the site is surrounded by development on all sides and that there would inevitably be change in outlook to existing residents. However, following a careful review of the plans it is considered that, on balance, the new development would not result in any significant adverse impacts on residential amenity.

10.4 The provision of seven dwellings would make a small but valuable contribution to the Borough's housing stock. The benefit of housing is given very substantial weight when considering the significant shortfall in the council's five year housing land supply.

## **11. RECOMMENDATION**

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation.

**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:**

**2714 A Proposed Plan 3-Bed Cottages Plots 4 and 5**

**2714.23 C Proposed Site Layout**

**2714.25 Proposed Plans 2-Bed Cottages Plots 1, 2 and 3**

**2714.26 A Proposed Elevations 2-Bed Cottages Plots 1, 2 and 3**

**2714.28 B Proposed Elevations 3-Bed Cottages Plots 4 and 5**

**2714.29 B Proposed Floor Plans New Cottages**

**2714.31 Proposes Street Scene Sketch**

**2714.REF A Refuse Collection Vehicle Tracking**

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

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

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with 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 due to the constrained nature of the site and because any disruption to Water End Road 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.

6. **The development hereby approved shall not be occupied until the access road has been widened as shown on drawing no. 2714.23 C (Proposed Site Layout).**

Reason: In the interests of highway safety and to ensure a safe and satisfactory means of access for all users, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

7. **Prior to first occupation of the dwellings hereby permitted, details of a scheme to alert motorists of the potential presence of pedestrians on the access road shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation and permanently retained.**

Reason: In the interests of pedestrian safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

8. **a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:**
- i. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - ii. The results from the application of an appropriate risk assessment methodology.**
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan); 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 part 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.

This condition needs to be pre-commencement as any development (other than that necessary to carry out the relevant testing) has the potential to mobilise contaminants which could be harmful to human health and the natural environment.

9. **Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

**Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.**

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

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

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

11. **No development shall commence until a Noise Impact Assessment (NIA), compiled by appropriately experienced and competent persons, has been submitted to and approved in writing by the Local Planning Authority.**

**The NIA shall detail the noise levels associated with the car repair workshop (presently occupied by B & H Autos) to the south-west of the application site, and include an analysis of whether any noise mitigation measures are required to control noise levels in relation to both the interior and exterior areas associated with Plots 4 and 5 (and if so, full details of these measures), and a timescale for the implementation of these noise mitigation measures. The approved details shall be implemented in accordance with the approved details and permanently retained thereafter.**

Reason: In the interests of the amenity of future occupiers of Plots 4 and 5 and to ensure that an existing business does not have unreasonable restrictions placed on it as a result of subsequent development in the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraphs 135 (f) and 193 of the NPPF (2023).

This condition needs to be pre-commencement in order to ensure that the necessary mitigation to make the development acceptable in noise terms is built in to the final design of the dwellings. If works commence and progress too far, this could prejudice the ability to provide this mitigation.

12. **The dwellings hereby approved shall not be occupied until Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing no. 2714.23 C**

**The Electric Vehicle Charging Points shall have the following minimum specification:**

**7kW Mode 3 with Type 2 connector**

**230v AC 32 Amp Single Phase dedicated supply**



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

13. **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 2:**

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

**Plots 1, 2, 3, 4, 5, 7 & 8:**

**Schedule 2, Part 1, Classes B and C**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of highway safety, and the residential amenity of the future occupiers of Plot 2, in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), Policy 51 of the Dacorum Local Plan and Paragraph 135 of the National Planning Policy Framework (December 2023).

14. **Prior to first occupation of the dwellings hereby approved, the rear amenity areas shall be provided and laid out in accordance with drawing no. 2714.23 C (Proposed Site Layout) and thereafter permanently retained.**

Reason: In order to ensure that the dwellings have (and retain) sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Appendix 3 of the Dacorum Local Plan (2004).

15. **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt, to ensure a satisfactory form of development and in the interests of the residential amenity of the surrounding dwellings, in accordance with saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

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

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan

(2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

17. **No development above slab level shall take place until details of how ecological improvements will be incorporated within the development scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological improvements shall be informed by the Preliminary Ecological Appraisal prepared by Philip Irving (report date February 2023) and shall include details of the location of at least seven Swift Bricks and other ecological enhancements to be installed. All measures shall be implemented prior to first occupation of the development; or, in the case of planting, planted within one planting season of completing the development.**

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:**

##### 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.

### Ecology

The Recommendations in section 6 in the Preliminary Ecological Appraisal by Philip Irving (report date February 2023) represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species

### Environmental Health

#### *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*

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*

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**

<b>Consultee</b>	<b>Comments</b>
Environmental And Community Protection (DBC)	<p><u>RECONSULTATION</u></p> <p>With reference to the above planning application, although the application has now been reduced to 7 residential properties and can be seen in Drawing reference 2714.23, please be advised the Environmental Health Pollution Team still have concerns re the potential for noise intrusion to the proposed dwellings marked 4 and 5 from an existing vehicle repair workshop (B&amp;H Autos, Browns Spring). I would therefore like to re-iterate previous comments made by me and by my former colleague Andy on behalf of Environmental Health</p>

under consultation 21/04555/FUL:

*'I have reviewed the documentation submitted in support of this application and do not have any observation or objection to the development of dwellings marked 1,2, and 3 on Drawing reference 2714.13. However, I am concerned as regards the close proximity of the proposed dwellings marked 4, 5, and 6 to an existing vehicle repair workshop (B&H Autos, Browns Spring). I am not aware of any assessment undertaken by the applicant as to the potential impact of noise from this workshop on the residential amenity of the future residents of these dwellings and therefore I cannot recommend that permission be granted at this stage. I would therefore suggest that determination of this application is deferred until such time the applicant has furnished more information on the noise from this workshop to the Local Planning Authority and, as appropriate, clearly set out any mitigation measures that are necessary to protect future residential amenity.'*

Additionally, I would also recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

#### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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

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

#### Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and

emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

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

#### Air Quality Informative

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

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

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

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

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

#### Invasive and Injurious Weeds - Informative

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

	<p><a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Environmental And Community Protection (DBC)</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have concerns re the potential for noise intrusion to the proposed dwellings marked 4,5, and 6 from an existing vehicle repair workshop (B&amp;H Autos, Browns Spring). I would therefore like to re-iterate previous comments made by a former colleague Andy on behalf of Environmental Health under consultation 21/04555/FUL:</p> <p><i>'I have reviewed the documentation submitted in support of this application and do not have any observation or objection to the development of dwellings marked 1,2, and 3 on Drawing reference 2714.13. However, I am concerned as regards the close proximity of the proposed dwellings marked 4, 5, and 6 to an existing vehicle repair workshop (B&amp;H Autos, Browns Spring). I am not aware of any assessment undertaken by the applicant as to the potential impact of noise from this workshop on the residential amenity of the future residents of these dwellings and therefore I cannot recommend that permission be granted at this stage. I would therefore suggest that determination of this application is deferred until such time the applicant has furnished more information on the noise from this workshop to the Local Planning Authority and, as appropriate, clearly set out any mitigation measures that are necessary to protect future residential amenity.'</i></p> <p>Additionally, I would also 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</p>

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.

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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.

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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.

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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



	<p>40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p>
<p>Crime Prevention Design Advisor</p>	<p><u>RECONSULTATION</u></p> <p>Thank you for sight of re consultation planning application Reference: 23/01211/FUL, Proposal: Demolition of frontage buildings and redevelopment of site for 7 dwelling houses, Address: 23 Water End Road and Land to Rear Of 21 Water End Road Potten End Berkhamsted Hertfordshire.</p> <p>In relation to crime prevention and security I would ask that the dwellings are built to the police preferred minimum security standard Secured by Design.</p> <p>I do have some concerns regarding the parking arrangements for the proposed dwellings 7 and 8. There is limited surveillance and experience has shown that people would rather see their cars will there be a gate from the gardens? Or will access to the cars be from the existing road?</p>
<p>Crime Prevention Design Advisor</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>In relation to crime prevention and security I would ask that the dwellings are built to the police preferred security standard Secured by Design.</p> <p>Physical Security (SBD)</p> <p>Layout: Good layout , no rat runs, passive surveillance across the site</p> <p>Boundary: Close board 1.8 m fencing (2m with trellis optional, however improves security) to the rear and side of the properties. Gates to the side in line with the building , with a secure lock.</p> <p>Front Doors:</p> <p>Certificated to BS PAS 24:2016 or PAS 24:2022.</p> <p>Windows:</p> <p>Ground floor windows / Patio Doors and those easily accessible certificated to BS PAS 24:2016 or LPS 1175</p> <p>Dwelling security lighting:</p>

	<p>(Dusk to dawn lighting).</p> <p>Car Parking:</p> <p>Good to see allocated parking with EV charging.</p> <p>Kind Regards,</p>
Natural England	<p><u>RECONSULTATION</u></p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 8 June 2023, reference number (437037).</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
Natural England	<p><u>RECONSULTATION</u></p> <p>Thank you for your consultation.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 08 June 2023, reference number (437037).</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
Nettleden with Potten End Parish Council	<p><u>RECONSULTATION</u></p> <p>Object</p> <p>We welcome the reduction in the total number of new houses proposed for this site with this new iteration. However, many issues raised in previous objections still remain unaddressed and unresolved,</p>

and as such we must maintain our position of objecting to this application.

By way of background, this application represents a small amendment to application submitted in May/June 2023 with the same case number. That one followed on from a refusal for a previous application (21/04555/FUL).

Objections related to CS8 - Highways/access issues:

The access road has been widened in this new application and at 5.5 metres appears adequate for emergency vehicles, as confirmed by the response from Hertfordshire Fire & Rescue (HCC) on 29/06/2023.

1. Waste collection remains an unresolved issue - the applicant's plans must be explicitly endorsed by Dacorum waste services. The applicant has also submitted an analysis of the path that could be taken by waste vehicles to service the development, including the ability to make a turn to avoid reversing back out onto the busy Water End Rd. However, we remain highly sceptical of whether waste vehicles will indeed follow this path. The swept path analysis shows that in ideal conditions, it would be possible. However, it only needs for a visitor or a delivery vehicle to be in the way, and it would render the turning impossible. Furthermore, the driver of the waste vehicle will not know if the access is clear until they have fully ventured into the development. At which point, if they cannot turn, they will be forced to reverse onto Water End Road, a manoeuvre that will be hazardous to them, passing traffic and pedestrians. We strongly urge officers to speak directly to the administrators at Cupid Green Depot to confirm whether their waste vehicles will follow the applicant's suggested path. If not, as pointed out in past objections, a large space will need to be found for the presentation of 10 wheelie bins (2 bins per house in the close) proximal to the road, in addition to the 4 from the new houses on Water End Road.
2. The current dropped curb is WHOLLY inadequate for the number of dwellings using it and represents a very real danger - especially to passing foot traffic.

We reiterate our concerns about the dropped curb access to Water End Road, which is significantly outside of HCC Highways guidance on such access. In their comment on the previous application, Highways stated that "dropped kerbs are normally only permitted for five dwellings, but the existing dropped kerb and access could be used for the six new dwellings." Highways failed to account for the other four properties also sharing this access lane and dropped kerb - all large family houses (25 Water End Rd, Hillcrest, Jenady, and the property behind 19-21 Water End Rd subject to 19/03263/FUL). This amended application would still add the cars of one further dwelling to the mix, so in total that would be eleven dwellings using an access that should only be approved for five. Each one of those, being a large family home in a rural location, has at least two vehicles. There will also be guest

cars, delivery trucks, and - supposedly - the waste vehicles.

This represents a dangerous breach of the guidelines - which are there for a reason. The reason that dropped curbs are limited to just a few dwellings is that the vehicles using it will be passing across a pedestrian footpath, and pedestrians will not be instantly aware that there is the possibility of passing traffic as they walk along it. This is only sustainable in the event of such vehicles being few in number. Where they become more numerous and frequent, guidance requires that the access be upgraded to a road. A road represents a clear break in the footpath, that prompts pedestrians to stop and check for traffic before crossing.

The danger is heightened in this location because of the absence of any visibility splay for oncoming foot traffic as cars exit this access road. This access road is relatively hidden to both drivers and pedestrians passing along Water End Road and footpath. Cars exiting from this lane onto Water End Road have similarly reduced visibility, until their front wheels are already halfway over the footpath. The site is very near a preschool and primary, with small children on pedal bikes and mums with pushchairs on that footpath.

Objections related to CS11 - respect adjoining properties

These houses remain too tall for their location, and fail to respect adjoining properties in terms of scale / bulk.

Elevation change on topographical maps shows an almost 10-20 metre rise in the ground-level from Browns Springs up to Water End Road. This means these houses will loom over those on the southern side of Browns Spring, especially those proximal to the boundaries of the site.

Furthermore, the pitch of the rooves is unnecessarily steep, creating taller than necessary structures, adding to the "looming" issue mentioned above. This would clearly allow for loft conversions, which would be problematic as the parking allowances would become inadequate for the number of bedrooms. Shallower pitched rooves would preclude this possibility.

Objections relating to Drainage & Sewage disposal

We reiterate our concerns around the pressures on the local sewerage system in this immediate area, which have been raised with the Council before. It is our understanding that Thames Water is still conducting frequent (weekly) visits to the area for remedial works, and this is attested to in some of the householder objections available on the planning portal.

This development will add enormously to the pressure on this system in two significant ways: Firstly, it will add another 7 family houses onto the sewerage system, which may not affect them, as they are further up the pipeline, but will undoubtedly be felt by

	<p>residents of Browns Spring. Secondly, the water run off that is currently absorbed by this stretch of land will now carry on down the incline towards Browns Spring. It has long been noted that in this area there is no separation between surface water and sewerage.</p> <p>We would therefore like to see plans of the surface water treatment clearly evidencing that surface water will not go into the sewerage system, especially in light of the loss of natural drainage through building on this plot of open land.</p> <p>Finally: We endorse the suggestion to include Swift bricks in each of the new dwellings. We note and endorse the call for these new builds (and indeed all new builds) to make provision for Swift bricks in their construction plans. Such bricks provide nest cavities for a wide variety of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling.</p> <p>The council will be aware that there are increasing calls across all parties for such bricks to become a mandatory element in new homes, and Dacorum could join other councils in being at the forefront of implementing such measures. They represent a clear biodiversity gain, with very little effort.</p>
<p>Nettleden with Potten End Parish Council</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>Object</p> <p>A full version of this objection including plans and a footnote has been loaded onto the portal.</p> <p>The only reason for the refusal of the previous application (21/04555/FUL) cited in the minutes of the Development Management Committee after the last application was a concern regarding the access road. In the view of the Parish Council which was represented at the meeting, this doesn't fully capture the breadth of concerns that were raised by councillors, which also included overdevelopment/back-land development and sewerage/drainage issues.</p> <p>This is a complicated site and it's worth stating up front that elements of the proposed development affect not only the developments in this proposal but also:</p> <ul style="list-style-type: none"> <li>'25 Water End Rd (which shares the drop kerb access to the proposed development),</li> <li>' Hillcrest and Jenady (which share the drop kerb and access road)</li> <li>' the unnamed property behind 19-21 Water End Rd (the subject of 19/03263/FUL) which shares the drop kerb and access and has its amenity space reduced by this proposal.</li> </ul> <p>[see map]</p>

CS8 - Highways/access issues:

The access road has been widened in this new application and at 5.5 metres appears adequate for emergency vehicles, as confirmed by the response from Hertfordshire Fire & Rescue (HCC) on 29/06/2023. The applicant has also submitted an analysis of the path that could be taken by waste vehicles to service the development, including the ability to make a turn to avoid reversing back out onto the busy Water End Rd.

We strongly encourage officers to conduct a site visit to judge for themselves the appropriateness of the proposed access arrangement. We have the following concerns:

1. On the drawing the turning for the waste vehicle seems tight, with the vehicle scraping the boundary of the property behind 19-21 Water End Road (the subject of 19/03263/FUL). A major question for Dacorum is whether their waste service department is content to do this or whether they will still determine that they cannot go down this road. If they cannot, clearly there needs to be a bin store along the access road, big enough to allow for the storage of at least 12 wheelie bins [see footnote]. This would effectively narrow the access road again, and we would be back to the previous objection.

We note the response on the planning portal from DBC's Cupid Green Depot, dated 30/06/2023, which states:

*"From a waste perspective there should be space to store 3 x wheeled bins and a curbside caddy. There should be space outside their boundary nearest the road to present 2 x wheeled bins and a curbside caddy for collection.*

*The collection vehicle is a 26t rigid freighter."*

It is not clear from this response if the access suggested by the applicant is deemed acceptable, or if by "road" they are referring to the main road (Water End Road). It is also not clear to us if the applicant's vehicular analysis for the waste vehicle is based on a 26t rigid freighter, as that is not specified in the documents submitted. We therefore are still concerned about these arrangements.

2. The arrangements also rely on the parking staying only within allocated slots. The parking on site is at the absolute minimal level required by DBC, with 17 parking spaces for 8 houses (based on 2.25 spaces per three bedroom house and 1.8 spaces per two bedroom house, with 2 guest parking slots). Should any additional vehicles be parked on site, it is likely to interfere with the ability of the waste vehicle to manoeuvre its turn, and therefore it will need to reverse along the access road and then onto Water End Road. As an arterial route for East-West traffic, we are very concerned about any vehicles having to reverse onto Water End Road, particularly given visibility issues.

3. We reiterate our concerns about the dropped curb access to Water

End Road, which significantly outside of Highways past guidance on such access. In their comment on the previous application, Highways stated that "dropped kerbs are normally only permitted for five dwellings, but the existing dropped kerb and access could be used for the six new dwellings." Highways failed to account for the other four properties also sharing this access lane and dropped kerb - all large family houses (25 Water End Rd, Hillcrest, Jenady, and the property behind 19-21 Water End Rd subject to 19/03263/FUL). This application adds another two houses to the mix, so in total that would be 12 houses using an access that should only be approved for five.

We note that in their response to this updated application, Highways have now said:

*"The site has an existing dropped kerb which serves the brownfield site to the rear. The proposal is to keep this dropped kerb and access but widen the internal route to allow two vehicles to pass and in case of an emergency a fire appliance truck to enter the site. Normally, HCC Highways would only allow 5 dwellings off a dropped kerb, however, within emerging guidance dropped kerbs are deemed to be able to cope with more trips than previously recommended. Therefore, in this instance the dropped kerb is deemed suitable for the proposal as this will ensure that the pedestrian environment is maintained which is in accordance with policies stipulated within HCC's Local Transport Plan (adopted 2018). Therefore, it is deemed that no alterations are proposed to the adopted highway network. If alterations are needed then this must be completed under a section 278 agreement - please see informatives 4. Cars are deemed to be able to turn on site which is necessary to ensure highway safety. Parking is a matter for the Local Planning Authority and therefore any on-site parking arrangements must be agreed by them. The proposed dwellings will be located adjacent a footway which links to the town of Potten End which has facilities such as shops and pubs. The site is considered sustainable regarding highway matters and therefore is in line with policies stipulated within HCC's Local Transport Plan (adopted 2018)."*

We have not been able to find any guidance regarding the number of dwellings suitable for a dropped kerb, either past or emerging, on the HCC's website. It is not clear if they acknowledge in this response that the increase would be from 5 to 12, which is a significant jump. Our concern is not regulatory rigour but the safety of the road and footpath users around this access road. Whilst the access road is widened, the dropped kerb is not.

4. We also wish to reiterate our concerns regarding the visibility for traffic coming out of this lane and joining onto Water End Road: This access road is relatively hidden to both drivers and pedestrians passing along Water End Road and footpath. Cars exiting from this lane onto Water End Road have similarly reduced visibility, until their front wheels are already halfway over the footpath. The site is very near a preschool and primary, with small children on pedal bikes and mums with pushchairs on that footpath.

CS12 - respect adjoining properties in terms of - density (Overdevelopment)

As noted in our previous objection, in our view this site is overdeveloped. We welcome the proposal of new housing that is smaller than a great deal of new development, making it accessible for first time buyers and those looking to downsize. However, we do still feel that ideally the number of houses (without enlarging what is currently proposed) should be 4-5. This would reduce the pressure on parking and the sense of too many small but tall houses crammed onto the site. It would also allow for a larger gap between what is currently plot number 4, and the rear of Hill View on Browns Spring.

In the previous officers' report that recommended approval, DPH figures were cited to show that this development was within typical density for the area. Those DPH figures were based on a small handful of historic Victorian workers cottages which are not representative of most of the nearby housing and we consider these comparisons wholly inappropriate. They are also - and crucially - only half the height of the houses in the proposed development.

CS12 - respect adjoining properties in terms of - Scale / Bulk:

Elevation change on topographical maps shows an almost 10-20 metre change in the ground from Browns Springs up to Water End Road. This means these houses will loom over those on the southern side of Browns Spring, especially those proximal to the boundaries of the site.

Furthermore, the pitch of the rooves is unnecessarily steep, creating taller than necessary structures, adding to the "looming" issue mentioned above. This would clearly allow for loft conversions, which would be problematic as the parking allowances would become inadequate for the number of bedrooms. Shallower pitched rooves would preclude this possibility.

Drainage & Sewage disposal

We reiterate our concerns around the pressures on the local sewerage system in this immediate area, which have been raised with the Council before. It is our understanding that Thames Water is still conducting frequent (weekly) visits to the area for remedial works.

We would therefore like to see plans of the surface water treatment clearly evidencing that surface water will not go into the sewerage system, especially in light of the loss of natural drainage through building on this plot of open land.

Property behind 19-21 Water End Rd - losing all amenity space?

We are aware that DBC have certain minimal amenity space requirements for a given amount of residential square footage. We note that the current proposal reduces the amount of amenity space available to this property relative to that proposed in 19/03263/FUL



	<p>(see maps below) and would ask that consideration be given to whether this is acceptable. If so, and if this application is approved, presumably there will need to be an alteration to 19/03263/FUL.</p> <p>Map below extracted from 19/03263/FUL.</p> <p>[see map]</p> <p>Map below from current application.</p> <p>[see map]</p>
Thames Water	<p><u>ORIGINAL CONSULTATION</u></p> <p>Waste Comments:</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://www.thameswater.co.uk/developers/larger-scale-">https://www.thameswater.co.uk/developers/larger-scale-</a></p>

	<p>developments/planning-your-development/working-near-our-pipes</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments: With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
<p>Hertfordshire Highways (HCC)</p>	<p><u>RECONSULTATION</u></p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>AN 1) Construction Management Plan / Statement</p> <p>No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> <li>a. <i>Construction vehicle numbers, type, routing;</i></li> <li>b. <i>Access arrangements to the site;</i></li> <li>c. <i>Traffic management requirements</i></li> <li>d. <i>Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</i></li> <li>e. <i>Siting and details of wheel washing facilities;</i></li> <li>f. <i>Cleaning of site entrances, site tracks and the adjacent public highway;</i></li> <li>g. <i>Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</i></li> <li>h. <i>Provision of sufficient on-site parking prior to commencement of construction activities;</i></li> <li>i. <i>where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;</i></li> <li>j. <i>Phasing Plan.</i></li> </ul> <p><i>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</i></p>

## Highway Informatives

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

AN 1) Storage of materials: 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 amendments are in relation to the removal of a dwelling to now create 7 instead of 8.

The proposal is for the demolition of frontage buildings and redevelopment of site for 7 dwelling houses at 23 Water End Road And Land To Rear Of 21 Water End Road, Potten End, Berkhamsted. Water End Road is a 30 mph classified C Local Distributor route that is highway maintainable at public expense.

#### Highway Matters

The site has an existing dropped kerb which serves the brownfield site to the rear. The proposal is to keep this dropped kerb and access but widen the internal route to allow two vehicles to pass and in case of an emergency a fire appliance truck to enter the site. Normally, HCC Highways would only allow 5 dwellings off a dropped kerb, however, within emerging guidance dropped kerbs are deemed to be able to cope with more trips than previously recommended. Therefore, in this instance the dropped kerb is deemed suitable for the proposal as this will ensure that the pedestrian environment is maintained which is in accordance with policies stipulated within HCC's Local Transport Plan (adopted 2018). Therefore, it is deemed that no alterations are proposed to the adopted highway network. If alterations are needed then this must be completed under a section 278 agreement - please see informatives 4. Cars are deemed to be able to turn on site which necessary to ensure highway safety. Parking is a matter for the Local Planning Authority and therefore any on site parking arrangements must be agreed by them. The proposed dwellings will be located adjacent a footway which links to the town of Potten End which has facilities such as shops and pubs. The site is considered sustainable regarding highway matters and therefore is in line with policies stipulated within HCC's Local Transport Plan (adopted 2018).

#### Drainage

The proposed new drive and parking would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.

#### Refuse / Waste Collection

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>Emergency Vehicle Access</p> <p>HCC Highways has sent the fire appliance swept path to Herts Fire and Rescue. They will provide a response directly to DBC. HCC Highways would like to agree with any recommendation they make.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and conditions.</p>
Hertfordshire Highways (HCC)	<p><u>ORIGINAL CONSULTATION</u></p> <p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>AN 1) Construction Management Plan / Statement</p> <p><i>No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:</i></p> <ul style="list-style-type: none"> <li><i>a) Construction vehicle numbers, type, routing;</i></li> <li><i>b) Access arrangements to the site;</i></li> <li><i>c) Traffic management requirements</i></li> <li><i>d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</i></li> <li><i>e) Siting and details of wheel washing facilities;</i></li> <li><i>f) Cleaning of site entrances, site tracks and the adjacent public highway;</i></li> <li><i>g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</i></li> <li><i>h) Provision of sufficient on-site parking prior to commencement of construction activities;</i></li> <li><i>i) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;</i></li> <li><i>j) Phasing Plan.</i></li> </ul> <p><i>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</i></p> <p>Highway Informatives</p>

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#### Comments

The amendments are in relation to the addition of an application form.

The proposal is for the demolition of frontage buildings and redevelopment of site for 8 dwelling houses at 23 Water End Road And Land To Rear Of 21 Water End Road, Potten End, Berkhamsted. Water End Road is a 30 mph classified C Local Distributor route that is highway maintainable at public expense.

#### Highway Matters

The site has an existing dropped kerb which serves the brownfield site to the rear. The proposal is to keep this dropped kerb and access but widen the internal route to allow two vehicles to pass and in case of an emergency a fire appliance truck to enter the site. Normally, HCC Highways would only allow 5 dwellings off a dropped kerb, however, within emerging guidance dropped kerbs are deemed to be able to cope with more trips than previously recommended. Therefore, in this instance the dropped kerb is deemed suitable for the proposal as this will ensure that the pedestrian environment is maintained which is in accordance with policies stipulated within HCC's Local Transport Plan (adopted 2018). Therefore, it is deemed that no alterations are proposed to the adopted highway network. If alterations are needed then this must be completed under a section 278 agreement - please see informatives. Cars are deemed to be able to turn on site which necessary to ensure highway safety. Parking is a matter for the Local Planning Authority and therefore any on site parking arrangements must be agreed by them. The proposed dwellings will be located adjacent a footway which links to the town of Potten End which has facilities such as shops and pubs. The site is considered sustainable regarding highway matters and therefore is in line with policies stipulated within HCC's Local Transport Plan (adopted 2018).

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The proposed new drive and parking would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the existing and the new driveway would need be collected and disposed of on site.

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	<p>Emergency Vehicle Access</p> <p>HCC Highways has sent the fire appliance swept path to Herts Fire and Rescue. They will provide a response directly to DBC. HCC Highways would like to agree with any recommendation they make.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition</p>
<p>Hertfordshire Fire &amp; Rescue (HCC)</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>Hertfordshire Highways have asked us to review the above Planning Application and to pass comments to yourself.</p> <p>We note on the proposed site plan the access path is to be widened to 5.5m. This will offer attending firefighters plenty of room to stop if needed on that path and to open doors on both sides of a fire appliance. There also appears to be areas not marked as parking spaces to allow large vehicles to turn. We also note on one of the plans there is a proposal for a fire hydrant - we would support this proposal.</p>
<p>Scientific Officer (DBC)</p>	<p><u>RECONSULTATION</u></p> <p>Just confirming that there is still no change to previous advice:</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 it is present will be remediated.</p> <p>This is considered necessary because the application is for the construction of houses with private gardens on land that has historically been occupied by a variety of buildings and in the south west corner is adjacent to land historically occupied by a former works and a builder's yard. As such the possibility of ground contamination associated with former land uses, as well as made ground associated with areas that are to be demolished to enable the redevelopment, cannot be ruled out at this stage.</p> <p>It is noted that the Planning Statement refers to the reliance of a Land Contamination Discovery Condition in relation to permission 19/03263/FUL and concludes that a similar approach will be acceptable for this application. However, this application differs substantially for the reasons outlined above and because 19/03263/FUL was for conversion of an existing building without the introduction of private gardens.</p> <p>For the above reasons, the following planning conditions should be included if permission is granted.</p>



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 Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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

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

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan); 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

	<p>subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here  <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p>
<p>Scientific Officer (DBC)</p>	<p><u>ORIGINAL CONSULTATION</u></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 it is present will be remediated.</p> <p>This is considered necessary because the application is for the construction of houses with private gardens on land that has historically been occupied by a variety of buildings and in the south west corner is adjacent to land historically occupied by a former works and a builder's yard. As such the possibility of ground contamination associated with former land uses, as well as made ground associated with areas that are to be demolished to enable the redevelopment, cannot be ruled out at this stage.</p> <p>It is noted that the Planning Statement refers to the reliance of a Land Contamination Discovery Condition in relation to permission 19/03263/FUL and concludes that a similar approach will be acceptable for this application. However, this application differs substantially for the reasons outlined above and because 19/03263/FUL was for conversion of an existing building without the introduction of private gardens.</p> <p>For the above reasons, the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p>

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

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

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

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan); 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

	<p>writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a></p> <p>Please let me know if you have any questions.</p>
Conservation & Design (DBC)	<p><u>RECONSULTATION</u></p> <p>Following the receipt of the amended material for application referenced 23/01211/FUL at 21- 23 Water End Road, I believe the applicants have addressed many of the original design comments.</p> <p>The amendments to the layout are an overall improvement to the scheme, creating better offsets with adjacent properties and more meaningful landscaped spaces within the development. The proximity of unit 1 and the existing dwelling Jenady remain a concern and a greater offset should be considered.</p> <p>The changes to the materiality and detailing, whilst minor are appreciated and again considered to be an improvement. It remains that there are greater opportunities to improve the overall appearance and quality of the units. However, the overall appearance is considered acceptable from a design perspective.</p>
Strategic Planning & Regeneration (DBC)	<p><u>ORIGINAL CONSULTATION</u></p> <p>We do not wish to comment on this application on this occasion.</p>
Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead HP2 7BA	<p><u>RECONSULTATION</u></p> <p>Houses will require 3 x wheeled bins and a curb side caddy. They will also need space outside their boundary to present them on collection day. The collection vehicle is a 26t rigid freighter.</p>
Dacorum Borough Council, Cupid Green	<p><u>ORIGINAL CONSULTATION</u></p>

<p>Depot Redbourn Road Hemel Hempstead Hp2 7ba</p>	<p>From a waste perspective there should be space to store 3 x wheeled bins and a curbside caddy. There should be space outside their boundary nearest the road to present 2 x wheeled bins and a curbside caddy for collection. The collection vehicle is a 26t rigid freighter</p>
<p>Hertfordshire Ecology</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>Overall Recommendation:</p> <p>Application can be determined (with any conditions listed below).</p> <p>Further information and/or amendments required before application can be determined.</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>• There is sufficient information on EPS (bats) to allow determination</li> <li>• Mitigation measures outlined in section 6 of the Preliminary Ecological Appraisal should be secured by condition.</li> <li>• A HRA for the Chilterns beechwood will be required.</li> <li>• A Ecological enhancement plan should be secured by condition.</li> <li>• Suggested wording for Conditions.</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 by Philip Irving (report date February 2023).</li> <li>• S:ECOLOGY team3 Water End Road and Land to rear of 21 Water End Road Potten End</li> </ul> <p>Comments:</p> <p>Ecological Summary: The site is within a semirural setting, Hertfordshire Environmental Records Centre have no additional information to add to that of the Preliminary Ecological Appraisal. This assessed the site as being composed of hard surfacing, disturbed ground and false oat grassland. I have no reason to dispute this assessment.</p> <p>Surveys: The Survey was carried out in February 2023 a suboptimal time for botanical surveys. However, given the location and character of the site I have no reason or further information to suggest that it contains notable or protected plant species or habitats. No evidence of protected species other than the potential for nesting birds was encountered during the survey, The site could have potential for common reptiles, but suitable mitigation is provided.</p> <p>Mitigation: Suitable mitigation is provided within section 6 of the report to safeguard protected herpetofauna, and mammals I advised these are secured by Condition (See below).</p>

Compensation & Enhancement: No details are given for the loss of habitats on site, however, an aspiration to minimise the loss of trees and hedges has been expressed in the PEA and reiterated in the Planning statement. The planning statement section 4.50 states that in order to be policy compliant with the NPPF with regards biodiversity net gain, new bat and bird nesting and roosting opportunities will be provided in the new buildings and access routes for badgers retained in fencing. The bat and bird features should be of the type that is integrated into the buildings. I advise that these measures as well as any planting or retention of vegetation that contributes to the compensation or net gain are demonstrated within a Landscape and Ecological Management Plan and secured by Condition (See below).

Biodiversity net gain: It is not yet mandatory for any site to deliver a biodiversity net gain of a minimum of 10%. Furthermore, for sites of this size mandatory net gain as defined by the environment act is not due to become mandatory till 2024.

Chilterns Beechwoods Special Area of Conservation (SAC): The proposed development comprises the construction of seven new dwellings which will result in 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.

If, following further 'appropriate assessment', the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.

Effective mitigation will be best delivered by adopting the measures set out in the Council's strategic mitigation plan and the payment of the appropriate tariff(s). The latter will contribute to the implementation of 'strategic access management and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).

Although the Planning Statement acknowledges the SAC there is no indication that the tariff(s) have been secured. It is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.

Conditions and Informatives:

*"Prior to commencement of the development, a Landscape and Biodiversity Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan should be informed by the Preliminary Ecological Appraisal by Philip Irving (report date February 2023) and shall include details of any retained*

	<p><i>vegetation, new planting, as well as the location of any habitat boxes and other ecological enhancements to be installed. The plan shall be submitted to the LPA to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met."</i></p> <p><i>"The Recommendations in section 6 in the Preliminary Ecological Appraisal by Philip Irving (report date February 2023) represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species"</i></p>
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
52	16	3	13	0

### Neighbour Responses

Address	Comments
12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF	<p>This development would benefit from the inclusion of integrated Swift bricks incorporated within the fabric of the walls of the new houses. The Preliminary Ecological Appraisal mentions that Swift bricks could be provided.</p> <p>Swift bricks meet BS 42021:2022 and as such provide nest cavities for four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling.</p> <p>One example of a Swift Brick is the S Brick which can be colour-matched to brickwork or incorporated within a rendered wall: <a href="https://www.actionforswifts.com/">https://www.actionforswifts.com/</a></p> <p>Such bricks would be ideally placed as high as possible on each of the three east facing gable ends on this development.</p> <p>Bearing in mind that the PEA only suggests the inclusion of Swift bricks I would ask that they are secured by way of condition, worded such as "no development shall take place until written details are provided of the model and location of 6 integrated Swift bricks, such bricks to be fully installed prior to occupation and retained thereafter"</p> <p>You may also wish to consider including integrated bat bricks into this condition as well</p> <p>Although not in force yet, this would be in accordance with draft local plan policy 18.24: "Features for wildlife should be integrated into the built environment e.g. bird boxes, bat boxes and hedgehog highways " The mention of Swift bricks in the Preliminary Ecological Assessment is welcome, but limited information is given about the number of them,</p>

	<p>Integrated Swift bricks conform to BS 42021:2022, making them universal as they provide nest cavities for a wide variety of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling.</p> <p>On this development, Swift bricks could be easily grouped together on the gable ends of the new buildings, thus making inclusion a real biodiversity enhancement.</p> <p>Please do not impose a condition to simply comply with the PEA given the lack of detail. Instead please impose the following, the wording adapted from BS 42021:2022, which can also secure integrated bat boxes:</p> <p>"No development shall take place until written details are approved by the LPA of the model and location of 6 integrated Swift bricks and 4 integrated bat boxes, to be fully installed prior to occupation and retained thereafter", in accordance with CS26 and the NPPF</p>
<p>Springfield 25 Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>RECONSULTATION</u></p> <p>We have concerns regarding the suitability of the only access from Water End Road to the site. Our property shares a dropped kerb/cross-over with both the entrance to this access and Water End Road.</p> <p>We believe the building of another 7 properties (8 including the redevelopment of a workshop with planning already granted) would increase traffic flows impacting on road user-safety when entering or exiting the site.</p> <p>Additionally, due to the insufficient parking spaces an increased number of vehicles will be forced to park on Water End Road, making the road more hazardous for both road-users and pedestrians.</p> <p>In conclusion, we feel that the site does not lend itself to the number of properties being proposed in this revised plan.</p>
<p>Springfield 25 Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>FIRST CONSULTATION</u></p> <p>We have concerns regarding the suitability of the only access from Water End Road to the site. Our property shares a dropped kerb/cross-over with both the entrance to this access and Water End Road.</p> <p>We believe the building of another 8 properties (9 including the redevelopment of a workshop with planning already granted) would increase traffic flows impacting on road user-safety when entering or exiting the site.</p> <p>Additionally, due to the insufficient parking spaces an increased number of vehicles will be forced to park on Water End Road, making the road more hazardous for both road-users and pedestrians.</p>



	<p>In conclusion, we feel that the site does not lend itself to the number of properties being proposed.</p>
<p>Meadow View Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p>I wish to strongly oppose this application, on many different grounds, and I list some of these grounds below:</p> <ol style="list-style-type: none"> <li>1. Increased risk of accidents on Water End Road.</li> </ol> <p>At the moment there is increased use of Water End Road for parking on this blind bend. This estate will just further increase the number of vehicles parked on this road, leading to an increased likelihood of further accidents. I am concerned at the moment, and with this development I believe there will be a risk of fatalities.</p> <ol style="list-style-type: none"> <li>2. Increased risk of flooding.</li> </ol> <p>When there is heavy rainfall, we currently suffer with run-off. With this piece of ground built over, there is likely to be higher level of run-off</p> <ol style="list-style-type: none"> <li>3. Increased sewage spillage.</li> </ol> <p>The pumping station is over worked, and it is a regular occurrence for workmen and vehicles to be seen clearing the problem. More houses will only increase the problem</p> <ol style="list-style-type: none"> <li>4. Local wild life.</li> </ol> <p>My property backs up to this development. There are badger tracks across my lawn. Badgers feature regularly on my camera footage. The badger setts are somewhere. I would think most likely they are on this piece of land.</p> <ol style="list-style-type: none"> <li>5. Noise and exhaust pollution.</li> </ol> <p>When I moved to this property, I was able to sit outside, hear the birds and breath in the air. I was told that this piece of land had remained 'under grass' for at least 100 years. Now it appears that right will be taken away.</p>
<p>Hill View Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p>The previous application was unanimously rejected, however it appears little has been absorbed following the many concerns raised.</p> <p>The applicant 'mis-measured' the access previously to show two-way traffic, it appears they have lost their ruler completely this time. Their answer appears to be to demolish property on the main road. This would be great if this resulted in a proper road with a walkway. The narrow property and adjacent garage he proposes to level, is replaced with not one, but two properties. This reduces the access back to 5.5 metres, then on top of that the plans show a walkway which will reduce this by 1.2 metres and therefore back to one-way traffic. There is also a telling lack of any measurements presumably to provide 'flex' as opposed to fact.</p> <p>The village has strived to support the two pubs and successful village shop. Now, even in their own planning statement they cite the need to</p>

	<p>provide housing to support local businesses, (item 4.56). The unnecessary demolition of the garage, which houses the kitchens for the thriving new chocolatiers, means the loss of another business in the village. The hypocrisy is choking.</p> <p>Highways advised the council in the previous application that a dropped kerb was acceptable for 5 properties and therefore as this was only 6, they would not object. The applicant did not enlighten them that there are already two existing substantial properties, approved planning for a sizeable property (guess who), and the property to the right of the access also must use this as entry/exit to the main road. That made 10 and the new applications answer to this? add another two, making 12. This is over double Highways normal allowance, do they think we are all stupid?</p> <p>Overcrowding of the site was raised by many of the councillors at the meeting and it was felt it would be far more appropriate to reduce it to a number more fitting to the plot size. This is the original centre of Potten End with the Fox Inn, Old Bakery and Elm Tree Cottages first mentioned in the 1700's. A modern, cramped cul-de-sac needs to be 'in keeping' with the surrounds.</p> <p>The vast quantity of groundwork and hard standing coupled with the sloping ground will result in substantial run off into the gardens below. We have already seen two flash floods this month proving the sinkhole repair in Hempstead Lane to be disastrous. I really don't want to be the next victim of optimism. The existing sewerage system is already not fit for purpose and although Thames Water say they have no objection, they are every month and often more, running their disgusting pipes up the road to dispose of goodness know what. A number of properties have experienced raw sewage over the years, videos can be supplied.</p> <p>I am fully aware that we need affordable housing, but these have high rooflines to encourage loft conversions which will mean properties at three times the value of flats in nearby towns. If the rooflines are reduced this will protect this as affordable.</p> <p>In short, the applicant has ignored everything that has been said by the locals, the Parish Council and Dacorum, so much for consultation.</p>
<p>Dunromin Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>RECONSULTATION</u></p> <p>I wish to object to amended plans submitted on behalf of the applicant on 24 October 2023. The development will abut my property in Browns Spring. Although the proposal indicates one less terraced dwelling this still constitutes back-land, over-development within this Green Belt area. The proposed site is stated by the Parish Council in their earlier objection as having an elevation of 10-20 metre change in ground level from Browns Spring up to Water End Road. The high elevation and the steep roof line will mean that the houses will dominate the skyline above my property. This visual intrusion will result in my loss of privacy and being overlooked. These factors will result in noise and disturbance causing loss of enjoyment of my amenity. Pollution and noise from traffic using this site will be a</p>

problem when using my outdoor space.

The removal of one dwelling will allow scope for an elevated side extension on Plot 4 in the future.

I am concerned with water run-off from this elevated site. At present the field has shrubs and vegetation for natural capture. The application mentions "capture and harvest". The Council is encouraging one new tree per dwelling. The applicant's response is that "efforts will be made to address this issue albeit the location limits the planting of trees on site." I fear that more hard surfaces will result in overload of drainage and run-off water from this elevation.

The vehicular drop-kerb access to the busy Water End Road is currently used by three houses Jenady, Hillcrest and 25 Water End Road. The parking spaces allocated for this new development will all use the drop-kerb access. There is also one proposed dwelling for which the applicant has successfully been granted planning permission (Ref. 19/03263/FUL) and this has not been taken into account with this application, therefore along with the three existing houses it will result in a dangerous operation when accessing this site.

The drop-kerb area crosses a pavement onto a blind bend in Water End Road with very poor visibility. Cars already park along this road causing congestion and restricting the view along Water End Road making it a hazardous and dangerous exit and entrance to the site. Water End Road is an arterial route for traffic to and from Hemel Hempstead and Berkhamsted with a constant flow of vehicles. There is a row of houses in Water End Road adjacent to the proposed development. These houses have no allocated parking spaces or driveways so parking for these residents is on Water End Road for their cars, their visitors and deliveries; that along with wheelie bins on the pavement currently obscures the view of traffic when approaching this area. This is the area of the drop-kerb arrangement to the proposed site. Is there a criteria for the number of properties using a drop kerb? Although the plans state that the access will be widened to 5.5m the new houses do not show any measurements to support this.

The plans show that waste collection vehicles or indeed any large delivery vehicles will need to make reverse turns in a congested zone. The success of this assumes that the tight parking arrangements are adhered to. Delivery drivers and visiting vehicles will have a great impact on this factor. It will be a hazardous operation for motorists and pedestrians accessing this site using the drop kerb/pavement on Water End Road. Pre-school and primary school users walk to the village school, children on pedal bikes, parents with pushchairs cross this busy drop-kerb access. There is an infrequent bus service to the village so cars will be the main mode of transport getting in and out of the village.

The mains sewer connection will be used for this development using the existing drainage system which is very concerning. The sewerage system is not running to meet existing needs and Thames Water struggles to maintain this system with visits every few weeks for maintenance of the inadequate out-dated pumping station. Five

	<p>houses in Browns Springs have a long-standing problem where sewage backs up and flows into their gardens along with blocked waste water in sinks and toilets.</p> <p>In view of these problems potential increased recreational pressure this application would place on the Chiltern Beechwood Special Area of Conservation is a matter which needs to be considered. Detailed supplementary information in respect of sewerage and foul drainage should form part of this planning application as it includes additional residential development.</p> <p>The 7 proposed houses are in addition to an earlier application 19/03263/FUL in the same location to convert commercial building to a dwelling for which permission has been granted. This additional proposed development should be taken into account with this new application.</p> <p>The site is connected by gardens to the ancient woodland, Browns Spring Wood. This woodland is an important wildlife habitat and houses and supports protected species. Active badger setts are in place. The applicant's surveyor mentions that "a well-worn path crossing the south-west area of grassland could indicate foraging badgers though it could also be due to muntjac and other deer". Having lived in Browns Spring for 47 years I can confirm that this well-worn foraging path is indeed a nightly route for badgers entering my garden. The photos in the report show quite clearly the mammal path. Currently there is a successful artisan business at the Bakery, 21 Water End Road making and selling chocolate and associated products on the premises. I understand that as a result of any development the business will not be able to operate. This will be a great loss to our community.</p> <p>I appreciate that the latest plans illustrate the removal of one dwelling but taking into account the whole development of this site does not take away or resolve the factors that contribute to my objection. Therefore when reviewing this application I should be grateful if my points would be taken into consideration.</p>
<p>Dunromin Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>FIRST CONSULTATION</u></p> <p>I wish to object to the over-development, in-filling within this Green Belt area. The proposed site adjoins my property and the site has a one metre and rising boundary elevation above my garden. Taking into account the high roof line and ground elevation the housing will dominate the skyline over my property. This visual intrusion will result in my loss of privacy and being overlooked. The plans show the development abutting my property and resulting use will cause noise and disturbance causing loss of the enjoyment of my amenity. Pollution from traffic using this site will be a problem when using my outdoor space.</p> <p>I am concerned with water run-off from this elevated site. At present the field has shrubs and vegetation for natural capture. The application mentions "capture and harvest". The Council is encouraging one new tree per dwelling. The applicant's response is</p>

that "efforts will be made to address this issue albeit the location limits the planting of trees on site." The plans have not allowed for planting of trees and shrubs. I fear that more hard surfaces will result in overload of drainage and run-off water from this elevation.

The mains sewer connection will be used for this development using the existing drainage system which is very concerning. The sewerage system is not running to meet existing needs and Thames Water struggles to maintain this system with frequent visits every few weeks for maintenance of the inadequate out-dated pumping station. Five houses in Browns Springs have a long-standing problem where sewage backs up and flows into their gardens along with blocked waste water in sinks and toilets.

In view of these problems potential increased recreational pressure this application would place on the Chiltern Beechwood Special Area of Conservation is a matter which needs to be considered. Detailed supplementary information in respect of sewerage and foul drainage should form part of this planning application as it includes additional residential development.

The 8 proposed houses are in addition to an earlier application 19/03263/FUL in the same location to convert commercial building to a dwelling for which permission has been granted. This additional proposed development should be taken into account with this new application.

The site is connected by gardens to the ancient woodland, Browns Spring Wood. This woodland is an important wildlife habitat and houses and supports protected species. Active badger setts are in place. The applicant's surveyor mentions that "a well-worn path crossing the south-west area of grassland could indicate foraging badgers though it could also be due to muntjac and other deer". Having lived in Browns Spring for 47 years I can confirm that this well-worn foraging path is indeed a nightly route for badgers entering my garden. The photos in the report show quite clearly the mammal path.

The vehicular drop-kerb access to the busy Water End Road is currently used by three houses Jenady, Hillcrest and 25 Water End Road. There are 17 parking spaces allocated for this new development, all using the drop-kerb access, plus the additional dwelling for which the applicant already has permission along with the three existing houses it will result in a dangerous operation when accessing this site. The drop-kerb area crosses a pavement onto a blind bend in Water End Road with very poor visibility. Cars park along the road restricting the view along Water End Road making it a hazardous/dangerous exit from the site. Houses nearby have no driveways for themselves and visitors or deliveries. Wheelie bins on the pavements also obscure the view. Is there a criteria for the number of properties using a drop kerb? Although the plans state that the access will be widened to 5.5m the new houses do not show any measurements to support this. The plans show that waste collection vehicles will need to make reverse turns in a congestion zone. It will be a hazardous operation for pedestrians alongside moving vehicles using this access and adjoining Water End Road pavement. There is

	<p>an infrequent bus service in the village, cars will be the main mode of transport for each household.</p> <p>Currently there is a successful artisan business at the Bakery, 21 Water End Road making and selling chocolate and associated products on the premises. I understand that as a result of any development the business will not be able to operate. This will be a great loss to our community.</p> <p>I should be grateful if you would take into account my points of this objection when considering this application.</p>
<p>19 Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>We strongly object to this planning application.</p> <p>We previously objected to 6 new properties being built on the small piece of land (7 including the redevelopment of the workshop on the same site - planning approved), which resulted in the development being declined due to site access (official reason) but gross overdevelopment was also a huge concern.</p> <p>Now, a development has been proposed which consists of the same 6 houses (7 including the approved workshop) but now an additional 2 houses attached to the terraced houses on water end road, so 9 in total</p> <p>Our objections are based on the following separate issues:</p> <ul style="list-style-type: none"> <li>- Given the size of the piece of land, this is a gross overdevelopment.</li> <li>- There are 2 visitor spaces allocated for all 8 new proposed properties, with no parking anywhere else. The terraced houses do not have any allocated parking so there will be additional cars parking on water end road</li> <li>- The old pub is proposed to be demolished to widen the path, however there are now 2 additional houses being built making the access, again, extremely tight and impractical in reality.</li> <li>- Cars coming out from the development up the proposed track, due to cars parked along Water End Road, will have to be halfway out in the middle of the road to see what's coming, which is extremely dangerous.</li> <li>- Parents with pushchairs and children frequently use the pavement across the access and there will be poor visibility for pedestrians of any vehicles leaving the site</li> <li>- This will be 9 houses using a single dropped curb which is above regulation.</li> <li>- The new terraced houses along water end road will not be in keeping with the pebble dashed aesthetic of the rest of the</li> </ul>

	<p>terraced houses.</p> <ul style="list-style-type: none"> <li>- The turning manoeuvre suggested for the refuse would be extremely tight and impractical. This will be exacerbated by up to 26 wheelie (3 per household) bins having to be placed at the front of the proposed properties on collection day.</li> </ul> <p>The list is extensive for the reasonings that this development should not go ahead. The consistent nature of the applications is upsetting and unsettling as we have not even been in the property 2 years yet.</p> <p>Thank you for your time in reading this and considering our reasonings.</p>
<p>13 Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>RECONSULTATION</u></p> <p>We are from 13 Water End Road</p> <p>We would like to make objection to the planning application but I realise we missed the deadline of 1st Dec. We were away and only realised the deadline date on our return.</p> <p>We have previously objected and the same reasons stand for their revised application as it will still cause the same problems for us.</p> <p>So we are objecting for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Affects local ecology,</li> <li>2. Close to adjoining properties,</li> <li>3. Inadequate access,</li> <li>4. Inadequate parking provisions,</li> <li>5. Increased danger of flooding,</li> <li>6. Increased traffic,</li> <li>7. Increased pollution,</li> <li>8. Loss of privacy,</li> <li>9. More open space needed on development,</li> <li>10. Noise nuisance,</li> <li>11. Over development,</li> <li>12. Strain on existing local facilities,</li> <li>13. Traffic and Highways,</li> <li>14. Council permitting and causing danger to pedestrians/cyclists/drivers.</li> </ol> <p>This is our third objection to this development which has now gone from 6 potential premises to 8/9 and now to 7. Like those residents who objected previously, we find ourselves having to jump through more hoops in order to object to what is predominantly the same development.</p> <p>The plot of land in question has been a feature of the areas landscape for well over 20 years and is an important part of the local ecological system. It accommodates numerous wildlife families such as foxes, badgers and hedgehogs, all of which use the land to traverse into local gardens including ours, where they thrive. They are now in danger of decimation or at the very least displacement.</p>

Some of the houses being built on this plot will butt up to our boundary fence and perimeter and instead of looking up over the fence to see sky, we will end up seeing the side walls and rooftops of houses.

There is only one small access road into and out of this new estate and it is unlikely to be widened enough to accommodate the number of potential vehicles belonging to those new houses, never mind the additional larger service vehicles needing to access the road, such as Refuse disposal trucks, service trucks and delivery vans.

With 7 houses, the area is looking at a potential uplift of 16 more vehicles and that doesn't even include other vehicles from friends, family's and others who wish to visit the new addresses.

Do I need to Labour the point of an increased risk of flooding in an area already burdened by an overstretched drainage infrastructure, never mind increasing the areas strain on sewerage and drainage by introducing 8/9 more family houses.

Displaced traffic from the new housing estate will migrate up to the Water End Road where parking will make driving dangerous for passing motorists and increase the risk to vehicles emerging from the new estate onto Water End Road, as they edge the front of their vehicles out into the middle of the road in order to see what's coming, before they pull out.

Pollution will undeniably increase with 8/9 new families added to the populous.

We personally, like our other neighbours will now suffer loss of privacy due to the proximity of the new houses, if this plan is allowed to go ahead without trimming it down to a more sensible level. A suggested approach would be to scale down the amount of houses thus reducing privacy intrusion and creating more open space for an already proposed cramped development.

Adjoining residents have benefited fairly low noise levels for well over 20 years and a likely increase in these noise levels is indisputable with all these houses cramped in to one small area.

The proposed site will be over developed in terms of having too many buildings in a small area with not enough infrastructure to support them and the already existing houses in the immediate locality. This will in turn put a further strain on existing local facilities, including refuse disposal, broadband/WiFi, electricity, gas, drainage, sewerage road usage, etc.

The movement of traffic both in the village and through the village will put further strain on the roads which already suffer from unacceptable pot hole damage and neglect.

Finally, there is only one footpath running through Potten End and in some places, particularly around the area of the proposed development, it narrows down to barely the width of a push chair. I



	<p>would like to know how the council are able to justify the increased risk to pedestrians, cyclist, equestrians and drivers by causing or permitting vehicles to park on an already difficult road, thereby reducing visibility to all the road users in and around the new access road junction.</p> <p>These are our objections. Please consider them seriously.</p> <p>Again sorry the objection is late, I hope it will be considered</p>
<p>13 Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>To be honest, initially it seemed pointless making an objection as invariably money talks and an extra 8/9 newly developed premises, all contributing to council taxes, charges and services will undoubtedly benefit the council greatly in the long run. However if we fail to make any representations then our voice will go unheard.</p> <p>So we are objecting for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Affects local ecology,</li> <li>2. Close to adjoining properties,</li> <li>3. Inadequate access,</li> <li>4. Inadequate parking provisions,</li> <li>5. Increased danger of flooding,</li> <li>6. Increased traffic,</li> <li>7. Increased pollution,</li> <li>8. Loss of privacy,</li> <li>9. More open space needed on development,</li> <li>10. Noise nuisance,</li> <li>11. Over development,</li> <li>12. Strain on existing local facilities,</li> <li>13. Traffic and Highways,</li> <li>14. Council permitting and causing danger to pedestrians/cyclists/drivers.</li> </ol> <p>This is our second objection to this development which has now gone from 6 potential premises to 8/9 and like those residents who objected previously, we find ourselves having to jump through more hoops in order to object to what is predominantly the same development but now worse.</p> <p>The plot of land in question has been a feature of the areas landscape for well over 20 years and is an important part of the local ecological system. It accommodates numerous wildlife families such as foxes, badgers and hedgehogs, all of which use the land to traverse into local gardens including ours, where they thrive. They are now in danger of decimation or at the very least displacement.</p> <p>Some of the houses being built on this plot will butt up to our boundary fence and perimeter and instead of looking up over the fence to see sky, we will end up seeing the side walls and rooftops of houses.</p> <p>There is only one small access road into and out of this new estate</p>

and it is unlikely to be widened enough to accommodate the number of potential vehicles belonging to those new houses, never mind the additional larger service vehicles needing to access the road, such as Refuse disposal trucks, service trucks and delivery vans.

With 8/9 houses, the area is looking at a potential uplift of 16 more vehicles and that doesn't even include other vehicles from friends, family's and others who wish to visit the new addresses.

Do I need to Labour the point of an increased risk of flooding in an area already burdened by an overstretched drainage infrastructure, never mind increasing the areas strain on sewerage and drainage by introducing 8/9 more family houses.

Displaced traffic from the new housing estate will migrate up to the Water End Road where parking will make driving dangerous for passing motorists and increase the risk to vehicles emerging from the new estate onto Water End Road, as they edge the front of their vehicles out into the middle of the road in order to see what's coming, before they pull out.

Pollution will undeniably increase with 8/9 new families added to the populous.

We personally, like our other neighbours will now suffer loss of privacy due to the proximity of the new houses, if this plan is allowed to go ahead without trimming it down to a more sensible level.

A suggested approach would be to scale down the amount of houses thus reducing privacy intrusion and creating more open space for an already proposed crammed development.

Adjoining residents have benefited fairly low noise levels for well over 20 years and a likely increase in these noise levels is indisputable with all these houses crammed in to one small area.

The proposed site will be over developed in terms of having too many buildings in a small area with not enough infrastructure to support them and the already existing houses in the immediate locality. This will in turn put a further strain on existing local facilities, including refuse disposal, broadband/WiFi, electricity, gas, drainage, sewerage road usage, etc.

The movement of traffic both in the village and through the village will put further strain on the roads which already suffer from unacceptable pot hole damage and neglect.

Finally, there is only one footpath running through Potten End and in some places, particularly around the area of the proposed development, it narrows down to barely the width of a push chair. I would like to know how the council are able to justify the increased risk to pedestrians, cyclist, equestrians and drivers by causing or permitting vehicles to park on an already difficult road, thereby reducing visibility to all the road users in and around the new access road junction.

	<p>These are our objections. Please consider them seriously. In relation to 23/01211/FUL 23 water end road, land at rear of 21.</p>
<p>Puketaha Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>RECONSULTATION</u></p> <p>I understand the applicant, Mr Groom, has reduced the dwellings by one but this is laughable because the resident who will be in Plot 4 will obviously apply for planning permission to fill this space.</p> <p>This plot will be much higher than my garden, in fact it is one metre and rising above the boundary elevation. Noise and pollution from this estate with vehicles and people will greatly affect me and interfere with my privacy and enjoyment of my amenity.</p> <p>Parking for this development will be completely inadequate needing at least one car per household due to lack of public transport in the village. We in Browns Spring are being over-whelmed by parking as it is. There is no room for further parking here. We have the overspill from Olivers Close and Water End Road already as well as the hairdresser's clients from Water End Road and the MOT and service station in Browns Spring.</p> <p>I am concerned about the run off water from this elevated site. Thames Water struggles to maintain the sewage system with very frequent visits for maintenance at the outdated pumping station. At least five houses in Browns Spring have problems with sewage backing up, it flows into their gardens with blocked waste into their toilets and sinks.</p> <p>The site is connected by gardens to ancient woodland (Browns Spring wood.) This woodland is an important wildlife habitat and with active badger setts. The applicant's surveyor mentions that a well-worn path, on the new development, crossing the south-west area of grassland indicates foraging badgers. Having lived in Browns Spring for 48 years I can confirm that this path is a nightly route for badgers entering my garden and other gardens in Browns Spring.</p> <p>Plans have not allowed for planting trees and shrubs. It will result in a overload of draining and run-off water from this elevation.</p> <p>In view of these problems potential increased recreational pressure this application would place on Chiltern Beechwood Special Area of Conservation is a matter which needs to be considered. Detailed supplementary information in respect of sewerage and foul drainage should form part of this planning application as it includes additional residential development.</p> <p>We have a very successful artisan business making and selling chocolate at 21 Water End Road. I understand that as a result of any development this business will not be able to operate and will be a huge loss to our community.</p> <p>The busy drop-kerb access will still be a huge and dangerous problem for pedestrians and motorists. Many children walk to our local school</p>

	<p>along this pathway.</p> <p>Please take into account my points of objection.</p>
<p>Puketaha Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>I wish to object to the application on the following grounds. The houses will overlook our property, the ground on which the applicant, Mr Groom, intends to build is much higher than our garden in fact it is a one metre and rising boundary elevation. Noise from this estate with people and vehicles will greatly affect me along with pollution from vehicles and interfere with my privacy.</p> <p>Parking for this development will be completely inadequate needing at least one car per household due to the lack of public transport in the village. We in Browns Springs are being overwhelmed by parking as it is, there is no room for further parking here, we have the overspill from Olivers Close and Water End Road.</p> <p>I am concerned about the run-off water from this elevated site. Thames Water struggles to maintain the sewerage system with very frequent visits for maintenance at the out-dated pumping station. At least five houses in Browns Spring have problems with sewage backing up, it flows into their gardens with blocked waste water in sinks and toilets.</p> <p>The site is connected by gardens to ancient woodland, Browns Spring Wood. This woodland is an important wildlife habitat and houses and supports protected species. Active badger setts are in place. The applicant's surveyor mentions that a well-worn path crossing the south-west area of grassland indicates foraging badgers. Having lived in Browns Spring for 48 years I can confirm that this well-worn foraging path is a nightly route for badgers entering my garden and other gardens.</p> <p>Plans have not allowed for planting of trees and shrubs. It will result in an overload of drainage and run-off water from this elevation.</p> <p>In view of these problems potential increased recreational pressure this application would place on the Chiltern Beechwood Special Area of Conservation is a matter which needs to be considered. Detailed supplementary information in respect of sewerage and foul drainage should form part of this planning application as it includes additional residential development.</p> <p>21 Water End Road is currently a successful artisan business making and selling chocolate. I understand that as a result of any development this business will not be able to operate and will be a huge loss to our community.</p> <p>There is currently a drop-kerb access leading onto the busy Water End Road from this site, three existing properties use this access. There are 17 parking spaces allocated for this new development all will use the drop-kerb access, plus the additional dwelling for the applicant which permission has already been granted. This seems to</p>

	<p>be excessive for such a narrow access.</p> <p>Thank you for your consideration given to my objection.</p>
<p>Cedar Heights Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>My objection to the above planning application is based on over development of the site. I have serious concerns that should the existing proposal be approved will lead to Road and Access Safety issues and Drainage, Sewage &amp; Run Off Water concerns.</p> <p>The application states, and plan demonstrates, that there are less than 2 parking spaces per property and that there will be only 2 Visitor Parking Spaces provided to support 8 large dwellings. This is grossly insufficient. This will result in drivers that use and access this estate to be forced to park elsewhere, namely in the proposed extended access road, thereby reducing the width for vehicles such as Emergency service, Refuse Collection services and general delivery vehicles. In turn this will cause greater impact to Water End Road and likely to force vehicles to park in Olivers Close and Browns Spring.</p> <p>Currently there are no parking restrictions that manage Water End Road, Olivers Close or Browns Spring. Should vehicles park on Water End Road opposite house numbers 25 &amp; 27 - adjacent to the proposed widened access road to the site - will create a hazard for drivers attempting to turn either left or right out of the access road with dangerously reduced visibility of oncoming traffic.</p> <p>Browns Spring is already suffering considerably with increased and inappropriate vehicle parking directly as a result of the granting to B&amp;H Autos, an MOT Test and Vehicle Repair centre.</p> <p>At the time of lodging this objection there are no vacant parking positions in Browns Spring however it is known that a number of vehicles parked in the road belong to, and or, are managed by B&amp;H Autos despite there being sufficient parking provision within their own forecourt.</p> <p>My further objection is based on Drainage, Sewage and Run Off Water management.</p> <p>Currently, all of the above run to an inadequate, overworked and failing water processing infrastructure sited directly at the back of the properties sited on the lower side of Browns Spring.</p> <p>Having lived in the road for 15 years I have witnessed serious and concerning issues regarding run off water flooding and sewage leaking into neighbours' gardens.</p> <p>The current proposed development site can loosely be described as waste ground, a small percentage of which is hard surface meaning that the vast majority of land is porous allowing for rainfall and run off water to permeate into the water table below naturally.</p> <p>The development of the site, as proposed, vastly reduces the</p>

	<p>opportunity for water to be managed naturally, the construction of so many properties including new roads, drives and parking spaces massively increases the area of non porous surfaces meaning that run off water will enter the drainage systems and will increase already inadequate systems that are failing.</p> <p>It also means that a further 8 dwellings containing multiple bathrooms, utilities and additional wc's will exacerbate an already difficult sewage situation.</p> <p>To approve this application would be foolhardy and have detrimental effects to all existing property owners in the immediate areas surrounding the site.</p> <p>On this basis I lodge my objection to the proposed plan.</p>
<p>Jenady Water End Road Potten End Berkhamsted Hertfordshire HP4 2SH</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>Whilst we would not be against new houses in Potten End or new neighbours, as we were fully aware of the proposed 3 bed bungalow in the same area of land, we object to these plans on grounds of overlooking/ loss of privacy, inadequacy of parking/ turning and visual intrusion.</p> <ul style="list-style-type: none"> <li>- Overlooking/ loss of privacy: our property is already overlooked considerably and so find issue with the additional 3 properties (2b) that would run alongside our own. Despite the plans including the current high hedge, there is no guarantee the residents from the neighbouring property would not have it removed and have a low fence that will incur loss of privacy to our sloping garden. Furthermore, we have little indication as to the distance of the closest property, the windows that might be along the east facing wall, or the distance of the parking spaces to our land- all of which impose upon our property.</li> <li>- Adequacy of parking/ turning: although parking has been allocated for each property as well as 2 visitor parking spaces (that serve all 8 properties) the surrounding roads cannot accommodate any further parked cars with parking along Water End Road already causing a hazard when pulling out of our lane. The road being widened may in fact add to the issue if residents park along the widened road (due to the lack of parking) causing a further congestion/ traffic issue and subsequent hazard. The access road (even when widened) does not have a footpath and poses a serious risk to pedestrians with the additional traffic cause by 8 homes. The end of the lane is a hazardous junction and so the vehicle access for an extra 8 houses will cause disruption and congestion- reversing vehicles onto water end road would be dangerous to any approaching vehicles.</li> <li>- Visual intrusion and visual amenity: due to the high number of properties proposed there would be a considerable visual intrusion from both the neighbouring property to the side of our own and the 2 properties facing Water End Road. The visual amenity of this area would be compromised.</li> </ul>

<p>The Laurels Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p>I have read and agree with all of the comments submitted so far.</p> <p>Please take great care when looking at these site plans, they are optimistic at best.</p> <p>Consider the safety and the wellbeing of proposed new residents and their visitors, as well as the existing population and wildlife.</p>
<p>The Coppice Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>RECONSULTATION</u></p> <p>One less house on this proposal is not enough to reassure me about the drainage / sewer infrastructure not being overloaded. The houses will be towering over the bungalows below on Browns Spring. The parking here is constantly stretched and overflow from Water End Road invariably end up on Browns spring, further cluttering up the road with cars. The large bin lorry struggle to turn here even when there are no cars cluttering up the end of the culdesac so it will have no chance of turning in such a restricted place as this proposed development.</p> <p>I urge the council to visit the site and look closely at the topography of the site and how high these houses would be.</p> <p>The sewage system issues are also well documented</p>
<p>The Coppice Browns Spring Potten End Berkhamsted Hertfordshire HP4 2SQ</p>	<p><u>ORIGINAL CONSULTATION</u></p> <p>I would like to object to the above proposed planning application. I have valid concerns with regard to the sewage system being further stretched and potential for overflow, perhaps even into the proposed properties. The pumping station which services the whole area comes under considerable pressure when it rains and the surface water from hundreds of properties overloads the system. Thames Water have noted on their comment that any new development should have surface water redirected into a soakaway. However, the plans put forward by Mr Groom have no mention of how to mitigate for surface water going into the foul drainage system. In order to put soakaways into each garden I believe they have to be a certain distance from the building so as not to cause structural damage, however these houses are so tightly packed in I doubt this will be possible.</p> <p>Looking at the plans it looks like 6 small houses crammed into a very tiny site and I would be surprised if the refuse lorry would even attempt to go down the driveway to collect the bins which will no doubt result in the residence having to take their bins up to Water End Road. Once cars are littered around the site the manoeuvrability for a large vehicle will be severely limited.</p> <p>There will be too much hard standing and any heavy downpours will create excess water possibly running downhill into the properties on Browns spring.</p> <p>It is still unclear how big the entrance will be for access by vehicles,</p>

as the only measurements are a hand written 5.5 metres entrance.

Can I remind the planning department that last time we were told two cars could pass on the driveway but that was NOT the case. Will a site visit be happening this time, as again last time this did not happen? Not all residents in very near proximity have received notification by post regarding this, I am surprised by that.

In conclusion this site feels like an over development for what is a very small site with limited access and yes it will be noisy, disruptive and create an unwelcome amount of traffic to the area. But mostly the drain infrastructure cannot cope with 8 more properties.

I would urge the planners to consider suggesting maybe 2 houses on the site.



**ITEM NUMBER: 5d**

<b>23/02172/FUL</b>	<b>Change of use of land to facilitate the construction of a residential access road</b>	
<b>Site Address:</b>	<b>The Bungalow Farm, Venus Hill, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0PG</b>	
<b>Applicant/Agent:</b>	<b>Mr L Rowe</b>	
<b>Case Officer:</b>	<b>Nigel Gibbs</b>	
<b>Parish/Ward:</b>	<b>Bovingdon Parish Council</b>	<b>Bovingdon / Flaunden / Chipperfield</b>
<b>Referral to Committee:</b>	<b>The recommendation is contrary to the view of Bovingdon Parish Council<sup>1</sup>.</b>	

**1. RECOMMENDATION**

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

**2. SUMMARY**

2.1 The land and buildings within the northern part of the rear yard of The Bungalow Farm, a detached dwellinghouse, is subject to an extant Planning Permission (20/00087/FUL). This is for the construction of a detached bungalow served by an internal access road and vehicular access linked to Venus Hill, in a tandem arrangement. The extant permission enables both the existing and approved dwellings to share the same internal access road and access onto Venus Hill, and is the 'starting point' for the consideration of the current application within this Green Belt location in the countryside.

2.2 The proposal would provide a separate independent roadway for the approved dwellinghouse, linked to Venus Hill using the existing vehicular access onto Venus Hill by the change of use of a strip of the adjoining horse paddock land parallel to the site's elongated western boundary. This would create a permanent improved daily environmental and operational relationship between the existing and approved dwellinghouses, representing a pragmatic, safe alternative way of accessing the approved dwellinghouse for daily use, and most importantly fire tender access.

2.3 It would eliminate the inbuilt well documented established problems directly associated with tandem development, such as noise, disturbance and headlamp glare for the existing dwellinghouse, whilst avoiding the potential for a blocked access, benefiting the residential amenity of the existing dwellinghouse and minimising the likelihood of poor neighbour relations and potential resultant anti- social behaviour. In addition, the sight lines at the existing access are to be improved.

2.4 These benefits have been weighed against the impact of the proposed roadway upon the openness of the Green Belt through the spatial encroachment of the countryside, and represent very special circumstances to justify what is considered to be inappropriate development, with the proposed substantial hedge planting replicating the role of the existing with ecological benefits.

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<sup>1</sup> Emails from Councillor Philip Walker specifically refer to Cllr Riddick calling-in the application: '... I understand that Councillor Riddick has "called this application in" due to this Bovingdon Parish Council wish their objection to still stand'.

Councillor Riddick also made representations/ call in request regarding the two previously withdrawn application, and there is also indirect reference to such comments under the representations from Mauldens. Councillor Riddick has clearly been very concerned about the roadway and thus, although there is no formal record of a call-in request for this application, it is important to clarify this point.

### 3. SITE DESCRIPTION

3.1. Bungalow Farm is located to the west of the Venus Hill – Long Lane – Shantock Lane crossroads junction on the northern side of Venus Hill. It features a dwellinghouse set back from its frontage with an internal access way road leading to a large yard to the rear featuring an array of related buildings and a mobile home within the central and northern parts of the plot. A substantial elongated substantial hedge defines the common boundary between the paddock and the residential curtilage of The Bungalow Farm. The paddock is under the ownership of the Applicant, with 'field gate 'accesses from Venus Hill ( adjoining that serving the Bungalow Farm ) and Long Lane.

3.2 The existing dwellinghouse is a replacement for the original bungalow through Planning Permission 4/00650/10/FUL. The Design & Access Statement (submitted for Application 4/00004/17/FUL referred to below) confirmed that:

*'The plot is quite an open site which is enclosed with gates , timber fencing and hedgerow, with a collection of old buildings, sheds and a static caravan which have been there as long as the original bungalow was there in the 1940's . The condition of the outbuildings are quite poorer and are starting to deteriorate. They are located to( sic) the rear of the site beyond the grounds of the recently built detached house and are separated by some stable buildings and an old gate entrance'.*

3.3 The static residential caravan is subject to Certificate of Lawful Use 4/01482/11/LDE .In considering this application the report noted that 'on the balance of probabilities it is concluded that there has been a caravan on the site for a period of 10 years and that this has been for residential purposes . The period for which enforcement action could be taken has expired. The development is therefore lawful'. This followed Refusal 4/00262/11/LDE.

3.4 The northern part of the rear yard is subject to extant Planning Permission 20/00087/FUL for a 'New Detached Bungalow in Lieu of Static Caravan and Outbuildings', subject to a range of conditions. A range of outbuildings are required to demolished to accommodate the dwelling, with the retention of a range primarily closer to the existing dwellinghouse. Pre commencement Condition 5 was discharged under decision 22/03769/DRC .

3.5 Decision 20/00087/FUL is extant, as confirmed by Application 23/00300/LDE, the LPA having granted a Certificate of Lawful Use (existing) for 'Compliance with Condition 1 of Planning Permission 20/00087/FUL'. The information provided was considered sufficient to establish the balance of probability in favour of the applicant that there has been compliance with Condition 1, as approved development had been commenced within 3 years of the date of the planning permission. This was because of the demolition of one of the buildings at the site necessary to facilitate the carrying out of the approved development.

3.6 For clarification, decision 20/00087/FUL was pre dated by earlier decisions to grant permission for a dwellinghouse at the site :

- Planning Permission 4/00004/17/FUL for the ' Construction of new detached bungalow to replace static caravan and outbuildings, conversion of barn to double garage and Store'. The Report noted that a static caravan which is in use for residential purposes is positioned at the southern end of the site.
- Outline Planning Permission 4/02090/15/OUT (Replacement of static caravan with single storey dwelling with all matters reserved except Access) preceded this. The report 4/02090/OUT noted:

*'Policy 23 of the DBLP states that replacement dwellings in the Green Belt will be permitted provided that the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application, and the proposed dwelling is not a replacement for temporary residential accommodation or a building constructed of short-life materials. The policy further states that rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less.*

*Whilst the existing caravan is constructed of materials which are arguably of 'short life', and while the proposed dwelling would be larger than the caravan which is to be replaced, the removal of the unattractive buildings of substantial footprint is also proposed. Overall, it is considered that this will increase openness at the site that will result will meet with the objectives in respect of openness contained within planning policy at national and local levels. As such, it is considered that the principle of the development is acceptable'.*

3.7 For clarification with the exception of Application 23/00300/LDE the current case officer was **not** the officer for all other applications referred to above.

#### **4. PROPOSAL**

4.1. This is for the provision of an unlit (incorporating 'cats eyes') separate/ independent brown gravel finished roadway to serve the approved and extant dwellinghouse subject to Planning Permission 20/00087/FUL. This would be an alternative to the approved tandem arrangement/ tandem layout.

4.2 It would be constructed within the paddock, positioned parallel to the aforementioned north western hedged common boundary and the existing internal informal roadway. It would measure about 83m in length and 5m in width (414 sqm), installed at ground level and involving about 0.3m of excavation. Its entire north western edge would be subject to the planting of a continuous / unbroken hedge. The double row of mixed species hedge would comprise of hawthorn, hazel, field maple, hornbeam, mountain ash, wayfaring tree, purging blackthorn, guelder rose, spindle, dog rose and wild cherry.

4.3 The roadway would be linked to the existing vehicular access serving Bungalow Farm, through the removal of a small part of the existing boundary hedge. There would be the very limited pruning / cutting back of the frontage vegetation to the east of the existing access. The roadway and retained driveway serving The Bungalow Farm would both be served by 3.6m wide x 1.2m high 5 bar gates, set back about 7m from road to allow cars to pull off Venus Hill road. The roadway would incorporate a fire tender turning and access to the approved dwellinghouse. The proposal represents an alternative to the environmentally and highway safety problematical withdrawn applications 21/03959/FUL and 22/02920/FUL

4.4 It is important to note that this application is one of several previous applications to provide an alternative access for the approved dwellinghouse scheme. Applications 21/03959/FUL and 22/02920/FUL represent earlier and different versions of the current application, with outstanding issues regarding the impact upon the roadside hedging (to achieve sight lines) and the scale of the roadway in respect of 22/02920/FUL. Prior to this there were pre-application discussions ( 4/01655/18/PRE) regarding an access from Long Lane across the paddock. However, this could not be supported by officers because of the harmful impact upon the Green Belt's openness with in relation to encroachment into the countryside, with reference to the National Planning Policy Framework applicable at the time:

*'It is considered that the provision of the access is an engineering operation. However, the access would result in the encroachment of the countryside by new development, conflicting with Para 134(c) of the National Planning Policy Framework.*

With regard to 4/01655/18/PRE , it was considered that the proposed access way would, when in and not in use, be fundamentally harmful to the Green Belt's current openness due to a very significant amount of physical encroachment. It would have fragmented the paddock/ grazing field irrevocably fracturing its current openness, changing the character and appearance of the existing paddock by establishing a permanent urban, elongated and intrusive feature. This takes into account that it would have needed to be designed to accommodate fire tenders with a 3.7m width and 18.5 tonne loading capacity, the latter of which is a Hertfordshire Fire & Rescue local requirement.

## **5. PLANNING HISTORY**

Planning Applications (If Any):

20/00087/FUL - New Detached Bungalow in Lieu of Static Caravan and Outbuildings  
*GRANTED*

21/03959/FUL - Change of use of land to facilitate the construction of a residential access road  
*WITHDRAWN - 10th November 2021*

22/02920/FUL - Change of use of land to facilitate the construction of a residential access road.  
*WITHDRAWN - 22nd November 2022*

22/03769/DRC - Details as required by condition 5 (Landscaping) attached to planning permission 20/00087/FUL (New Detached Bungalow in Lieu of Static Caravan and Outbuildings).  
*GRANTED - 15th February 2023*

23/00300/LDE - Compliance with Condition 1 of Planning Permission planning permission

20/00087/FUL (New Detached Bungalow in Lieu of Static Caravan and Outbuildings).  
*GRANTED - 22nd June 2023*

4/00004/17/FUL - Construction of new detached bungalow to replace static caravan and outbuildings, conversion of barn to double garage and Store.  
*GRANTED - 17th May 2017*

4/02398/16/FUL - Change of use of land to residential and replacement of outbuilding for use as garage, store, garden room and workshop  
*GRANTED - 17th November 2016*

4/02269/16/DRC - Discharge of conditions 1,3,4,5,6,9 and 11 (reserved matters) of outline planning permission 4/02090/15/out (replacement of static caravan with single storey dwelling with all matters reserved except access) *WITHDRAWN - 17th May 2017*

4/01342/16/FHA - Replacement of outbuilding for use as garage, store, garden room and workshop *WITHDRAWN - 29th September 2016*

4/02090/15/OUT - Replacement of static caravan with single storey dwelling with all matters reserved except Access. *GRANTED - 13th August 2015*

4/01145/12/DRC - Details of materials, hard and soft landscaping, slab levels, sustainability, contamination and remediation as required by conditions 2,4,6,7,10 and 11 of planning permission 4/00650/10/ful (demolition of existing bungalow and construction of detached 5-  
*REFUSED - 10th September 2012*

4/01482/11/LDE - The use for residential purposes of the mobile home situated on the land coloured red on drawing 1454/04 attached to this Certificate.  
*GRANTED - 12th January 2012*

4/00262/11/LDE - Mobile home *REFUSED - 18th April 2011*

4/00650/10/FUL - Demolition of existing bungalow and construction of detached 5-bed dwelling  
*GRANTED- 25th October 2010*

Appeals: None.

## **6. CONSTRAINTS**

Advert Control: Advertisement Special Control  
CIL Zone: CIL2  
Green Belt: Policy: CS5  
Heathrow Safeguarding Zone: LHR Wind Turbine  
Parish: Bovingdon CP  
RAF Halton and Chenies Zone: Red (10.7m)  
RAF Halton and Chenies Zone: Green (15.2m)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
EA Source Protection Zone: 2  
Wildlife Sites: Maulden Farm Area, Venus Hill

## **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)  
Site Allocations (2017)

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

NP1 - Supporting Development  
CS1 - Distribution of Development

CS5 - Green Belt  
CS8- Sustainable Transport  
CS9- Management of Roads  
CS17- New Housing  
CS12- Quality of Design  
CS23- Social Infrastructure  
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 75- Retention of Leisure Space  
Policy 81- Equestrian Activities  
Policy 99- Preservation of Trees, Hedgerows and Woodlands  
Policy 100- Tree and Woodland Planting  
Policy 113- Exterior Lighting  
Appendix 8- Exterior Lighting

### **Supplementary Planning Guidance**

Dacorum Landscape Character Assessment: Landscape Character Area 107 : Bovingdon & Chipperfield Plateau  
Parking Standards Supplementary Planning Document (2020)  
Place & Movement Planning and Design Guidance for Hertfordshire  
Environmental Guidelines  
Bovingdon Neighbourhood Plan: Policies BVNE4, NE5 ,T1,T4  
Bovingdon Design Guidance and Code ( Character Area 9 : Outer Fringe: BU02

## **9.CONSIDERATIONS**

### Main Issues

9.1 The key issues set against the National Planning Policy Framework's (The Framework) economic, social and environmental objectives in delivering sustainable development are:

- The provision of the new dwellinghouse /principle of development and Green Belt implications, including the Loss of Paddock Land.
- The Access and Highway Implications.

### Principle of Development and the Green Belt implications, including the Loss of Paddock Land

9.2 Policy CS17 supports new residential development to meet the Borough's housing needs, with the Countryside Place Strategy Local Objectives supporting around 420 new homes. This is in the context of the Framework's social objective of providing a sufficient number and range of new homes. Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure. This echoes the Framework's Paragraph 63, with Policy CS19 addressing affordable housing. Green Belt policy, with exceptions resists

new residential development, with reference to Policies CS1, CS5 and the Framework's Part 13 Green Belt Policy.

9.3 However, the construction provision of the dwellinghouse at The Bungalow Farm through the plot's subdivision- resulting from the extant 2020 Planning Permission at this Green Belt location **is not in question**.

9.5 This is notwithstanding that tandem development is not normally supported by the local planning authority, as defined by page 229 of the Dacorum Core Strategy (2013). Such development creates the establishment a fragmented / disjointed second tier of development reflecting the well-recognised inbuilt inadequacies and limitations of tandem development. Although the saved Area Based Policies (2004) relates to urban areas of Borough, its references to the issues arising from the inbuilt fundamental problems with tandem development are equally material to the Borough's rural areas:

*'2.6.5 Backland development. This is a wide ranging term which can refer to a variety of situations:*

- *Plot amalgamation may constitute backland development where a series of parts of existing residential plots to the rear of established housing (frequently rear garden areas) are amalgamated to form a development site. This form of housing may be appropriate in certain areas, as indicated in each area policy statement.*
- *Tandem development, the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development, but certainly not the most inefficient, problematic and unsatisfactory. The area policy statements make no reference to tandem development. It is the Council's view that this is a generally unsatisfactory form of accommodating new housing'.*

9.6 The installation of the roadway has Green Belt implications.

Green Belt Implications: The National Planning Policy Framework (2023) Part 13 and Dacorum Core Strategy Policy CS5

9.7 The Framework's key paragraphs relevant to this applications include 142,143,152, 153 and 155. As explained by Paragraph 142, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143's Green Belt five purposes includes, under criteria (c): *'to assist in safeguarding the countryside from encroachment'*. Paragraph 155 explains that a range of developments are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including under its criteria (b), engineering operations, such as the proposal.

9.8 Dacorum Core Strategy Policy CS5 is in overall terms in accordance with the Framework's approach to development in the Green Belt, supporting small-scale development 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

*Assessment of The Proposal*

9.9 The proposed roadway would be constructed within the paddock, positioned parallel to the aforementioned north western hedged common boundary and the existing internal informal roadway. It would measure about 83m in length and 5m in width (414 sqm), installed at ground level and involving about 0.3m of excavation. It is considered that the proposed roadway would

spatially affect the existing openness of the Green Belt by encroaching into the countryside, but with limited visual impact. Therefore, it is interpreted to be 'inappropriate development', although there would be no change in impact regarding the effect of vehicular movements when compared to the 'fall back position' – i.e. the extant permission.

9.10 As clarified by the Framework's Paragraph 152 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this context Paragraph 153 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that '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'.

9.11 In the application's case it is considered that the provision of an independent access road would ensure that there is far more certainty of access always being available to the new dwelling. This compares with the approved in a tandem arrangement whereby access cannot be guaranteed<sup>2</sup>. This is particularly with regard to the fundamental importance of fire/ emergency access (see below). Although this may be regarded as a 'back to front' way of considering the means of access and safety at all times, the reality is that that the approved tandem layout has inbuilt uncertainty. In addition, the provision of the separate roadway avoids the issues of noise, disturbance, headlamp glare and potential anti- social behaviour associated with the approved tandem arrangement/ layout. Also, as recently documented the use of LED lamps in motor vehicles is an increasing environmental issue.

9.12 With regard to the loss of a relatively small part of the existing paddock and with due regard to the expectations of Policies CS23, saved Dacorum Borough Local Plan Policy 75 and the Framework's approach open space and recreation in particular Paragraph 103, the proposal would have no adverse effect upon the continued use of the long established paddock for equestrian purposes, with a clear physical demarcation between the roadway and strongly hedged boundary ( providing solid screening and a noise/ disturbance/ headlamp glare barrier and retention of the two field accesses. In these respects the existing equestrian use and use of the roadway would harmoniously coexist.

9.13 In the context of the above with some encroachment into the Green Belt's current openness, there are 'very special circumstances' to justify a grant of permission with no other harm, as referred to below in assessing the other material circumstances. This includes there being no apparent ecological or other environmental reason to withhold the loss a relatively small amount of paddock.

### **Highway Safety / Access Issues**

9.14 Regard has been had to Policies CS8, CS12, saved DBLP Policies 51 and 54, the adopted 2020 Parking Standards, the Framework's Part 9 (Promoting sustainable transport), HCC Highways responses, the amended plans and submitted additional supporting information. The Framework's Paragraph 115 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe). Paragraph 116 of the Framework states that applications for development should:

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality*

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<sup>2</sup> Although there is wide internal access in the future the owner/ occupier of The Bungalow could park across the access and block access to the new dwelling



*public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

- 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 local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

9.15 It is initially most important to confirm how previous permissions addressed the access/highway issues:

*Consideration of Planning Application 4/00004/17/FUL: Construction of new detached bungalow to replace static caravan and outbuildings.*

9.16 The report stated: *'Impact on Highway Safety. No new access to be created. No objection from Highway Authority'*. In this respect Hertfordshire County Council advised: *'Comments: The proposal is for Construction of new detached bungalow to replace static caravan and outbuildings. Parking: Four parking spaces will be provided, two in a detached garage on site. Access :The Site is accessed from a private track off Venus Hill. No new or altered vehicle or pedestrian access is proposed and no works are required in the highway. Venus Hill is an unclassified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents in the vicinity of the site in the last 3 years. Conclusion: The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.*

9.17 There was no reference to fire/ emergency access requirements to the site of the dwellinghouse or plans showing this, with the application site limited to the rear yard area and the adjoining Bungalow Farm shown as edged blue by the submitted Site Location Plan.

9.18 The Design & Access Statement confirmed that the 'entrance to the new dwelling through the existing access road coming off Venus Hill. This access would serve both the existing detached house and proposed new bungalow... Access to the new dwelling is from the access road off of Venus Hill and parking would be provided at the front and side of the new dwelling and within the new double garage which has replaced the old/ barn / outbuilding. The existing drive area and hardstanding would be replaced with a stone drive area. This area would be completely renewed and the introduction of a new drive area and edging stones all round to retain the stone drive'.

*Outline Planning Permission 4/02090/15/OUT: Replacement of static caravan with single storey dwelling with all matters reserved except Access.*

9.19 Planning Permission 4/00004/17/FUL was in the context of the previous grant of Outline Planning Permission 4/02090/15/OUT'. The Report noted that there were no objections from HCC Highways and:

*'Impact on Highways Safety: The Highways Authority have been consulted on this application and have stated that access onto the highway network is already established and the applicant has not suggested that there will be any change to this arrangement. Any full application that may follow will need to consider the construction issues involved with such a new build but as access is via an existing access, it is not felt that this proposal will intensify the use that in turn would lead to conditions that would be prejudicial to the free flow of passing traffic and to all highway users' .*

9.20 Condition 4 required the provision of details of the car parking layouts and other vehicle and pedestrian access and circulation areas. Condition 9 confirmed that no development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority.

#### *The Access onto Venus Hill*

9.21 HCC Highways has comprehensively considered the provision of use of the existing access serving the proposed roadway and the highway safety implications. Unlike withdrawn applications 21/03959/FUL and 22/02920/FUL (involving the improvement of sight lines to the west and resultant frontage hedge removal / new planting), the current application's use of the existing access to serve the new roadway overcomes these issues, given the advice of HCC Highways.

9.22 Following initial unresolved issues, HCC Highways is now satisfied with the proposal. The cutting back of the vegetation on the eastern side of the Venus Hill access would improve the visibility sight lines benefitting Bungalow Farm, with no objections raised to the shared access and closeness of the retained serving access serving the paddock.

#### *The Separate Roadway*

9.23 By establishing a separate access road for the new dwellinghouse would have very significant highway safety benefits. This is because the extant approved scheme is reliant upon the roadway to serve both the existing dwelling house at Venus Hill Farm with resultant potential regular inbuilt conflict of vehicular movements involving the use of the same access roadway. This is because of the direct fundamental shortcomings of the principle of tandem development with the reliance upon a shared access.

#### *Access by Residents of the Approved Dwellinghouse*

9.24 The roadway would provide access at all times, with scope for turning to enable vehicles to enter and exit in forward gear. A minimum width of 4.1m is necessary for a car to pass another car; 4.8m is the minimum width necessary for a car to pass a rigid vehicle, and 5.5m is the minimum width for a rigid vehicle to pass another.

#### *Fire- Ambulance / Emergency Access and Other Service Vehicle Access and Turning enabling Exit in Forward Gear: Swept Path Analysis*

9.25 This is with specific reference to the aforementioned Framework's Part 9 (Promoting sustainable transport) Paragraph 116 (d).

9.26 A fire appliance would be able to enter the site in forward gear, turn and exit onto the highway in forward gear. The access road and turning loading capacity would also be required to accommodate a fire tender and is subject to a recommended condition. (Note: A private drive forming part of such a fire access way must be no less than 3.7m wide between kerbs, though this may reduce to 3.1m for a gateway or similar short narrowing).

9.27 The layout would also enable full access for ambulances and service vehicles. In this respect if the foul drainage is to be served was changed to a private sewerage treatment system, the layout would also provide lorry servicing.

#### *Weekly Refuse / Waste Collection*

9.28 Under the DBC Refuse Guidance Note an onsite storage facility recessed within the new hedge would be necessary within 25m of the highway at Venus Hill to serve the new dwellinghouse, in accordance with the established approach to collection. This should not adversely affect the overall usability of the roadway.

9.29 The inbuilt difficulties of tandem development are demonstrated by this issue, with the residents having to wheel and then locate the respective blue, black and green (if part of the green bin system for part of the year) bins and carry the food caddy to the 25m collection point on the weekly refuse collection day. For persons with disabilities / limited mobility this would be a major task, being most safe during the daytime.

*Access for persons with disabilities/ limited mobility / Pedestrians (other than above)*

9.30 The roadway would benefit persons with disabilities/ limited mobility enabling full access to the new dwelling, with benefits from several low impact bollard lights (also Exterior Lighting below).

*Construction of the Extant Dwellinghouse*

9.31 The full construction of the roadway and the vehicle turning area before of the dwellinghouse would be in the interests of highway safety in Venus Hill, eliminating the operational conflicts of using the existing driveway serving the existing dwelling house during dwelling's construction. This is subject to a recommended condition, although HCC Highways have not recommended a Construction Management Plan (the roadway's imported gravel (124 cu m) would require about 10/12 lorries). There would be resultant benefits for the residential amenity of the existing dwelling at Bungalow Fam. This would be in terms of noise, disturbance, headlamp glare and anti-social behaviour, which are all the direct adverse consequences/ symptoms of the tandem development.

*Sustainability*

9.32 This is not a sustainable location, however given the extant permission the proposed roadway would improve access to the site and therefore there would not be a cogent reason to refuse this additional development based upon not being a sustainable location.

### **Other Material Planning Considerations/ Issues**

*Impact upon the Residential Amenity of Adjoining Dwellings*

9.33 With reference to the expectations of Policy CS12 it is not considered that there would be harm to the residential amenity of the adjoining dwellinghouses at Venus Hill.

9.34 As previously noted the creation of a new roadway access would reduce the environmental impact of vehicular movements to the existing dwellinghouse at Venus Hill, following the construction of the dwellinghouse. This would be in terms of noise, disturbance and headlamp glare, which are all the direct adverse consequences/ symptoms of the tandem development, in addition to any anti- social behaviour.

*Ecological Implications*

9.35 Based upon Hertfordshire Ecology's specialist advice there are not considered to be any adverse ecological implications. This is with regard to the effect upon the grassland, with the chosen hedge planting having ecological benefits and more than compensating for the small amount of existing hedge removal. The long-term control regarding the retention of the new hedge planting, as recommended by Condition 8, would have biodiversity benefits, with an informative relating to limiting the effects upon nesting birds.

9.36 The application predates the introduction of Biodiversity Net Gain and consequently is exempt from mandatory BNG. In this respect due to these circumstances it is not considered that it would be appropriate to apply any BNG requirement with due regard to BNG requirements specified by the recently adopted Bovingdon Neighbourhood Plan BOV NE 4 (Wildlife Corridors and Biodiversity).

*Drainage / Contamination: Environment Agency Groundwater Source Zones 2 and 3 and Food Zone 1*

9.37 The application form confirms that the roadway's surface water would be subject to a sustainable drainage. As no details have been provided a condition is recommended. The form also clarifies that the site is not known to be contaminated. It will be essential that the roadway design ensures that there is no resultant surface water flooding onto Venus Hill.

*Exterior Lighting*

9.38 The proposed roadway is to be unlit.

9.39 The site is within a sensitive E1 Lighting Zone within the countryside, subject to Policies CS1, CS5, CS24, CS25, CS29, and CS32, saved DBLP Policy 113 and Appendix 8 and the Framework's Paragraph 191 (c), with no road lighting in the locality.

9.40 The provision of cat's eyes would assist use by vehicle, pedestrians (using a torch) and disabled wheelchair users. This may obviate the need for any roadway exterior lighting.

9.41 The introduction of exterior lighting serving the roadway track could be very environmentally harmful unless very restricted and fully screened by the proposed hedging to prevent impact of lighting pollution upon the wider rural area. The refuse bin storage are referred to above could be subtly lit.

9.42 Although lighting does not form part of this application, there could be a case to support the principle extremely limited low key lighting for safety reasons, given the needs of for access for persons with disabilities/ limited mobility and pedestrians. In this respect, the installation of no more than several anti-light pollution capped and fully louvered soft white LED lit directional bollard luminaires with equidistant spacing would be in the interests of all users (pedestrian/ persons with disabilities/ limited mobility and vehicle safety) with the need for the hedging to fully screen these from the wide rural area.

*Crime Prevention/ Security*

9.43 There are no apparent implications with potential benefits from the aforementioned several low impact bollard lights, although not being proposed as part of the submitted scheme. As confirmed the provision of the separate access would prevent the problems of poor neighbour relations (with potentially antisocial behaviour) resulting from the expected daily use of the approved shared single access in terms of blockage, noise, disturbance and headlamp glare, with greater security for The Bungalow Farm.

*Environmental Impact Assessment: Screening*

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

*Air Limit Issues*

9.45 There are no issues because of the development's form.

*Chilterns Beechwoods Mitigation Strategy*

9.46 In providing an alternative access to the site to serve an extant planning permission for the new dwelling would not require the application of the Mitigation Strategy.

*Response to Comments by both Bovingdon Parish Council and Neighbour*

9.47 It is considered that above considerations have addressed directly or indirectly the wide range of issues raised. With regard to Mauldens Cottage references to the Council's previous comments, this is with regard to the Parish Council's. It is considered that the application is valid with a completed application form.

Parish Council: This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt.

Agent's Response: It is not believed that the land is agricultural land and certainly not valuable, it has been used occasionally as a paddock for horses over many years. Based upon Google Earth Pro the land looks like it has been grass paddock since at least 1999. Making this paddock slightly smaller will not impact on this use.

Parish Council In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land.

Agent's Response: We agree the access is usable and has gained planning approval on this basis which can be built at any point, however we believe the new access will improve safety for people accessing the new and the existing site and since the visibility from the site is limited it will also improve the visibility slightly, setting the gate back allows anyone accessing the site to draw off the road avoiding delays to other local residents.

Parish Council: The application also requires the removal of protected hedgerow for the splays at the entrance from the road.

Agent's Response: Can the Parish Council confirm how the existing hedge is protected, the hedgerow to be cut back slightly is mainly a conifer hedge and provides little benefit to local wildlife. The application involves laying a new hedge between the access and the paddock in native planting which is much more "wildlife friendly" providing a large net gain for wildlife in the area.

#### *Other Additional Information provided by the Agent*

9.48 The Applicant has lived on the farm for 77 years; the land adjacent to the house has always been used as a paddock as far as the Applicant is aware the access point next to the house has been there as long as he can remember.

9.49 The Paddock: The Applicant does maintain the paddock periodically through the year, keeping the grass cut, weeding and cutting hedges. There are 3 accesses into this land, one adjacent to his house, one from his farm yard and one from Long Lane. The Applicant uses all three accesses depending on which is easiest at the time and what vehicle he is trying to get in there.

9.50 Previous Consideration of the Fire Access: The Agent and LPA case officer discussed the previous application which was submitted by the current Agent ; it was agreed that the fire brigade access was probably not officially considered, although the existing middle yard does not allow the full turning circle required under Part B5 of Building Regulations the Agent would think the fire brigade would be able to make say a 5 point turn to allow them to turn around in the yard in the event of a fire in the new dwelling. As the LPA is aware the current proposal allows the access to fully comply with this requirement.

9.51 The Existing Hedge .The Agent has reviewed the Government's 'Countryside hedgerow protection: removing hedgerows' (<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management> ). In order for the hedge to be "protected" it needs to join up with other hedges;

clearly at the front there is an access either side so does not join up and there are gaps along this hedge where the farm buildings are located. We are not removing the whole hedge and are merely cutting this back to improve highway safety.

### *Recommended Conditions*

9.52 These are wide ranging and all considered to be in accordance with 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 There is an extant planning permission for the construction of a dwellinghouse in a tandem arrangement at Venus Hill Farm, served by a shared access road and access.

10.2 It has been long established that tandem development is often an unacceptable / very inadequate / environmentally flawed form of housing, with various well-documented inbuilt operational environmental fallibilities.

10.3 The proposal would provide an operationally far more acceptable means of providing an alternative access to the approved dwellinghouse site of the extant planning permission, representing a safe pragmatic approach, with no highway / fire access objections and with no HCC Highways requirements to remove/ frontage planting ( with new planting) on the western side of the existing access to improve visibility sight lines, as referred to by withdrawn applications 21/03959/FUL and 22/02920/FUL.

10.4 There would be some effect upon the openness of the Green Belt in spatial and visual terms in terms of encroachment into the countryside, the latter lessened by the role of new hedge contiguous hedge planting. However, this is outweighed by the long-term operational and other environmental and access/ highway benefits, which overall are considered to amount to the very special circumstances needed to justify inappropriate development within the Green Belt.

10.5 In providing an alternative access to the new dwelling the proposal is considered to be in accordance with the Framework's social and economic objectives in delivering sustainable development, with the caveat that environmentally, owing to its Green Belt location, it is not ideal, but an improvement to the approved tandem development / layout.

## **11. RECOMMENDATION**

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

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

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

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

- 2. The roadway hereby permitted shall only serve the dwellinghouse subject to extant Planning Permission 20/00087/FUL.**

Reason: To safeguard the Green Belt in accordance with Policy CS5 of Dacorum Core Strategy (2013) and Part 13 of the National Planning Policy Framework (2013).

- 3. The surfacing of the roadway and turning area hereby permitted shall have a loading capacity of at least 12.5 tonnes and be surfaced in a brown gravel at all times.**

Reason: To ensure that the dwellinghouse is served by a safe fire/ emergency access at times and in the interests of the character of the area. in accordance with Policies CS8 and S12 of Dacorum Core Strategy (2013), Saved Policies 51 and 54 of Dacorum Borough Local Plan (2004) and the Part 9 (especially Paragraph 116) of the National Planning Policy Framework (2023).

- 4. Prior to the first use of the roadway hereby permitted, the existing hedging shall be cut back in accordance with Plan 22/0293/01 Rev E. Thereafter, the existing hedging shall be retained and maintained fully in accordance with Plan No. Plan 22/0293/01 Rev E.**

Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).

- 5. Any exterior lighting installed to serve the development hereby permitted shall only be fully in accordance with details submitted to and approved by the local planning authority. Once installed the approved lighting shall be retained and maintained fully in accordance with the approved details.**

Reason: To protect the sensitive countryside environment in accordance with Policies CS1, CS25, CS29 and CS32 of the Dacorum Core Strategy (2013), Saved Policy 113 and Appendix 8 of Dacorum Borough Local (2004) and Paragraph 191 (c) of the National Planning Policy Framework (2013).

- 6. The gates serving the new access road and Bungalow Farm, and the repositioned existing gate serving the existing paddock shown by the approved plans, shall open inwards at all times and shall be provided before the first use of the roadway hereby permitted.**

Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).

- 7. The whole length of double width hedge shown by the approved Plan 22/0293/01 Rev E shall be planted its entire length within or following the first planting season following first use of any part of the roadway hereby permitted. The hedge planting shall comprise of mature hedging at between 0.8m and 1.8m high and maintained at no lower than 2m for the hedge's entire length. Any part of the hedge which within a period of 15 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 section of hedge of the same or similar species, size and maturity. In the event that after 15 years the hedge partially or fully removed a new hedge shall be planted fully in accordance with the approved scheme and thereafter permanently retained and maintained at height at no less than 2m for its entire length. For the purposes of this condition, the planting season is from 1 October to 31 March.**

Reason: In the long term interests of the environment and to biodiversity as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) , Policy CS12 (e) and CS29 (i) of the Dacorum Borough Council Core Strategy (2013) and the aforementioned lighting policies.

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

**22/0293/01 Rev E**

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

### **Informatives:**

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.

### Access Road Construction

Given the potential dangers associated with large vehicles / construction traffic along this part of Venus Hill on a bend, the implications of potential blockages of the existing internal access way during construction, as well as the purpose of the application, it is strongly recommended that the access road is constructed prior to the commencement of works in relation to the construction of approved dwelling.

### 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.

Ecology

Nesting Birds. 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.

**APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Bovingdon Parish Council	<u>1ST CONSULTATION</u>  Object- insufficient access for emergency vehicles  19.10.2023
Bovingdon Parish Council	<u>2ND CONSULTATION: 13.11.2024</u>  Object ' As per previous meeting 16/10 - insufficient access for emergency vehicles  13.11.2024
Hertfordshire Ecology	<u>1ST CONSULTATION</u>  No comments received
Hertfordshire Ecology	<u>2ND CONSULTATION</u>  No comments received
Hertfordshire Ecology	<u>3RD CONSULTATION</u>  The Application can be determined with no ecological objections (with any conditions/Informatives listed below).  Summary of Advice  Landscaping plan to show native hedgerow planting. A nesting bird informative.

Comments:

The proposal is to facilitate revised access arrangements to a proposed new dwelling (granted under 20/00087/FUL) and this will involve the removal of an area of grassland and a portion of hedgerow for sight lines and a new access point.

The site for the creation of the proposed track is grazed by horses, on land which is not considered to be 'valuable agricultural land' (DAS) despite being shown as part of Bungalow Farm. Such established management is highly unlikely to have retained any significant ecological value, as suggested by photographic evidence of heavily if not overgrazed grassland.

Furthermore, the section of hedgerow at the front of the property that is to be removed (as shown in the Site and Location Plan) would also be of limited ecological value but could be used by nesting birds. Consequently, the nesting bird informative below should be added to any consent granted.

Notwithstanding the grassland value, given there will be a loss of habitat associated with this proposal, I would advise that the new hedgerow to be created adjacent to the new track should be of locally native species. This could include planting any of the following species, blackthorn prunus spinosa, hawthorn Crataegus, wild privet Ligustrum vulgare, hazel Corylus avellana, Field maple Acer campestre or holly, Ilex aquifolium. Such would enhance the site's biodiversity value and should be a condition of approval.

Overall, there are no objections to the principle of this development, and I find no fundamental ecological constraints associated with the proposal. I therefore see no reason as to why this application could not be determined accordingly with the following:

Condition

A landscaping scheme to demonstrate native hedgerow planting adjacent to the new access to compensate for losses of roadside hedgerow and grassland habitat.

Informative

Nesting Birds

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. Whilst the site/building is not known to

	<p>support breeding birds, their presence cannot be ruled out. 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> <p>I trust these comments are of assistance</p>
<p>Hertfordshire Highways (HCC)</p>	<p><u>1ST CONSULTATION : 11.10.2023</u></p> <p>Location;The Bungalow Farm Venus Hill Bovington Hemel Hempstead HP3 0PG  Application type: Full Application  Proposal: Change of use of land to facilitate the construction of a residential access road</p> <p>Recommendation: Interim</p> <p>This is an interim response in relation to how a fire appliance will access the approved dwelling using the proposed access road. The approved dwelling is greater than 45 metres from the highway network to all parts of the building.</p> <p>Therefore a fire appliance must be able to enter the site and turn on site to access the highway network in forward gear. This would need to be shown on a swept path to ensure that a 8.2 metre wide fire appliance can use the new access route in case of an emergency.</p> <p>It is noted that HCC Highways responded within an interim in 2021 requesting a speed survey which was provided in the 2022 application. Within this application there is no drawings providing the visibility splays which is required for this new access.</p> <p>Once information regarding the fire appliance has been provided then HCC Highways can make an informed recommendation for the site.</p> <p>11.10.2023</p> <p><u>2ND CONSULTATION: 15.11.2023</u></p>

HCC Highways has no concerns currently with the access arrangements, however, we are currently waiting on Herts Fire and rescue for a response.

ADDITIONAL PLANS : ADDITIONAL FIRE ACCESS PLAN

1ST Response : 28.11.2023

*No new drawings have been provided since our last response.*

2ND Response : 02.01.2024 ( Re Notification)

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informatives:

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

AN 1) Storage of materials: 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>

	<p>licences/business-licences.aspx 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>Comments:</p> <p>The proposal is for the change of use of land to facilitate the construction of a residential access road at The Bungalow Farm, Venus Hill, Bovingdon. Herts Fire and Rescue have responded and deem the access arrangements to be acceptable. There is proposed to be no alterations to the existing highway network and vegetation will be maintained to improve visibility. Therefore, HCC Highways would not wish to restrict a grant of permission for this proposal.</p>
Hertfordshire Fire & Rescue (HCC)	<p><u>HFRS E MAIL TO HCC HIGWAYS : 08.11 2023</u></p> <p>Thank you for the information. It is not possible to determine distances of hose-lay without a building plan layout drawing. Do you have this information?</p> <p>If the stopping position for the appliance is located before the corner 'Access to approved dwelling' on the plan drawing, the proposed turning facility appears to be adequate. Reversing facilities should allow for reversing in a straight line only, to the turning point.</p> <p>I hope this helps, but please do not hesitate to contact me if you have any questions.</p> <p>(Note : HCC Highways e mail to HRS:</p> <p>Dear Herts Fire and Rescue,</p> <p>Please see the email below. Would it be okay if you could check the attached plans and see if it would be acceptable in your eyes for a fire appliance to be able to turn around on site as required within building regulations owing to the dwelling being greater than 45 metres from the highway network).</p>

E MAIL TO HCC HIGHWAYS :09.11 2023

Thank you for the information. It is not possible to determine distances of hose-lay without a building plan layout drawing. Do you have this information?

If the stopping position for the appliance is located before the corner 'Access to approved dwelling' on the plan drawing, the proposed turning facility appears to be adequate. Reversing facilities should allow for reversing in a **straight line only**, to the turning point.

I hope this helps, but please do not hesitate to contact me if you have any questions.

E MAIL TO HCC HIGHWAYS :09.11 2023: : 10.11.2024

I did look on the portal but there were no floor plans or layout plans of the dwelling. The measurement from the plans from the front of the dwelling to the back of the nearest stopping distance of an appliance (taking the reversing in a straight line as previous into account), is approximately 31m. This allows for approximately 14m maximum measurement within the building depending on the number of storeys and the room/floor layouts.

E MAIL TO HCC HIGHWAYS 09.11 2023

We are not saying the plans are suitable.

The plans as they stand are not showing enough information to demonstrate that distance from the rear of an appliance at it's nearest stopping point is within 45m of the furthest point on the dwelling. There is no information on the number of storeys or the distance for hose-laying within the dwelling.

We therefore cannot comment on the plans with the limited information we have been provided with.

Any reversing for an appliance must be in a straight line and no more than 20m.

If you have any questions please do not hesitate to contact us.

( Response to HCC Highways E Mail dated 10.11.2023 : Thanks for this. So you're saying that the proposal is suitable for a fire appliance in sole capacity to reach the dwelling in case of an emergency ?)

ADDITIONAL PLANS: ADDITONAL FIRE ACCESS PLAN RECEIVED  
28.11.2023

	<p>Thank you for forwarding the plans. The access distance appears to be met and we have no further comment to make.</p> <p>19.12.2023</p>
Bovingdon Parish Council	<p>ADDITIONAL INFORMATION PROVIDED BY THE AGENT: CONSULTATION ( E MAIL DATED 15.02.2024)</p> <p>Object ' Please refer to the comments made on last application:</p> <ol style="list-style-type: none"> <li>1. This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt</li> <li>2. In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land</li> <li>3. The application also requires the removal of protected hedgerow for the splays at the entrance from the road</li> </ol>
Bovingdon Parish Council	<p>ADDITIONAL PLANS: ADDITONAL FIRE ACCESS PLAN RECEIVED 28.11.2023</p> <p>Object</p> <ol style="list-style-type: none"> <li>1. This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt</li> <li>2. In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land</li> <li>3. The application also requires the removal of protected hedgerow for the splays at the entrance from the road</li> </ol> <p>09.01.2024</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
6	3	0	3	0

### Neighbour Responses

Address	Comments
Kestrel Barn Long Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NE	<p>Agree, support and second the objections already addressed in other comments.</p> <p>It is very likely that the request to build a separate drive rather than use the existing entrance is due to the ability to increase the value of the proposed property. The original planning for the house was granted on the basis of the existing drive being utilised for access. This is a significant change and could be inferred as "planning XXXX".</p> <p>Re-designation of land due to change of use. There is no clarity in the planning documentation as to whether this re-designation is to apply only to the strip of land being converted to a drive or whether the change of use application applies to the whole paddock. If applied to the whole paddock this would have a significant impact on the various neighbours for years to come. request . It would pave the way for future building applications across wither the whole paddock or in the gap between the two adjacent houses on Long Lane.</p>
Mauldens Cottage Venus Hill Bovingdon Hemel Hempstead Hertfordshire HP3 0PG	<p>24.10.2023</p> <p>Dear Sir</p> <p>I write to oppose the planning application reference number 23/02172/FUL on the following grounds. This is the third application/attempt to build a new access road on this land.</p> <p>a) Use off (sic) existing property for access – access to the new detached bungalow to the rear of Bungalow farm was specifically designed to be through the existing farm areas described within the Design and Access Statement 1047283...“the entrance of the new dwelling through the access road coming off the road of Venus Hill. This access road would thus serve both the existing detached house and the proposed new detached bungalow.”</p> <p>I also note again, the following email of Monday 25<sup>th</sup> October 2021 from Councillor Stewart Riddick to Nigel Gibbs with reference to the Construct of Residential Access Road – Planning Ref <i>I understand that you have been allocated as Planning Officer for the above application.</i></p> <p><i>Having looked at the Plans and Documents submitted for the application, my observations / comments are as follows:</i></p>



	<p>1. <i>This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt.</i></p> <p>2. <i>Having looked at the applicant's existing Planning Approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green Belt.</i></p> <p><i>If after the Consultation Period you are minded to refuse the application, then please proceed to deal with accordingly under the delegated powers. However, if not, then I must 'call-in' the application for deliberation by the DMC committee.</i></p> <p><i>Please keep me advised as to how this application will be dealt with.</i></p> <p><i>Kind regards</i></p> <p><i>Stewart K Riddick"</i></p> <p>b) Loss of over 650 square metres of Green Belt land to make an access road to a new building that already has perfectly adequate access via the existing drive of Bungalow farm.</p> <p>c) Ever increasing traffic and increased disturbance as more vehicles enter the work units at Bungalow Farm.</p> <p>d) Noise and light disturbance for the neighbours to the south and west of Bungalow Farm.</p> <p>Clearly these repeated applications are intended to eventually 'force through' this new road and I look forward to your response.</p>
<p>Mauldens Venus Hill Bovingdon Hemel Hempstead Hertfordshire HP3 0PG</p>	<p>23.10.2023</p> <p>Thank you for the opportunity to comment on this application.</p> <p>This application is substantively similar to previous application 22/02920/FUL by the same Applicant which was withdrawn after significant objections from neighbours and the Council itself. This current application does not overcome issues previously identified. We oppose this application on the following specific grounds:</p> <p>1) Suitable access already exists:</p> <p>In the Design and Access Statement associated with this application, the Applicant refers to planning permission for a detached bungalow approved by the Dacorum Borough Council under application 20/00087/FUL.</p> <p>The original planning permission for that detached bungalow has suitable access and such access was part of the basis upon which that bungalow was approved. If the Applicant is now suggesting that such access is insufficient, the planning permission for that bungalow should be revoked in full.</p>

The Council has previously itself concluded that the access contained within the original approval for the bungalow "is perfectly adequate and does not cause any harm to the open countryside, and consequently does not involve the loss of any Green Belt". (Please refer to comments to planning application 22/02920/FUL provided by the Council. We have quoted directly from the comments as they appear on the Council's planning portal for that application.)

We see no difference between this application and the previously withdrawn application on this point where the council itself stated:

"... my objections remain equally valid to this application. If, after the Consultation Period you are minded to REFUSE, then please proceed to deal with accordingly under Delegated Powers. If not, then I must request the application is submitted to the DMC Committee for deliberation."

We believe these comments of the Council remain equally valid to this application.

2) Reference to change of personal circumstances (use by a family member).

The Design and Access Statement associated with this application states:

"The proposed dwelling was to be built and used by a member of the owners family however this is now not the case and therefore a separate access is proposed."

Use by a family member was not referred to in the Applicant's Design and Access Statement or Application form associated with application 20/00087/FUL for the Bungalow. We further note that the Council's Decision notice on that application (date 14th February 2020) made no reference to usage by a family member. Thus we believe that usage by a family member could not have been a relevant factor in granting that permission at the time and is not grounds for changing the previously approved access route.

However, if use by a family member was a factor when reviewing that Application but is now no longer the case, that consideration no longer exists and the entire planning permission for the bungalow (20/00087/FUL) should be reviewed.

3) Breach of planning permission for Bungalow (Planning ref 20/00087/FUL)

The Council's Decision notice for application 20/00087/FUL dated 14th February 2020 places a number of restrictions on the Applicant specifically to protect the openness of the green belt - for example please see conditions 3 and 4 on that Decision Notice. The current proposal which harms the green belt is in contradiction of these conditions.

In addition, that Decision notice specifically prohibits development

falling within various classes under the Town and Country Planning (General Permitted Development) Order 2015 including those contained in Schedule 2 part 1 F (Hard Surfaces) and Part 2 B (Means of Access to Highway) amongst others. Both of these are contravened by the Applicant's new application.

The applicant specifically states in the Design and Access Statement and Application Form associated with the Bungalow's planning application (20/00087/FUL) that no new or altered vehicle or pedestrian access is proposed to or from the Public Highway, no new public roads or rights of way would be provided and no creation of rights of way are required.

If the Applicant continues to wish to proceed to seek an alternative access route to the proposed Bungalow, planning permission for the Bungalow (20/00087/FUL) should be revoked and the Applicant be required to resubmit a full application.

4) Negative impact on surrounding properties: noise, disturbance and privacy

In the Design and Access statement the Applicant states that the neighbours opposite had objected to a previous application due to the risk of "headlights shining into their site". Unfortunately the new proposal will not diminish this in any substantive way as car headlights will continue to shine into the property opposite for the bulk of the proposed driveway (c 80 metres) resulting in disturbance as a consequence from the proposal. In addition, cars moving down the proposed c.80m driveway and driving towards the neighbours opposite will result in an increase in noise and a degree of loss of privacy for the neighbours opposite.

We note that the Design and Access Statement associated with the application for permission for the Bungalow (20/00087/FUL) states the "Design of the new dwelling has been carefully thought out so as not to impact on the surrounding properties or other areas". This is inaccurate when taken with this new proposal.

The new proposed access negatively impacts surrounding properties.

5) Ecology

The applicant has not addressed the impact that the proposal could have on bat habitats in the area.

6) Harm to Green belt

The proposal seeks to change the use of the entire paddock site. This is wholly unnecessary for what the Applicant has attempted to present as a small driveway strip to one side of the paddock. There is no justification for a conversion of use of this operating paddock. The paddock should remain protected greenbelt land and its classification for use should not be altered.

The Council itself has objected to the unnecessary removal of

	<p>greenbelt land on two previous applications by the Applicant, please see Planning Ref: 21/03959/FUL and planning ref 22/02920/FUL</p> <p>7) Invalid application</p> <p>The Application Form 1432952 which appears on the Dacorum planning portal website in association with this application is blank and thus proper consultation has not been afforded and the application should be considered invalid.</p> <p>In summary, this is now the third attempt by the Applicant to try to persuade the Council to approve misuse of green belt land to provide an unnecessary access road where existing access is adequate. The Applicant has not attempted to minimise the negative impact, particularly by attempting a change of use of the entire paddock.</p>
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**APPENDIX C: HERTFORDSHIRE FIRE AND RESCUE APPLICATION CORRESPONDENCE**

**Fire / Emergency Access Amended Plans: 22/0293/01 Rev D (28 .10.2024): Reconsultation**

In response to the initial representations from Hertfordshire County Council Highways amended plans were submitted in conjunction with the following Agent’s supporting e mail:

‘As you know the approval reference 20/00087/FUL was approved on the basis of using the existing access which has limited vision and the application showed no access/turning for fire engines. Earlier in the year we applied for a completely new access which fully complied with required highways vision however this was not viewed favourably by Dacorum for other reasons. The approval for the dwelling is dated 2020 however as you are aware work has commenced as evidenced by the lawful development certificate issued under reference 23/00300/LDE.

The latest application is if you like ‘a halfway house’ which improves the vision from the approved access and provides a separate access once within the site along the side of the field to the new house and the existing yard improving the safety for the occupiers of The Bungalow Farm House, which as you know has an entrance door on the side of the bungalow. The vision from the existing access in red and the new vision in green shows how this has been improved by the proposal to make the access slightly wider.

The swept path for a new fire engine has been plotted with some minor adjustments to the plan to fully comply. The latest proposal overcomes the issues from the earlier application for a new access and does allow fire engines to access the new dwelling and turn within the existing yard which is all under the same ownership. The existing road (Venus Hill) is very narrow and by making the existing access wider will give the fire engine more chance of being able to get into the access to service the new dwelling and the existing buildings within the yard.

It is understood that the owner is likely to keep the gated access from The Bungalow Farm House to the existing yard (as originally approved) which would be available in the case of an emergency but will not be used on a daily basis if the new access is approved.

The species of plants proposed for the new hedge will provide an ecological gain in terms of a natural habitat between the field and the new access road.

The entrance gates are 3.6m wide on the basis that the fire engines are 3.0m wide including mirrors although the mirrors will pass above the 1.2m high gates'.

**Fire/ Emergency Access: Additional Information: 28.11.2023: Reconsultation with all consultees**

The current initially submitted application did include original approved plans for the bungalow. A plan was submitted to the LPA ( and subject to reconsultation) showing the distance from where a fire tender appliance can reverse to and then to the furthest point of the dwelling from that point which equates to 40.5m.