



Public Document Pack

# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 3 OCTOBER 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

## Membership

Councillor Garrick Stevens (Chairman)	Councillor Jan Maddern
Councillor Claire Hobson (Vice-Chairman)	Councillor Angela Mitchell
Councillor Sammy Barry-Mears	Councillor Brian Patterson
Councillor Ian Bristow	Councillor Stewart Riddick
Councillor Toni Cox	Councillor Caroline Smith-Wright
Councillor Nigel Durrant	Councillor Philip Walker
Councillor Fiona Guest	Councillor Colette Wyatt-Lowe

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

## **AGENDA**

### **1 MINUTES**

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

### **2 APOLOGIES FOR ABSENCE**

To receive any apologies for absence

### **3 DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

#### **4 PUBLIC PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

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

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

5a	24/01496/MFA Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement, Haresfoot Farm , Chesham Road, Berkhamsted, Hertfordshire	(Pages 6 - 159)
5b	24/00782/FUL Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping. Birch Grove Farm, Half Moon Lane, Pepperstock, Luton	(Pages 160 - 197)
5c	24/01755/FUL Demolition of 43 existing garages and construction of 8 flats with associated parking and landscaping, Chenies Court, Hemel Hempstead, Hertfordshire,	(Pages 198 - 237)
<b>6</b>	<b>APPEALS UPDATE</b>	(Pages 238 - 267)

## INDEX TO PLANNING APPLICATIONS

<b>Item No. No.</b>	<b>Application No.</b>	<b>Description and Address</b>	<b>Page</b>
<b>5a.</b>	24/01496/MFA	Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement Haresfoot Farm , Chesham Road, Berkhamsted, Hertfordshire	
<b>5b.</b>	24/00782/FUL	Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping. Birchin Grove Farm, Half Moon Lane, Pepperstock, Luton	
<b>5c.</b>	24/01755/FUL	Demolition of 43 existing garages and construction of 8 flats with associated parking and landscaping Chenies Court, Hemel Hempstead, Hertfordshire,	

# Agenda Item 5a

ITEM NUMBER: 5a

<b>24/01496/MFA</b>	<b>Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement</b>	
<b>Site Address:</b>	<b>Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire, HP4 2SU</b>	
<b>Applicant/Agent:</b>	<b>Haresfoot Limited</b>	<b>Mr Simon Warner</b>
<b>Case Officer:</b>	<b>James Gardner</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted East</b>
<b>Referral to Committee:</b>	<b>Contrary views of Berkhamsted Town Council</b>	

## 1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to conditions and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure satisfactory mitigation for the Chiltern Beechwoods Special Area of Conservation, consistent with the Chilterns Beechwoods Mitigation Strategy, Biodiversity Net Gain (BNG) and other appropriate contributions and provisions to make the development acceptable in accordance with the development plan, NPPF and any other material considerations.

## 2. SUMMARY

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

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

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

2.4 The proposed development would be located on previously developed land (PDL), and due to the substantial reduction in footprint, volume, hardstanding and the spatial layout, it would not cause substantial harm to the openness of the Green Belt. Rather, it is considered that it would result in an overall improvement to openness. Accordingly, it is considered to be appropriate development<sup>1</sup> in Green Belt terms.

2.5 There would be some harm in the form of the loss of employment generating uses has been identified. However, it is clear from the Lambert Smith Hampton report that the existing buildings are unsuitable for modern occupational standards and that the site is in need for full-scale re-development if it is to compete with other commercial sites.

2.6 Highway and car parking impacts have been fully assessed and it has been concluded that there would be no adverse impacts on the highway network, nor concerns in relation to

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<sup>1</sup> In the words of the NPPF: 'not inappropriate'.

highway safety. Parking over and above that required by the Parking Standards SPD is to be provided on-site by way of surface parking and garaging.

2.7 It is appreciated that Members previously had concerns over the position of the development, located such as it is on the opposite side of the A41 to Berkhamsted and that this could result in a proliferation of development in this location. This would not be the case, however, as the site is encircled by the Haresfoot SANG, such that for the next 80 years<sup>2</sup> it would not be possible to develop the land surrounding the application site. As such, the site is very much an exception rather than a rule.

### 3. SITE DESCRIPTION

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

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

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

3.4 The land surrounding the site has planning permission<sup>3</sup> for a change of use from agriculture to Suitable Alternative Natural Greenspace (SANG) and is currently jointly owned by the applicants and Taylor Wimpey.

### 4. PROPOSAL

4.1 Planning permission is sought for the demolition of all buildings on site and the construction of 59 new dwellings, a community hub, site access road and highway improvements.

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

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

<b>Market Housing</b>		<b>Affordable Housing</b>	
<i>Property Type</i>	<i>Number</i>	<i>Property Type</i>	<i>Number</i>
1 Bed Apartment	0	1 Bed Apartment	5
2 Bed Apartment	0	2 Bed Apartment	5
2 Bed House	0	2 Bed House	10
3 Bed House	13	3 Bed House	4

<sup>2</sup> Secured by way of a signed section 106 agreement.

<sup>3</sup> 23/02508/MFA.

4 Bed House	14	4 Bed House	0
5 Bed House	8	5 Bed House	0
Total:	35	Total:	24

4.4 The development would be built at a density of approximately 8.8 dwellings per hectare and would range in height from 1.75 – 2.5 storeys.

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

4.6 A section 106 Agreement shall secure the following heads of terms:

Matter	Contribution / Requirement
<b>Affordable Housing</b>	<p>A minimum of 40% affordable housing</p> <p>Tenure to be split as follows:</p> <p>50% Dacorum Affordable Rent. 50% Shared Ownership.</p>
<b>Education</b>	<p>£632,263 contribution (index linked to BCIS 1Q2022) towards the expansion of Ashlyns Secondary School and / or provision serving the development</p> <p>£71,485 contribution (index linked to BCIS 1Q2022) for the delivery of 113 additional Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspare School and/or provision serving the development</p> <p>£11,125 contribution (index linked to BCIS 1Q2022) towards resources and reconfiguring the Hemel Hempstead Young People's Centre in order to ensure young people from Berkhamsted can access appropriate projects in response to growth in the area</p> <p>£340 (adjusted for inflation against RPI July 2021) in respect of Monitoring Fees</p>
<b>Healthcare</b>	<p>£98,624.40 to increase capacity at Manor Street Surgery.</p>



<b>Strategic Access Management and Monitoring Strategy (SAMMS)</b>	£53,918.92 contribution as part of the Chiltern Beechwoods Special Area of Conservation Mitigation Strategy.
<b>Suitable Alternative Natural Greenspace (SANG)</b>	Mechanism to secure SANG provision for 59 units at Haresfoot Farm SANG.
<b>Biodiversity Net Gain (BNG)</b>	Net gain to be secured for a minimum of 30 years.
<b>Site Management Company</b>	Establishment of a Management Company with responsibility for ongoing maintenance of open-space, play space and community hub building.
<b>HCC Travel Plan Monitoring Fee</b>	£6,000.
<b>HertsLynx Bus</b>	Hertslynx Bus Service to be extended to include a Bus Stop as shown on the Site Layout. A welcome pack that includes £100 of vouchers is to be provided to each household upon first occupation of the site.
<b>Electric Bicycles</b>	Provision of 10 communal electric bicycles for the use of residents of the development.
<b>Electric Car Club</b>	Developers to fund a car club.

## 5. BACKGROUND

5.1 There was a considerable level of engagement with and by the applicants prior to the submission of the previous application, which in turn is relevant to this application, as it represents the next iteration of that scheme.

5.2 Paragraph 137 of the NPPF is of relevance with regard to this matter, stating that:

*‘...Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.’*

5.3 Given that the NPPF specifically requires applications to be looked at in a more favourably if they are the result of a genuine collaborative engagement with the community, it is considered appropriate to provide further information and comment.

### Community Engagement and Pre-Applications Discussions

5.4 The public engagement carried out by the applicants is outlined in the Statement of Community Involvement document prepared by Meeting Place (dated January 2024). In summary, the public engagement included:

- A meeting with Berkhamsted Town Council in January 2024;
- Newsletters sent to local addresses within a 1.5km radius of the site, providing information on the proposal and details of the public consultation event.
- A dedicated website (<https://haresfootfarm-consultation.co.uk/>) with an online feedback form;
- A consultation event held at the Court House on 14th December (4pm – 8pm) in Berkhamsted.
- A dedicated email address, freephone telephone number and freepost address

5.5 The applicant's Statement of Community Involvement concludes that:

*'Engagement with local stakeholders was also undertaken and will continue to take place following the submission of the application.'*

*Haresfoot Limited have taken feedback onboard wherever possible to help evolve the proposals throughout the consultation process and will continue to engage with stakeholders and the local community.'*

5.6 In addition to the community and stakeholder engagement, there has also been engagement with the Planning Department.

5.7 The first stage of engagement comprised of a pre-application submitted in July of 2023, which included a meeting on 13th September.

5.8 The design was reviewed by both the Council's Conservation and Design Officer and its Principal Urban Design Officer, who were largely supportive, though did raise queries in relation to:

- The appropriate application of materials across the character areas to ensure coherence across the site as well as a recognisable distinction between character areas; and
- The proximity of development to the proposed SANG and the need for advanced planting buffers.

5.9 In terms of the suitability of the site for housing, it was advised that further information would need to be provided in terms of the distances of the site from local amenities, as well as confirmation from the Highway Authority that they are amenable to the proposed highway improvements.

5.10 In Green Belt terms, it was advised that the development of the southern quadrant of the site would represent inappropriate development in the Green Belt and would thus need to be supported by 'very special circumstances'.

5.11 The pre-application originally proposed the construction of 100 dwellings; however, following concerns raised by the Council in relation to the quantum of development, and Natural England in relation to the proximity of some units to the proposed SANG, this was reduced to 91 units.

5.12 The next stage of engagement with the Council was by way of a Planning Performance Agreement (PPA) and included five meetings, three of which took place prior to the submission of the formal planning application. At this stage, the number of units was reduced by a further five in order to limit the spread of built form into non-PDL land.

5.13 Further tweaks took place following the initial PPA meeting in response to a number of issues, which were subsequently addressed.

5.14 Members ultimately resolved to refuse planning permission at the committee meeting of 30<sup>th</sup> May 2024 on two grounds: Green Belt and suitability of the site for housing.

5.15 Following this, the applicants entered into further discussions with the planning department in order to explore ways in which the reasons for refusals could be addressed. In response:

- The quantum of development has been reduced by approximately 31% - i.e. 27 units.
- Development has been limited to the previously developed parts of the site.
- An electric car club has been introduced.
- A further two electric bicycle rentals have been included (despite the number of units having reduced), providing a total of ten.
- Additional information has also been provided in relation to how the Haresfoot Pantry would work in practical terms, giving confidence that this is a viable option for dealing with sustainability matters effectively.

## 6. PLANNING HISTORY

Relevant Planning Applications:

24/00330/MFA - Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement.  
Refused – 28<sup>th</sup> June 2024

6.1 The application has been submitted by the applicants following the refusal of application 24/00330/MFA by Members on 28<sup>th</sup> June 2024. The application was refused for two reasons:

1. *'The proposed development of the southern quadrant of the site would constitute inappropriate development and would result in visual and spatial harm to the openness of the Green Belt. In addition, the proposals would lead to a conflict with one of the five purposes of including land in the Green Belt - i.e. to assist in safeguarding the countryside from encroachment. The benefits of the scheme taken together do not clearly outweigh the harm and other harm identified. Very special circumstances have not been demonstrated to justify the proposed inappropriate development in the Green Belt. The proposals are therefore contrary to the Policy CS5 of the Dacorum Borough Core Strategy (2013) and paragraphs 142, 143, 152, 153 and 154 of the National Planning Policy Framework (2023).'*
2. *'The application site is located outside of the settlement boundary of Berkhamsted and in open countryside. By virtue of its distance from shops, services, amenities, places of work and a range of public transport links, and notwithstanding the measures proposed to maximise sustainable transport solutions, the site is not considered to be a suitable location for housing. The proposed development would therefore be contrary to Policy CS1 of the Dacorum Core Strategy and paragraph 109 of the National Planning Policy Framework (2023).'*

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

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

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

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

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

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

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

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

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

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

4/01070/09/FUL - Demolition of farm building and construction of 24 stables and exercise arena.  
*Granted – 27<sup>th</sup> August 2009*

## **7. CONSTRAINTS**

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

## **8. REPRESENTATIONS**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

## Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS5 – The Green Belt  
CS8 – Sustainable Transport  
CS9 – Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of the Public Realm  
CS17 – New Housing  
CS18 – Mix of Housing  
CS19 – Affordable Housing  
CS23 – Social Infrastructure  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

### Local Plan

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

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

### Supplementary Planning Guidance/Documents

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

## 9. CONSIDERATIONS

### Main Issues

10.1 The main issues to consider are:

- The suitability of the site for housing
- Green Belt Considerations
- The quality of the development and character and appearance
- The impact on residential amenity
- The impact on landscape character
- The Loss of employment generating uses
- Highway safety, car parking and servicing
- Social infrastructure and healthy communities

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

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

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

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

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

### **Background**

#### *Access to Public Transport*

9.5 Berkhamsted Town Centre is located approximately 1.4 miles from the application site. The quickest route by walking or cycling is by way of White Hill and Chesham Road. A bus stop with services into Berkhamsted Town Centre is located an 11-minute walk<sup>4</sup> from the edge of the application site on Chesham Road. There is, however, no pedestrian infrastructure between the application site and Chesham Road. Whilst a section of White Hill contains a narrow grass verge upon which pedestrians might be able to walk, this would be neither safe nor satisfactory for the less able-bodied during times of inclement weather.

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

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<sup>4</sup> As measured from the security gate at the entrance to Haresfoot Farm.

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

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

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

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

9.9 The bus stop for services heading toward Berkhamsted requires maintenance, there is a limited area of hardstanding upon which to wait, and no means of shelter from the elements. These factors, in addition to the lack of pedestrian infrastructure along White Hill, will inevitably influence the travel choices of future residents of Haresfoot Farm. It is acknowledged, though, that upgrades and improvements to the bus stop would go a considerable way to making bus travel a more attractive as a means of reaching Berkhamsted. While it is accepted that the bus service<sup>5</sup> serving this stop could not, owing to its limited frequency, support regular commuting, it nonetheless provides an alternative means of transportation for persons who do not have access to a car or who are environmentally minded. That said, there is an argument to say that the frequency of the bus service could potentially be increased in the future, the development at Haresfoot Farm being the catalyst, thereby resulting in even greater use of sustainable means of transport.

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

#### *Walkability*

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

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

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<sup>5</sup> No. 354.

9.13 A map showing the location of key facilities and other amenities in relation to the site is included within the Haresfoot Farm Accessibility Strategy and reproduced below for ease of reference.

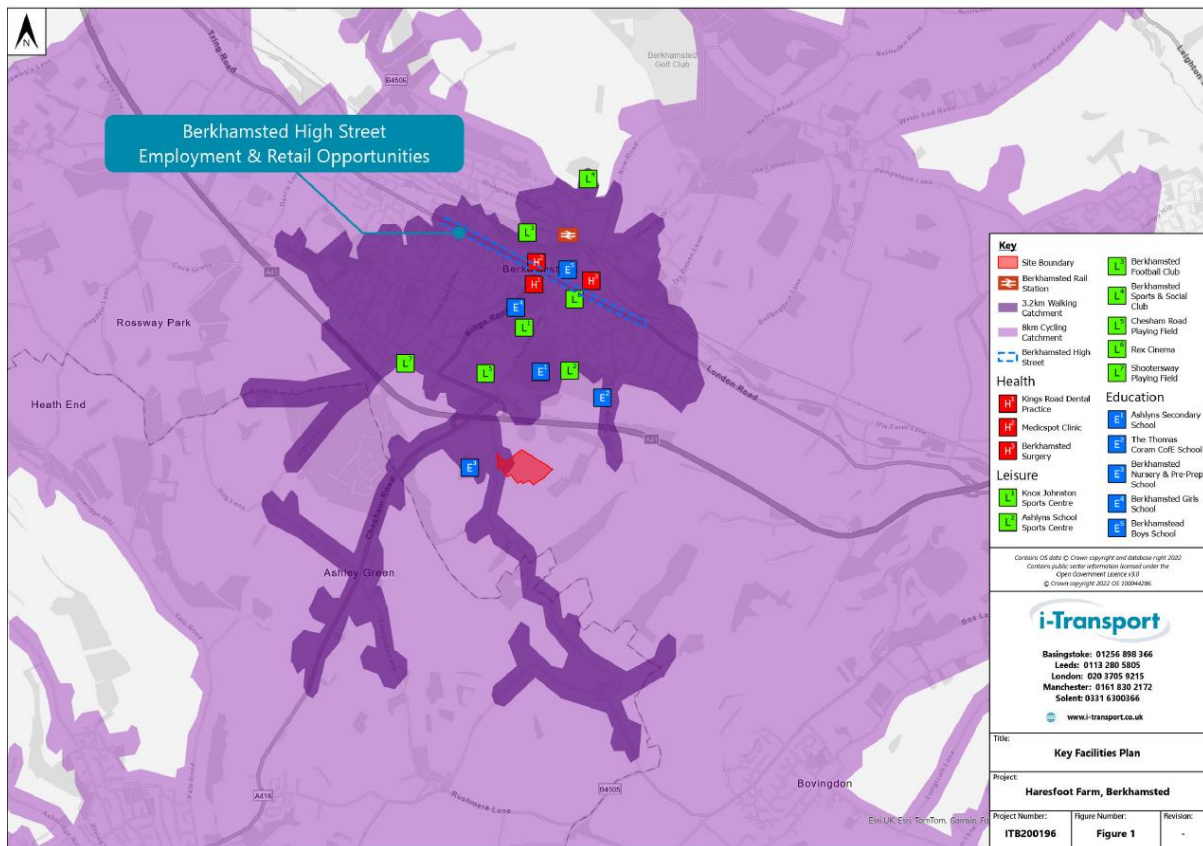


Figure 1: Location of site in relation to nearby services

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

### Cycling

9.15 The Department for Transport Local Transport Note 1/12<sup>6</sup> indicates that a width of 3 metres should generally be regarded as the preferred minimum for an unsegregated shared cyclist / pedestrian route, although acknowledges that a narrower route might suffice where there are few cyclists or pedestrians.

9.16 The proposed traffic calming measures along White Hill are likely to make the road more conducive to cyclists, while the average speeds of vehicles traversing Chesham Road have been established as being consistently at 40mph<sup>7</sup> or below. Were a reduction in speed limit along White Hill and Chesham Road to be agreed (see section below), then this would be likely to encourage more people to use cycling as an alternative means of transport. There are also alternative, quieter routes into Berkhamsted; in particular, along Shootersway, joining the Chiltern Cycleway on Cross Oak Road, which is traffic calmed on its approach to Berkhamsted town centre.

<sup>6</sup> 'Shared Use Routes for Pedestrians and Cyclists'.

<sup>7</sup> Mean and 85<sup>th</sup> percentile.



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

#### *Proposed Upgrades*

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

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

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

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

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

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

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

#### *Additional Sustainability Measures*

##### Community Hub

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

9.25 As the quantum of development is such that there would not be the critical mass of people necessary to support a small convenience store, the applicants have advanced the idea of pantry contained within the community hub building. The pantry would be stocked and managed by the Management Company, and would be a place where residents would be able to get essentials such as bread, milk, coffee, tea, eggs etc without resorting to a car journey. Since the previous application, further information has been provided in terms of how this would work in practice.

9.26 A pantry vending machine will be installed within the community hub building, which will consist of several cabinets of different sizes that include a mix of refrigerated and non-refrigerated for the appropriate produce. The cabinet-style machine allows easy collection of produce, but also ensures that the produce is not damaged. The vending machine will include a range of daily essentials – such as milk, bread, orange juice, butter and eggs etc – although the mix could potentially change depending on resident demand.

9.27 The specific arrangements are at initial stage due to the absence of planning permission; however, the applicant has indicated that there are at least two manufacturers ([Farm Pantry](#) & [JSR Vending](#)) who offer solutions that appear appropriate for the Haresfoot hub building context.

## Machine design

### Highest quality



The vending cabinet consists of individual product boxes. These boxes are available in different sizes to suit your products. Each vending set also includes a payment terminal, which processes the transactions and allows the customer to select the product of their choice from the relevant box. The device's high quality design guarantees reliability and durability, even in severe conditions such as heat waves or icy weather.

Each Farm Pantry vending set consists of one payment terminal and any number of vending cabinets:



Photo 1: Pantry Vending Machine

9.28 With regard to the administrative process, it is understood that the vending machines include a payment terminal which can be tailored for a range of payment methods, including cash, card, Apple Pay, Loyalty Cards and via a mobile app.

9.29 It is the view of officers that this method of food distribution would limit the need of residents to travel outside of the site for the basic essentials of life and, essentially, act as a

very basic 'corner shop' and meet the 'Pint of Milk Challenge'<sup>8</sup> set by the Community Review Panel (CRP) when the initial scheme was first reviewed by them on 5<sup>th</sup> March 2024.

### Herts Lynx

9.30 Herts Lynx is a new service in Dacorum and described on the Intalink website in the following terms:

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

9.31 It has been confirmed with Hertfordshire County Council that there are no issues with HertsLynx serving the development at Haresfoot Farm.

9.32 A sympathetically designed bus shelter is thus proposed to be constructed on-site for residents who wish to use this service.



Figure 2: Location of HertsLynx Bus Stop

9.33 The section 106 agreement will require the applicant to provide each household<sup>9</sup> with a Welcome Pack which explains how HertsLynx works and £100 in vouchers to encourage use of the service.

### Electric Bicycle Hire

9.34 An additional two electric bicycles are proposed in comparison to the previous scheme, providing a total of 10. These will be available for use of the residents on the site and the

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<sup>8</sup> How would residents of the development provide for the most basic shopping needs, and would they need to drive into Berkhamsted to do this?

<sup>9</sup> First occupiers only.

maintenance and management of these dealt with by the Management Company, all secured by the section 106 agreement.

### Electric Car Club

9.35 An Electric Vehicle Car Club (based at the Community Hub) is proposed to be introduced and funded by the developer, providing residents of the development with the ability to travel around the area in a low emission vehicle.

### *Assessment*

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

9.37 The route from the edge of the application site to Berkhamsted High Street was walked by the case officer. This took approximately 27 minutes at an easy pace but at a brisker pace, the time could be reduced to around 24 minutes. A round trip of 48 minutes to 54 minutes is likely to deter a reasonable number of people from walking – especially if they are less mobile, accompanied by children or carrying purchases. Nonetheless, the footpath and other off-site highway works secured by the planning permission would enable some residents to safely walk to the town when not constrained by time, or for leisure purposes. It could be the case, for example, that residents of the development choose to walk into Berkhamsted on a weekend or bank holiday.

9.38 Chesham Road is reasonably busy but with the provision of a wider footpath, controlled crossing<sup>10</sup>, a reduction in speed limit from 60mph to 40mph, and the construction of a widened traffic island, pedestrians would be able to safely make their way to Berkhamsted Town Centre. Moreover, the facilities in Berkhamsted would be able to be reached relatively easily by bicycle or electric bicycle, the latter of which would mitigate against the incline on the return trip. There are also other facilities closer to the site than the High Street – e.g. Ashlyns School, Berkhamsted School, Thomas Coram Church of England School, Milton House Surgery etc – which residents would potentially be more inclined to walk to.

9.39 The National Travel Survey (NTS) identifies the mode share of different journey and confirms that most trips<sup>11</sup> of up to one mile (1.6km) are undertaken on foot. Journeys to facilities within one mile provide the greatest opportunity for trips be comfortably made by walking, but this is not to say that one mile is the maximum walking distance. Indeed, Manual for Roads and Bridges (DMRB) TD91/05 “Provision for Non-Motorised Users” states that: *‘Walking is used to access a wide variety of destinations including educational facilities, shops, and places of work, normally within a range of up to 2 miles.’*

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

9.41 The Community Hub would reduce the need for residents to utilise their private motor vehicles in order to obtain basic essentials – e.g. milk, bread, tea, coffee etc – and offers the opportunity for social interaction on the development through aerobics and yoga classes, book club meetings etc. Should planning permission be granted, the legal agreement would require the delivery of the hub building as a priority.

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<sup>10</sup> Likely a Puffin Crossing but to be determined in the section 278 discussions with the Highway Authority.

<sup>11</sup> 80%.

9.42 In addition to the sustainability measures outlined above, the applicant's highway consultants<sup>12</sup> are exploring with Hertfordshire Highways the potential for widening the existing footway along Chesham Road further than currently proposed. The latest proposal is to widen the footway to 3m<sup>13</sup> which would result in the narrowing of the carriageway to around 6m. These discussions are ongoing and have not yet been finalised. A summary of the discussions to date is set out below:

- HCC Development Control section would in principle be supportive, but they would need to consult all sections requiring a Design Review Panel Process (DRP) due to the carriageway width reducing below standard for this road type.
- A range of required information was issued to HCC to allow the review to take place in mid-August.
- HCC confirmed that they do not require this additional footway widening, in their opinion the previously proposed footway widening and off-site highway works met their requirements which therefore forms the default position.
- They have not yet confirmed the outcome of the Design Review Panel Process, but a response is due soon.

9.43 Widening of the Chesham Road to 3m would provide sufficient space for a good-sized shared pedestrian / cycle path, further encouraging the use of sustainable means of transport. Although Hertfordshire Highways do not require these additional works, should the outcome of the DRP be positive and the go-ahead given by Highways, then it would be open to Members to require these works should they deem them necessary to make the development acceptable in sustainability terms. Further updates will be provided on this point in due course, which would, if these additional measures were agreed and secured, maximise sustainability measures and therefore should be given further weight.

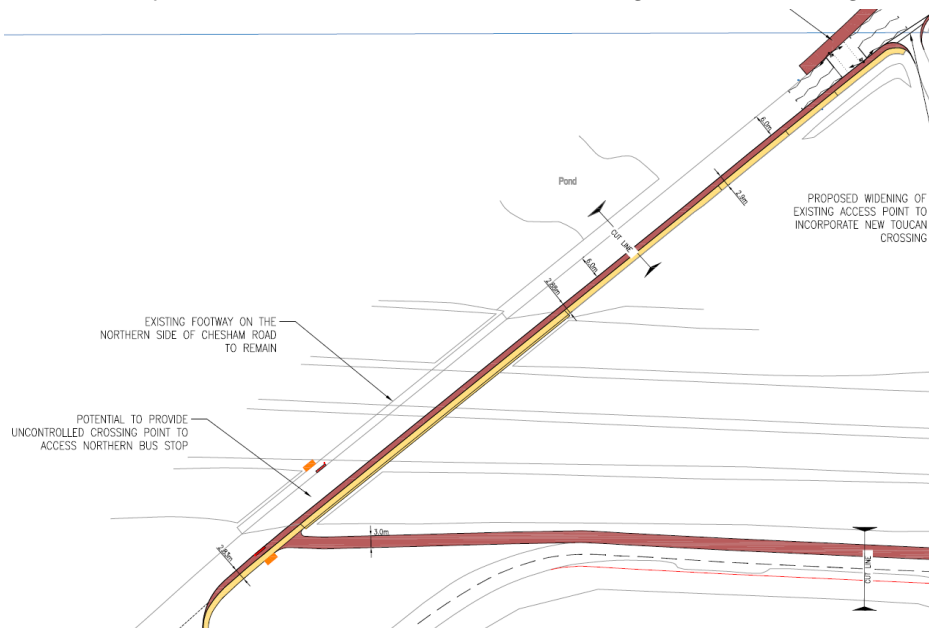


Figure 3: Proposed Additional Upgraded (yet to be agreed by HCC)

9.44 In forming a view with regard to the sustainability credentials of the site, it is important to bear in mind the site's current lawful use as commercial premises. While it is true that it is under-occupied at the moment due to the need for significant investment / redevelopment, when / if in full operation the emissions produced from commercial vehicular movements

<sup>12</sup> EAS.

<sup>13</sup> 2 – 2.4m is currently proposed.

and private vehicles<sup>14</sup> would arguably be more harmful from an environmental perspective than those arising from the residential use of the site. Indeed, as outlined in a later section of this report, it is estimated that a change of use from a commercial to residential use would result in a daily reduction of 274 vehicular movements.

9.45 In the context of an edge of settlement location, it is considered that the application site would, following implementation of off-site highway works and provision of the suite of sustainability measures outlined above, maximise the opportunities for accessing local services and facilities other than by private car.

9.46 Furthermore, the site already constitutes previously developed land (PDL), and as such, has trip generation associated with it.

9.47 In light of the above it is considered that the proposed development would be in partial compliance with Policy CS1 of the Dacorum Core Strategy. Accordingly, there would be a degree of harm arising as a result of the location. This harm is considered to be moderate and would need to be weighed against all the other benefits of the proposal.

### **Green Belt Considerations**

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

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

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

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

*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*

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

### **Whether Inappropriate Development**

#### *Previously Developed Land*

9.53 The Glossary to the Framework defines PDL as:

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<sup>14</sup> Given the lack of catering facilities on-site, it is not unreasonable to assume that staff would often drive into Berkhamsted to get lunch.

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

9.54 Case law<sup>15</sup> has established that the extent of previously developed land is determined with reference to the curtilage of buildings.

9.55 The northern half of the site contains the majority of built form, and it is to be noted that the fields to the north comprise of land associated with the equestrian centre granted planning permission by application 4/01070/09/FUL.

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

9.57 Of relevance in this regard is the case of *Sykes v Secretary of State for the Environment* [1981], where it was held that land used for grazing non-agricultural horses would fall within the meaning of 'use of land as grazing land', for unlike the words 'breeding and keeping of livestock', there is nothing within the section 336 definition of agriculture which requires the animals to be used for the purposes of farming. It was also established that if horses are being kept on the land and 'being fed wholly or primarily by some other means so that that such grazing as they do was completely incidental and perhaps achieved because there was no convenient way of stopping then doing it', then the land would not be being used for grazing and, by extension, not in an agricultural use.

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

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

*The proposal primarily relates to the applicants financial need to diversify the operations of the farm by incorporating a livery enterprise comprises of seventeen owners with 24 horses in total. The agents have noted that the farming enterprise is not sustainable in profit and livelihood terms. Two years ago it achieved a profit of £8000 and one year ago the farm made a £4000 loss. In order to financially support the farming operation the applicant needs to maintain the income from the diversification comprising the livery yard. The annual income from the livery enterprise is £28,000, before the deduction of costs such as hay and feed which is provided by the applicant, and any labour charges. The agents conclude that the*

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<sup>15</sup> 9 R (oao Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin)

*livery operation income is essential to the farming enterprise and without it the farming would be unviable.*

9.59 It is clear, therefore, that the equestrian centre comprised<sup>16</sup> of a commercial equestrian use and thus any land within its curtilage would fall to be considered as previously developed.

9.60 The Hiley judgement<sup>17</sup> established that the correct approach in determining curtilage is that set out by the Court of Appeal in the decision of R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs [2022]; namely, for 'one hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter'.

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

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

9.63 The plan submitted in support of the historic application<sup>18</sup> (see Figure 3) indicated that the land to the north and north-east of the stable was to be used for grazing, which is confirmed in the officer report, where it is stated that 'there is more than sufficient grazing land available at the farm for the horses which will be stabled.'

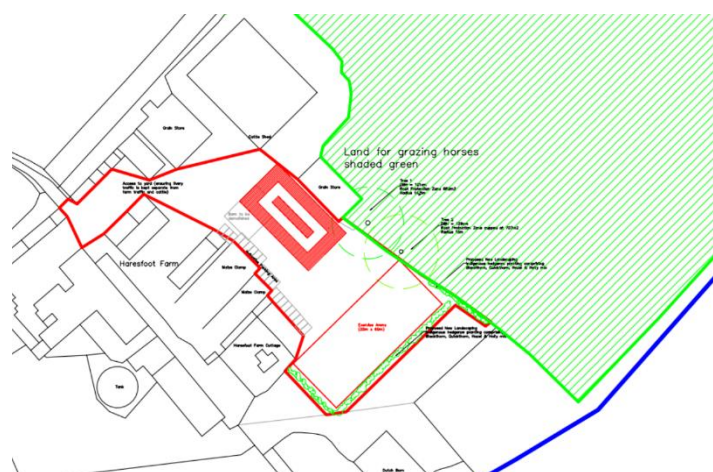


Figure 3: Grazing land associated with historic planning application

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

9.65 There are a number of other buildings in the northern part of the site that were formerly in an agricultural use, but which have been let out to other companies as part of an ongoing

<sup>16</sup> The use has recently ceased, though all associated buildings and infrastructure remain in place.

<sup>17</sup> Hiley v Secretary of State for Levelling Up, Housing and Communities & Anor [2022]

<sup>18</sup> 4/01070/09/FUL.



process of farm diversification. It is accepted by Officers that these buildings are now in lawful non-agricultural use.

9.66 The southern part of the site contains three buildings (Buildings 7, 8 and Temp Building 1), only one of which is lawful.

9.67 Building 7 comprises of a metal framed structure erected by the previous owners of the site and held by the inspector appointed to deal with the enforcement notice appeal as inappropriate development. The terms of the partially upheld enforcement notice require its demolition. It is understood that an attempt was made by the applicants to decommission the building; however, this took place at a time of high rainfall when the ground was insufficiently firm to support the requisite heavy machinery.

9.68 As regards Building 8, it was accepted at the appeal that it was granted planning permission in 1998<sup>19</sup> as a barn for agricultural purposes with three open sides clad in dark stained Yorkshire boarding and a half clad north eastern elevation with profiled metal sheeting painted dark grey. In considering the appeal against the enforcement notice to remove the building in June 2021 (APP/A1910/C/20/3249358), the Inspector noted:

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

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

9.69 Planning permission<sup>20</sup> for retention of the external alterations to Building 8 and its change of use to the storage, salvage, re-purposing and recycling of scenery and props associated with the entertainment industry was granted 28th March 2022. Therefore, Building 8 and any land within its curtilage constitutes previously developed land.

9.70 In terms of Temp Building 1, planning permission<sup>21</sup> was granted on 23rd February 2022 for its retention for the storage of items associated the entertainment industry for a period of 12 months. This building has not been removed within the required time and is unlawful. Consequently, it does not represent previously developed land.

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<sup>19</sup> 4/00404/98/FUL

<sup>20</sup> 21/04629/FUL

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



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

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

9.72 Unlike the previous application, no non-PDL parts of the southern half of the site are proposed to be developed. Drawing no. 23-J4356 – 1005<sup>22</sup> shows the relationship between the existing and proposed development, and confirms that new development is confined to the footprint of existing lawful buildings and / or their respective curtilages.

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

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

9.74 The application proposes that 40%<sup>23</sup> of the units would be affordable:

Tenure Type	Number of Units per Tenure	Percentage per Tenure
Dacorum Affordable Rent <sup>24</sup>	12	50%
Shared Ownership	12	50%

*Table 1: Affordable Housing Tenures and Quantity*

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

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

9.77 When based on income alone, it is clear that only a small proportion of households unable to afford market rents would be able to afford an affordable rent (at 80% of market

<sup>22</sup> Proposed Site Layout & Existing Overlay

<sup>23</sup> 24 units out of 59.

<sup>24</sup> Capped at 60% of market.

rent) at current costs without the need to claim benefits (or where it would be assumed they are spending too high a proportion of their income on housing costs).

9.78 Current local and national planning policy does not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 12 affordable rented properties at 60% of market rent would meet an identified need for affordable housing in the area and thus engage the less stringent requirement of paragraph 154 (g) – i.e. development must not cause substantial harm.

9.79 Substantial harm is a high bar and thus when the second limb of 154 (g) is engaged, a considerable level of harm<sup>25</sup> to the Green Belt can be caused without it constituting inappropriate development. Decisions as to whether substantial harm would occur ultimately fall to be matters of planning judgement.

*Whether Substantial Harm to Openness:*

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

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

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

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

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

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

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

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

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<sup>25</sup> Although it must still be less than substantial harm.

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

Attribute	Existing	Proposed	Difference	Change
Footprint (m <sup>2</sup> )	8,150	6,241	-1,909	-23.42%
Hardstanding	17,131 <sup>26</sup>	10,025	-7,106	-41.48%
Volume (m <sup>3</sup> )	47,851	29,850	-18,001	-37.62%
Green Space (m <sup>2</sup> )	40,385	56,818	+16,433	+40.69%

*Table 2: Green Belt Calculations*

9.86 In summary, in quantitative terms, the proposed development would result in a substantial reduction in footprint, hardstanding and volume.

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

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

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

9.90 The openness of southern part of the site is reduced by the presence of Building 8, the design of which is large and bulky with limited articulation and blank facades, giving a strong impression of solidity. This is located in an isolated position and has a volume of 4,148m, a footprint of 575m<sup>2</sup> and a maximum height of 7.6m. To the north of Building 8 is an existing manège, which has an area of approximately 1,484m<sup>2</sup> and is separated from the boundary with Building 7 by a solid fence of approximately 2m in height.

9.91 The removal of the large, bulky and utilitarian buildings and their replacement with a number of smaller, articulated buildings would open up views across the site.

9.92 When viewed from White Hill, instead of the unbroken elevations of Buildings 3, 4 and 5, gaps would be created between the rows of dwellings, resulting in a greater sense of openness. There would be similar visual improvements from other perspectives, too; in particular along the site frontage, from within the SANG and from farther afield.

9.93 The southern elevation of Building 8 represents the outer limit of built form on the site and it is to be noted that new development would stop short of this. As such, there would be a reduction in encroachment into the countryside to the south. This does, however, need to be tempered by the introduction of the hub building and Plot 30.

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

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<sup>26</sup> The areas of existing hardstanding referred to in the table above include those required to be removed as part of the Enforcement Notice. Discounting these areas gives an overall figure of 15,585m<sup>2</sup>. Taking this into account, there would be a reduction of 35.67%.

## Quality of Development / Character and Appearance

### *Design*

9.95 As with the previous application, the design approach has been dictated by the rural landscape and the need for development to be sympathetic to its surroundings. As such, the concept of breaking the site up into a number of character areas was agreed as a suitable approach.

9.96 The Farmstead Edge character area seeks to emulate the largely unbroken line formed by the current historic farm buildings. Plots 3 and 59 flank the entrance and are modern interpretations of the existing white building to the right of the access. Materials are to comprise of white and natural coloured brick with heights ranging from 1.75 to 2.5 storeys. The entrances to the dwellings will be along the site edge – looking out toward the public footpath and future SANG. It is considered that the design and recreation of the existing farmstead frontage has been done to a high-standard, sensitively reflecting the strong characteristics of the historic farmstead charm. The design of plots 1-3 and 59-56 embeds the development in the local character and forms a scheme that has evolved from the historic usage and character.

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



Figure 4: Character Areas

### *Layout*

9.98 Whilst the number of units has decreased compared with the previous scheme, the layout remains largely unchanged and is still considered to be high-quality from a design

perspective, with the approach to the east-west landscape corridor in the south of the site being a major asset to the scheme that creates a unique environment that will be distinctive.

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

#### *Density*

9.100 The development would be built at a density of approximately 8.8 dwellings per hectare – as compared with 11.8 dwellings per on the previous application. Given the site context and local character, this level of density is considered to be acceptable.

#### *Amenity Space*

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

9.102 Drawing no. 23-J4356-1009 (Private and Communal Amenity Plan) indicates the garden areas demised to the respective dwellings. Whilst there are examples of dwellings with garden depths marginally less than 11.5m, the site is exceptionally located in so far as public amenity space is concerned, being stone's throw from the future SANG and the considerable public open space on the site itself.

#### *Noise*

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

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

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

9.105 Furthermore, Paragraph 191 of the NPPF states that:

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

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

9.106 An Acoustic Assessment and noise survey undertaken by Cass Allen identified that average noise levels, maximum noise levels and background noise levels across the site are

dictated by road traffic on the A41 - located approximately 280m from the northernmost corner of the site.

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

9.108 The Acoustic Assessment states at paragraph 5.24: *'The noise survey results indicate that noise levels in the majority of external amenity areas are predicted to generally achieve the BS8233 recommended levels.'* before going on to conclude, in paragraph 5.26, that the *'exceedance is anticipated to be below the level at which it would become perceptible under normal conditions (i.e. outside of a dedicated listening room) and is therefore considered negligible in practice'*.

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

9.110 In line with the conclusions of the report in respect of the previous (refused) application, officers remain of the view that the inclusion of an appropriately worded planning condition would address matters of noise. The suggested wording of the condition is set out below for ease of reference:

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

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

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

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

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

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

#### **Impact on Landscape Character**

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

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

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

- promote the survey, retention and restoration of the historic parklands, including Ashlyns, Haresfoot, Rossway and Champneys through a range of initiatives; including; tree planting including parkland exotics (where over mature);
- encouragement to reverse arable to pasture and use of traditional metal estate fencing. Restoration of structures should be historically accurate;
- support a strategy to limit built development within the area or the impact of development that may affect the area from outside;
- conserve and enhance the distinctive character of settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character of the area.

9.118 The application has been supported by a Landscape and Visual Appraisal (LVA) which assessed the likely landscape and visual effects of the development. The LVA establishes the baseline and provides comment on the nature of the changes and whether they will be significant in the determination of the application.

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

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

9.121 A degree of visual change is anticipated for people walking on footpath 41/42, people using Bridleway 36 south east of the Larches, people travelling along White Hill, and future users of the SANG. Importantly, however, the development does not introduce development into a hitherto undeveloped landscape; rather, it would replace large, utilitarian commercial buildings with smaller built components that are set within a landscape setting which will filter views, eventually reducing the visibility of the development from local roads and footpaths. Overall, however, the visual impact of this scheme would be less than that previously considered by Members (owing to the reduction in quantum).

9.122 Landscaping proposed within the nearby Haresfoot SANG would further soften the residential development. Given that the SANG is linked to the Grange Farm application<sup>27</sup> which will shortly be granted planning permission, there is a high degree of certainty that the SANG works will be implemented. Even if the SANG was not ultimately implemented, the

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<sup>27</sup> 23/02034/MFA.



considerable landscaping proposed within the development itself would mitigate any significant impacts.

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

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

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

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

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

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

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

9.129 According to the report, 17 of the 23 separate units are vacant. The use of Buildings 2 – 8 are limited to the storage, salvage, repurposing and recycling of scenery and props associated with the entertainment industry within use classes B8 and E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This use was specific to the former owner of the site and is restrictive and likely to be wholly unsatisfactory for occupiers seeking unencumbered E, B2 or B8 uses.

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

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

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

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

- At 42.2m sq ft, UK-wide take-up of commercial space in 2023 was the lowest annual total since 2017.
- Interest in commercial premises is focused on the quality end of the market, Grade A space accounting for approximately 70% of total take-up in 2023.
- The underlying make-up of supply has shifted following an increase in speculative development, with new and refurbished space accounting for 67% of total supply.
- Within Dacorum there is a good supply of higher quality commercial units than those found at Haresfoot Farm. The new units are purpose built and provide basic amenities such as toilets, kitchens, office content and are located in established employment locations with better road access and nearby services.

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

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

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

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

9.135 The above notwithstanding, it is acknowledged that eight of the units are currently occupied and would be deprived of commercial / storage space should re-development for

residential purposes proceed. It follows that this is a modest disbenefit of the scheme, although not sufficient, in the view of officers, to weigh in favour of a refusal on these grounds alone.

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

9.136 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.

9.137 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.

### **Access**

9.138 The existing access to the site is to be altered to facilitate the residential development. The alterations are to comprise of a new bellmouth junction and the realignment and widening of the access, details of which are shown on drawing no. SK01 Rev. C<sup>28</sup>

9.139 Paragraphs 4.28 – 4.32 of the Transport Assessment prepared by EAS (dated June 2024) provide a list of road traffic accidents which have taken place in the vicinity of the site for the five-year period ending in 2022. It is to be noted that no accidents were recorded along White Hill, the closest being at the junction of White Hill and the A416. Other accidents were located even further from the site and would clearly have been unrelated to the application site access.

9.140 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

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

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<sup>28</sup> Found in Appendix E of the Transport Assessment dated June 2024.

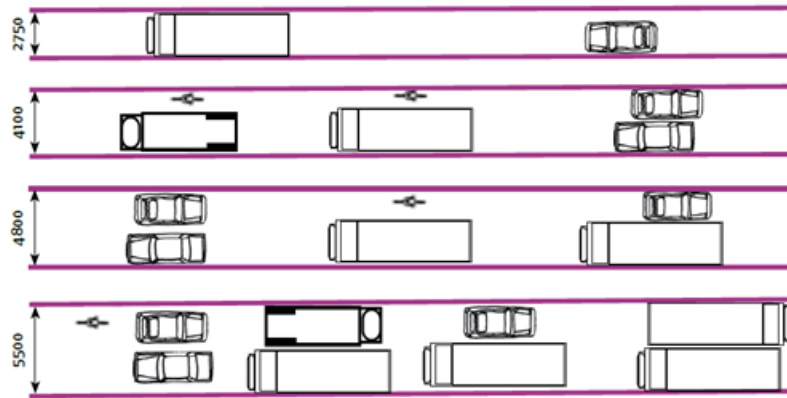


Figure 5: MfS Extract pertaining to carriageway widths

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

### Road Capacity

#### *General*

9.143 TRICS data has been used to predict the transport impacts of both the proposed and existing development. The TRICS database consists of a large amount of survey data, encompassing numerous developments throughout the country. TRICS will annually identify what datasets are lacking data, or data that is at risk of being out of date, and then look to find suitable sites they can survey. Transport consultants will set certain parameters – e.g. land use, location in relation to urban areas, tenure, unit numbers etc – and then use an average of the survey data in order to estimate the likely number of vehicular movements. Table 8.2 of the Transport Assessment sets out the expected number of vehicle movements in the morning and evening peaks (08:00 – 09:00 & 17:00 – 18:00) and between the hours of 07:00 – 19:00 for the proposed development. The data indicates that the combined development – i.e. 49 houses and 10 flats – would generate a total of 25 vehicle trips during the AM peak hour, 23 during the PM peak hour, and 214 over the day.

9.144 Paragraphs 8.11 – 8.18 compare the trip generation that would arise from the existing use of the site with the proposed residential use.

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

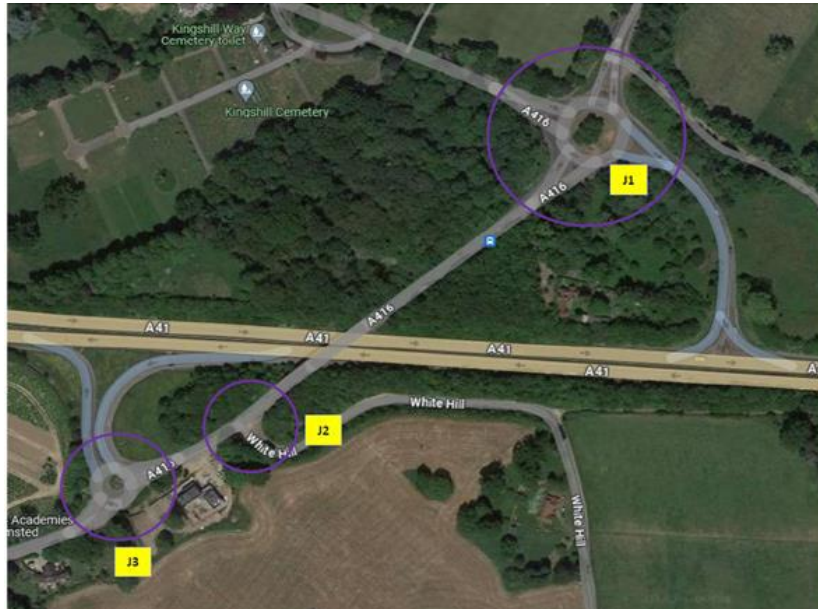
9.146 As the current land use will generate a significantly larger number of HGV movements than the proposed residential development, and as each HGV will individually have a greater impact than a single car, the use of PCUs is considered to be appropriate.

9.147 As per Table 8.6, when accounting for PCU values, the proposed development would be expected to reduce overall highway demand by a reduction of ~21 PCUs in the AM peak, ~30 in the PM peak and ~274 PCUs over the day as compared with the existing uses. This is a considerable improvement and results in a situation far more conducive to the prevailing

road conditions, such that no concerns are raised by officers in relation to the road capacity of White Hill between the site and the junction of the A416.

#### *A416 Priority Junction & Roundabouts*

9.148 Junction modelling over three scenarios<sup>29</sup> has taken place in respect of the A41 Roundabout (NE), the White Hill / A416 Priority Junction, and the A41 Roundabout (SW). The data indicates that the junctions are operating well within capacity and will continue to do so in all modelled scenarios.



*Figure 6: Junction Modelling Undertaken  
Whelpley Hill & Buckinghamshire Council Road Network*

9.149 Concerns have been raised by members of the public in relation to the potential traffic impact on the section of White Hill between the application site and the hamlet of Whelpley Hill, as well as Whelpley Hill itself.

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

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

9.152 A Technical Note providing further information in relation to trip distribution was provided by the transport consultants in respect of the previous application for 86 house, and is attached at Appendix P of the Transport Assessment submitted in support of this application.

9.153 The Technical Note advised that:

*'owing to the site's proximity to the A416 and the A41, it is found that very few car journeys are expected to route through Whelpley Hill. Overall, 6.7% of journeys to*

<sup>29</sup> 2023 Base Year Model, 2028 Growth Model & 2028 Growth + Development Model.

*work' would be expected to route through Whelpley Hill, with the remainder routing via the A41, A416 or Berkhamsted town.'*

9.154 It was estimated that the 86-unit scheme would have generated two car journeys through Whelpley Hill in both the AM and PM peak hours, or 17 vehicle movements between the hours of 07:00 – 19:00. The current scheme represents a reduction in unit numbers of approximately 31% and thus it is reasonable to conclude that the impact on Whelpley Hill will be even less.

9.155 The views of Buckinghamshire Council's Development Management Highways Team were sought in respect of this application given the relatively close proximity of the site to the county boundary. Their response is appended below:

*'Thank you for sending the attached consultation regarding the above application. This has been allocated to myself and I have the following comments:*

*Some development traffic will route onto Buckinghamshire's road network, in particular along the A416 Chesham Road, with a small amount also along White Hill/Whelpley Hill. Noting the previous application (ref: 24/00330/MFA) which was for a larger quantum of development, and considering the trips associated with the site's existing use which will be removed, the development impact on Buckinghamshire roads is minimal and does not give rise to any highway safety or network capacity concerns. The Highway Authority raises no objections.'*

#### *Cumulative Impact of Haresfoot SANG*

9.156 Members resolved to grant planning permission<sup>30</sup> for the change of use of agricultural land surrounding the application site to outdoor recreation with a view to it eventually becoming Suitable Alternative Natural Greenspace (SANG).

9.157 Following conclusion of the section 106 negotiations, planning permission has now been granted; and, as a result, it is correct to consider the interaction between traffic associated with the SANG and this development.

9.158 A letter was provided in relation to previous application to clarify the impact of the SANG in the vicinity of the proposed Haresfoot Farm development. This is attached at Appendix Q of the Transport Assessment submitted in support of this application.

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

#### *Summary*

9.160 It is considered that the development would not result in highway capacity being exceeded; rather, it would represent a betterment when making a direct comparison between the existing and proposed land uses and quantum. In forming this view, regard has been had to the robust and substantial quantitative evidence provided by the applicant and the expert views of the Highway Authority.

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<sup>30</sup> 23/02508/MFA.

## Offsite Highway Works

9.161 The following off-site highway works are proposed:

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

9.162 The site location plan submitted in support of this application does not include the land upon which the highway works are to be carried out. However, it is well established in planning law that Highways works outside of a red line boundary can be secured by way of a Grampian condition and the section 278 agreement with the Highway Authority. A Grampian condition is essentially a negatively worded condition that either prohibits development authorised by a planning permission or other aspects linked to the planning permission until a specified action – e.g. provision of supporting infrastructure – has been undertaken.

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

9.164 The Highway Authority have reviewed the proposed works and advised as follows:

*'Following a request from HCC as HA as part its pre-app discussions with the applicant, a Stage 1 Road Safety Audit and Designers Response was submitted as part of planning application ref. 24/00330/MFA. This is still relevant for the current application and is included in section 7 and appendix M of the TA. Following consideration of the audit results, designers response and feedback from HCC's Road Safety Audit Team, there would not be any objections to the proposed works at this stage from a safety perspective, subject to a full assessment as part of the 278 technical review and incorporation (and ultimately implementation) of all of the proposed amendments in the designer's response.*

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

*The acceptability of the necessary works on Chesham Road / A416 would be subject to the aforementioned speed limit change from the national speed limit 60mph to 40mph. Any speed limit change in Hertfordshire is subject to approval from the Speed Management Group (SMG). Following submission of the necessary recorded vehicle speed survey data by the applicant (mean and 85<sup>th</sup> percentile speeds) and*

supporting information, the SMG has approved the recommended speed limit change and would not object to such a change and associated highway works. A copy of the full data is included in appendix K of the TA.'

9.165 It is noted that concerns have been raised by the occupiers of Redwoods in relation to the proposed traffic calming measures along White Hill and potential urbanisation of the lane. With regard to the former, the applicants commissioned EAS to undertake swept path analysis for a Land Rover and Ifor Williams trailer entering and exiting the respective accesses. The swept path analysis is reproduced below.

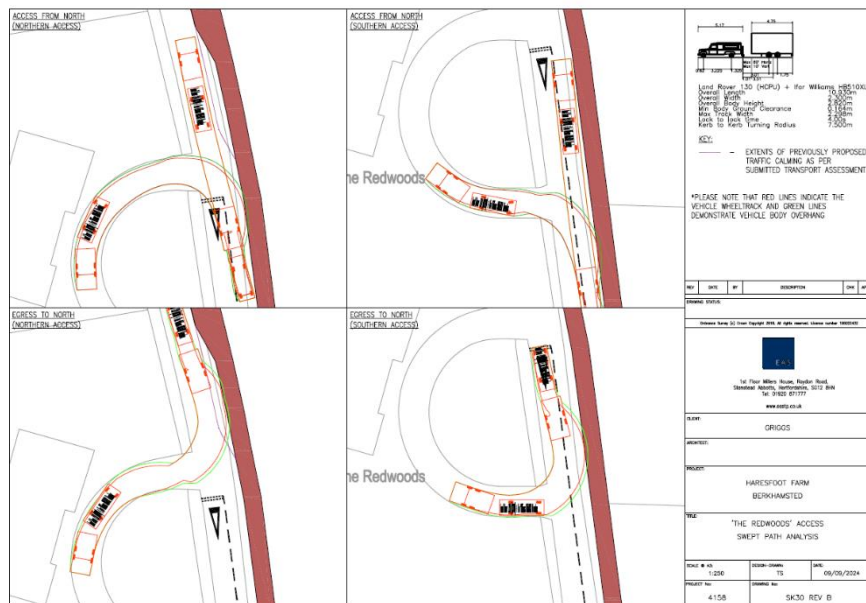


Figure 7: Swept Path Analysis for Redwoods Accesses

9.166 The manoeuvre into the southern access from the north would be tight, so it may be the case that the pedestrian path is narrowed slightly in this location to facilitate better manoeuvrability.

9.167 It is important to note that at this stage the works are merely indicative and full details would be provided to the Highway Authority at section 278 stage, where they would subject to a number of audits. The Highway Authority would not agree to any works which impede ingress and egress to an established access.

9.168 It is also anticipated that lighting will form part of the off-site highway works. This is confirmed at paragraphs 6.6, 6.49 and 7.32 of the Transport Assessment - set out below for ease of reference:

*'It is proposed that a continuous footway route would be installed (or improved) connecting all the way from the site to the Ashlyns secondary school and hence connections to existing infrastructure from then northwards all the way to Berkhamsted. Along White Hill, the proposed footway would have a series of associated street lighting which is currently absent.'*

*'Installation of footway provision along White Hill, leading onto existing footways on A416. In hand with a series of traffic calming carriageway alternate priorities and with a series of street lighting.'*

*'Designers response: Street lighting of White Hill has been discussed with the highway authority as part of a pre application process. It is proposed that street*



*lighting would be introduced along White Hill. This will benefit the above identified 'problem' as well as all user of the route.'*

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

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



*Photo 2: Example of Sympathetic Traffic Calming*

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

### Car Parking

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

9.172 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.

9.173 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.'*

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

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

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

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

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

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

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

9.179 A total of 177 parking spaces are to be provided within the development, comprising of:

- 130 allocated parking spaces
- 17 unallocated parking spaces; and
- 30 visitor spaces.

9.180 The size and number of dwellings proposed gives rise to a parking requirement of 141 spaces. Excluding visitor spaces – which are additional where more than 50% of spaces are allocated – there would be a surplus of parking. Given the location of the site, there would not be an objection to a modest overprovision of parking.

*Visitor Parking*

9.181 The Parking Standards SPD identifies that no special provision need be made for visitor parking where at least half of parking provision associated with a development is unallocated. Where this is not the case, the car parking standard plus 20% is a requirement. On this basis, a total of 28 visitor spaces would be required. Since the site provides a total of 30 visitor spaces, no concerns are raised in this regard.

#### *Disabled Parking*

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

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

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

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

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

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

9.185 In accordance with the Parking Standards SPD, 5% of residential car parking spaces should be designated for use by disabled persons. It is important to note that this is 5% of total capacity, not additional. The total number of spaces to be provided in the development is 177; therefore, nine disabled parking spaces would need to be provided in order for the development to be policy compliant.

9.186 A disabled parking plan<sup>31</sup> has been submitted which shows a total of nine standard disabled parking spaces, all of which are located appropriately in relation to accessible dwellings within the development, one parallel bay and one space serving the hub building.

9.187 This arrangement is considered acceptable and would ensure that less able-bodied persons are appropriately catered for.

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<sup>31</sup> Drawing no. 23-J4356-1011



Figure 8: Location of Disabled Parking Spaces

**Electric Vehicle Charging**

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

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

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

### Servicing Arrangements

#### *Refuse*

9.190 Appendix H of the Transport Assessment includes swept path analysis for a refuse freighter.

9.191 Four potential turning points are shown where a refuse freighter would be able to carry out the manoeuvres necessary to turn. This has been demonstrated with a freighter considerably larger than that used by Dacorum Waste Services as well as the closest match to the DBC freighter in the Autotrack database. In both cases it is noted that there would be sufficient space for manoeuvring.

#### *Fire*

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

9.193 The Fire Safety Inspector at Hertfordshire Fire and Rescue has raised a query in relation to the distances of dwellings from the nearest stopping point for a fire tender. For some dwellings, this would be in excess of 45m and therefore give rise to a need for fire sprinklers. An appropriately worded condition requiring details of the sprinklers and their installation prior to occupation of the residential units.

### Social Infrastructure and Healthy Communities

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

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

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

#### *Education*

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

- £632,263 contribution towards Secondary Education.
- £71,485 contribution towards Special Educational Needs and Disabilities (SEND)
- £11,125 contribution to Youth Services

9.198 These contributions meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and should be sought.

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

#### *Healthcare*

9.200 The Hertfordshire and West Essex Integrated Care Board (ICB) were consulted and have requested a financial contribution of £98,624.40 to expand the Manor Street surgery to accommodate the anticipated circa 141 new patient registrations which will result from the proposed development.

9.201 These contributions meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and should be sought.

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

#### *Open Space*

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

9.204 Based on an estimated population of 2.4 persons per unit (i.e.  $2.4 \times 59 = \text{total } 142$ ), there would be a requirement for 0.1704 hectares of open space. However, the total development area (approximately 7.3 hectares) is such that 0.365 hectares of open space would be required.

9.205 The area of open space within the development comprises of parkland which wraps around the perimeter of the site as well as a green spine running north-east / south-west through the centre of the site, equating to some 5 hectares – far substantially receiving the policy requirement.

#### *Sports Provision*

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

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

9.208 Sport England have not requested any contributions toward the off-site provision of sports pitches.

## Play Provision

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

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

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

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

Figure 9: FIT Benchmark Guidelines

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

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

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

*Figure 10: FIT Recommended Minimum Sizes*

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

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

### **Other Material Planning Considerations**

#### *Affordable Housing*

9.214 Local planning policy requires 35% of the total number of units on sites of 10 or more dwellings to be affordable, as defined in the NPPF, equating to 20 units. In this case, however, the applicant is proposing that 40% of the total number of units be affordable, resulting in a total of 24 affordable units, which is welcomed given the acute shortage of affordable housing delivery in the Borough. Indeed, in terms of the number of affordable homes provided in Berkhamsted, the Council’s Strategic Planning and Infrastructure Team have confirmed that over the 10 year period from 2014/15 to 2023/24, a total of just 97, or approximately 10 per year, were provided.



Period	Address	Social Rent	Aff Rent	Int. Rent	S/O	Total
2022/23	Land At Junction Of Durrants Lane &, Shootersway, Berkhamsted		13			13
2021/22	Land At Junction Of Durrants Lane &, Shootersway, Berkhamsted		12		9	21
2019/20	9-11 & 13, High Street, Berkhamsted	12				12
2017/18	Land at Junction of Durrants Lane and Shootersway Berkhamsted	15				15
2016/17	Land at Junction of Durrants Lane and Shootersway Berkhamsted		9			9
2015/16	The Chilterns, Stoney Close, Northchurch	1				1
2015/16	Farm Place, Berkhamsted	26				26
		<b>54</b>	<b>34</b>	<b>0</b>	<b>9</b>	<b>97</b>

Table 2: Affordable Housing Completions in Berkhamsted / Northchurch for period 2014/15 – 2023/24

9.215 This naturally needs to be considered in the context of the considerable affordable housing need in Berkhamsted.

9.216 Whilst the Affordable Housing team have been unable to provide specific date around Berkhamsted due to it being a town, data has been provided in relation to the number of people on the Council’s housing list who bid on properties in Berkhamsted. As a quick overview the last advert for each property type had these amount of bids:

- 1 bed flat- 105
- 2 bed house- 87
- 3 Bed house- 91
- 4 bed-41

9.217 The provision of 24 affordable homes would equate to approximately 24.74% of the total number of homes provided in Berkhamsted over the last 10 years – a not insubstantial number, and would assist in addressing the acute shortage of affordable homes in the immediate area.

9.218 It is also relevant to have in mind that local and national planning policy do not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 12 affordable rented properties at 60% of market rent would provide an important and tangible contribution to affordable housing need in the Borough; a contribution which would result in genuinely affordable rental properties.

Tenure Type	Number of Units per Tenure	Percentage per Tenure
Dacorum Affordable Rent <sup>32</sup>	12	50%
Shared Ownership	12	50%

Table 3: Affordable Housing Tenures and Quantity

9.219 Shared ownership – as an affordable housing product aimed at home ownership also has an important role to play in providing an appropriate mix of tenures.

<sup>32</sup> Capped at 60% of market.

9.220 The provision of affordable housing and at a level above that required by policy, half of which would be genuinely affordable, is a substantial benefit of this scheme that weighs in favour of approval.

#### *Flood Risk and Drainage*

9.221 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.

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

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

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

9.225 The proposed SuDS strategy comprises of 23 areas of permeable paving, a swale adjacent to the site entrance road to capture and attenuate run-off which will then be discharged by four deep bore soakaways, and a further three swales with depths of 0.75m – 1m which will discharge into the wetland area in the eastern part of the site prior to discharge to the deep bore soakaways.

9.226 The Lead Local Flood Authority (LLFA) have not responded to the consultation; however, given that the drainage strategy has not changed and the amount of hardstanding has reduced, no objections are anticipated and the conditions previously recommended are considered to be relevant.

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

9.228 Paragraph 180 (e) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'*

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

#### *Archaeology*

9.230 The application has been supported by an archaeological desk-based assessment prepared by Abrams Archaeology. Given that the farm was mapped in 1812, it concludes

that it is highly likely that it existed in the 18<sup>th</sup> century and has post-medieval origins. In addition, it also notes that the surviving pre-20<sup>th</sup> century building have some archaeological interest and may require historic recording.

9.231 The Historic Environment Advisor at the County Council has been consulted but no response has been received to date. However, the previous application was subject to review and it was advised that archaeological conditions should be included with any grant of planning permission. There are no cogent reasons to take a different approach in this instance.

### *Ecology*

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

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

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

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

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

9.236 These will be secured by condition should planning permission be granted.

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

9.238 The development would achieve a 21.47% increase in area Biodiversity Units and 313.32% increase in Hedgerow Biodiversity Units. It is important to note that BNG must meet a legal minimum of 10%. This must be achieved independently for each of the different habitat types (area, hedgerow or rivers – depending on which is included within the site and therefore calculation) which must individually meet that minimum. In this case, the minimum is markedly exceeded and it is submitted that this is a benefit which attracts very substantial weight in favour the development.

9.239 The County Ecologist has reviewed the Biodiversity Metric and confirmed that he is satisfied with the figures contained therein. Where substantial habitat creation would occur, it is a requirement that this is secured for a period of not less than 30 years. This will be secured by section 106 agreement should planning permission be granted.

### *Impact on Trees*

9.240 The Council's Trees and Woodlands Officer has been consulted and has no concerns or objections to the proposed development, stating that:

*'The revised tree survey is accurate and conforms with BS5837.*

*New documentation notes our previous comments that Ash trees should be removed prior to redevelopment, due to the presence and impact of Ash Dieback.*

*Further details of new tree planting in mitigation for proposed loss is required. AIA Section 6.11 states approx. 200 trees are to be planted with locations indicated pictorially (DAS section 5.4), but specific detail is required of proposed tree locations, species, planting sizes and maintenance regime.'*

9.241 The development would result in the loss of a number of trees, none of which are categorised in the arboricultural report as 'A' Category. A Category 'B' tree (Cedar T1) is scheduled for removal in order to facilitate the development. The tree is visible from the surrounding area and contributes to the character of the area. Consideration has been given as to whether pruning could be used to mitigate the impact of the tree on the proposed development. However, the report advises that Cedars do not respond well to pruning and therefore this would not be a viable way of addressing any post-development relationship. Although the loss of the tree is regrettable, given the substantial planting proposed as part of the application, it is considered that any harm would be mitigated.

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

#### *Permitted Development Rights*

9.243 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."*

9.244 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.'*

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

<b>Permitted Development Right</b>	<b>Sub Class</b>	<b>Plot Nos</b>	<b>Reason for Removal</b>
Schedule 2, Part 1, Class A	Single-storey rear extensions in excess of 3m	2	Plot 2 has a building line which extends forward Plot 1. This has the potential, through the exercise of larger householder extension permitted development rights, to result in unacceptable impacts on residential amenity - over and above that envisaged by central government. As such, this

			needs to be suitably controlled.
Schedule 2, Part 1, Class C	Front roof slopes	1 – 3, 30 – 39, 51 – 53 & 56 – 59	The provision of additional windows in the front roof slope would disrupt the attractive unbroken roof slopes, all of which would face the future SANG and thus be prominent from public vantage points.
Schedule 2, Part 1, Class E		3, 5, 32, 35, 36, 39, 54, 46, 59,	Gardens abut, or are in close proximity to, areas of public open space or strategic pathways and are not substantial size. Therefore, there is the potential for the unsympathetic siting of potentially large outbuildings that would erode the character of the estate.

#### *Impact on Haresfoot SANG*

9.246 Planning permission has now been granted for a change of use of the adjoining land to outdoor recreation with a view to it eventually being designated as SANG. Given the change in the character of the land use, it is right (and material) to consider whether this would be prejudicial to the nascent SANG.

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

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

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

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

9. 250 In terms of the second point it is instructive to note that significant landscaping is indicated between the nearest dwellings and the SANG, which is in addition to the

landscaping already proposed within the SANG itself. Thus, the proposed development would result in a more robust green buffer that would be beneficial to future users of the SANG. Furthermore, only one dwelling<sup>33</sup> within the site could be argued to be close to the SANG boundary.

9.251 The amended scheme would result in a larger proportion of the development being located farther away from the SANG than the previous application, with most dwellings being located in excess of 30m from the boundary of the SANG. Thus, it is not considered that they would be perceived as a significant intrusion and prejudicial to the use of the surrounding land as SANG.

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

### *Custom / Self Build Plots*

9.253 The Self-Build and Custom Housebuilding Act 2015 places a duty on councils to keep a register of eligible individuals and associations who wish to self-build.

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

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

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

*Figure 11: Custom and Self Build Plot Delivery*

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

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

*'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources (as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area. Secondary sources can*

<sup>33</sup> Plot 11.

*include data from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Demand assessment tools can also be utilised.'*

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

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

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

9.259 A total of two Custom / Self Build plots are proposed to be provided as part of this application. It is considered that the provision of Custom and Self Build plots is a benefit of the scheme.

#### *Fire Hydrants*

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

#### *Agricultural Land*

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

9.262 Saved Policy 108 of the Dacorum Borough Local Plan (2004) seeks to protect the 'best and most versatile' (BMV) agricultural land<sup>34</sup>. The Agricultural Land Classification (East Region) map illustrates that the site is 'Good to Moderate' Grade 3 agricultural land. The land is not considered Grade 2 'Very Good' or Grade 1 'Excellent' in terms of its agricultural quality.

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

#### *S106 Planning Contributions*

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<sup>34</sup> Best and most versatile agricultural land is defined by the NPPF Glossary as 'Land in grades 1, 2 and 3a of the Agricultural Land Classification.'

9.264 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The current CIL requirements, as set out in the Annual CIL Rate Summary 2024, for residential within Zone 1 is £375 per square metre.

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

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

9.266 All the planning obligations in the section 106 Agreement meet the tests in CIL Regulation 122 and paragraph 57 of the NPPF.

#### *Environmental Impact Assessment*

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

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

#### *Chiltern Beechwoods Special Area of Conservation*

9.269 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.

9.270 As part of Dacorum's emerging Local Plan, evidence was found that additional residential development in the Borough would lead to more visitors to, and increased recreational pressure on, these protected sites and an associated increase in adverse activities - e.g. trampling, dog fouling etc. 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'.

#### *General duty*

9.271 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 imposes a duty on Dacorum to have regard to the requirements of the Habitats Directive so far as those requirements may be affected by the exercise of its functions. This general duty requires Dacorum to have regard to: -

- the need to establish necessary conservation measures (involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans) and appropriate statutory, administrative or contractual



- measures for the purpose of maintaining or restoring the qualifying habitats and species present at the SAC (Article 6 (1)); and
- the need to take appropriate steps to avoid the deterioration of those habitats and species (Article 6 (2)).

9.272 These duties impose a positive obligation on Dacorum to have regard to the need to conserve the features of the SAC, and to prevent the deterioration of the SAC. These general duties are reflected in paragraphs 185 - 188 of the NPPF.

#### Appropriate assessment

9.273 An appropriate assessment is required under the terms of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017) provides that all plans and projects which: -

- a) are likely to have a significant effect on the SAC (either alone or in combination with other plans or projects); and
- b) are not directly connected with or necessary to the management of the SAC;

must be subject to an “appropriate assessment” of their effects on the integrity of the SAC before the Council can grant consent - i.e. planning permission.

9.274 For the purposes of carrying out that assessment, the Council must consult Natural England and have regard to any representations which Natural England makes (per Regulation 63(3)). Dacorum should also consult the general public (if it considers it appropriate) (per Regulation 63(4)).

9.275 As the proposals involve new residential units, it is likely adverse impacts would arise from the development alone or in combination with other projects from additional recreation pressure harmful to the characteristics of the SAC. Therefore, suitable mitigation is required in-line with the Council’s Mitigation Strategy. The Strategy provides that each new residential unit shall provide a financial contribution to Strategic Access Management and Maintenance (SAMM) (currently measures at the Ashridge Estate and direct provision of Suitable Alternative Natural Green Space (SANG) via a legal agreement.

9.276 The Council may only grant consent for a plan or project if it is satisfied that the plan or project will not adversely affect the integrity of the SAC - i.e. that it will not undermine the achievement of the SAC’s conservation objectives in the long-term (per Regulation 63(5)). This is commonly referred to as the “integrity test”. If the integrity test is not satisfied, permission must be refused.

9.277 It is important to bear in mind that the integrity test does not offer any scope for normal “planning balance” exercises or similar judgements.

#### Mitigation

9.278 Regulation 63(6) requires Dacorum to have regard to the manner in which the plan or project will be carried out, and to any conditions or restrictions which might be applied to consent for the purpose of avoiding adverse effects. In effect, this allows the council to take into account mitigation measures as part of the appropriate assessment.

9.279 Case law has established that mitigation measures must:

- have a high degree of certainty that they will be effective;
- be secured and certain in their effect; and
- be delivered before an adverse effect on integrity is expected to occur.

9.280 Accordingly, this requires that mitigation is both secured (practically going to happen) and certain (in respect of its ecological effects) at the point at which the appropriate assessment is carried out and consent is granted.

9.281 The Dutch Nitrogen cases confirm that:

*“it is only when it is sufficiently certain that a mitigation measure will make an effective contribution to avoiding harm to the integrity of the [SAC], by guaranteeing beyond all reasonable doubt that the [development project] will not adversely affect the integrity of that site, that such a [mitigation] measure may be taken into consideration in the appropriate assessment“.*

9.282 In other words, unless mitigation has been both practically secured and the Council is certain as to its effects, it cannot be taken into account in the appropriate assessment and cannot form the basis for granting consent.

#### Proposed SANG Solution

9.283 As discussed above, the land subject to planning application 23/02508/MFA has been identified as a viable SANG solution, it being noted that it is capable of meeting the necessary criteria for it to be classified as a SANG.

9.284 The mitigation strategy states that:

- SANG will need to be provided at a rate of eight hectares per 1,000 new residents (equivalent to 0.0192 ha per dwelling);
- SANG needs to be of a scale for it to function properly as space.
- SANG catchment will depend on its particular characteristics and location.

9.285 The land proposed as SANG comprises of some 24 hectares and therefore could mitigate up to 1,248 new dwellings. Some of this is to be allocated to the development at Grange Farm, but there would remain ample capacity to mitigate the residential development at Haresfoot Farm. It should be further noted that the SANG has been developed in consultation with Natural England and meets its SANG criteria.

9.286 The application site is contiguous with the SANG and the proposed Site Layout Plan shows five points of access, ensuring that future residents would be able to easily access this resource.

9.287 It is acknowledged that the necessary physical infrastructure for the SANG to operate as intended is not currently in place. As part of the appropriate assessment, decision makers are obliged to consider the robustness and certainty of proposed mitigation measures. Should there be insufficient certainty over Haresfoot, the application must be refused. Both SAMM contributions and SANG provision is required to ensure sufficient mitigation to address the potential harm to the SAC.

9.288 There needs to be scientific certainty that the SANG will be delivered, and an appropriate mechanism in place to ensure its delivery is appropriately monitored and secured.

9.289 The fact that the Haresfoot SANG application has now been granted adds further certainty of deliverability.

9.290 Should Members be minded to grant planning permission, the application will need to be referred to Natural England prior to the decision notice being issued. Based on Natural England's comments in respect of this application, which acknowledge the likelihood of Haresfoot SANG coming forwards, there is no reason to believe that Natural England would not be supportive.

## 10. CONCLUSION

10.1 Paragraph 11 of the NPPF states that:

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

.....

.....

.....

*For decision making this means:*

....

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.2 Footnote 8 clarifies that the presumption in favour of sustainable development is applicable where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

10.3 The above exercise is known as the '*tilted balance*'. When the tilted balance is engaged, it is necessary to conduct a planning balance in determining applications, where a decision-maker will afford varying degrees of weight to the harms and benefits of the scheme.

10.4 The tilted balance does not guarantee consent and does not replace the legal responsibility of the decision-maker to first consider whether planning permission should be granted in accordance with the Development Plan, when read as a whole, unless material considerations indicate otherwise. It does, however, increase the likelihood of an approval by the tilting the balance, such that the scheme is looked at more benevolently than it ordinarily would be.

10.5 The Council cannot demonstrate a five year supply of land and thus the tilted balance is engaged.

10.6 Unlike the previous application, Officers are of the view that the proposed development does not represent inappropriate development in the Green Belt, as the areas subject to development comprise of Previously Developed Land and the totality of built form would not cause substantial harm to the openness of the Green Belt. As such, there is no need for very

special circumstances to be advanced and there are no clear reasons on Green Belt grounds to refuse the application.

10.7 In locational terms, it is noted that the site is not ideally situated, yet it needs to be borne in mind that the site is already developed and therefore represents an opportunity to provide much-needed housing within the Borough on largely redundant land, as opposed to new Green Belt release. The application secures a comprehensive package of sustainability measures that are broad in scope and which, in the first instance, limit the need to travel<sup>35</sup>, and then give priority walking and cycling<sup>36</sup> as an alternative to private motor vehicle, followed by optimisation of other means of transportation – e.g. public transport (standard bus services and Herts Lynx). This element of the scheme carries **moderate negative weight**, added to which would be **moderate negative weight** from the loss of employment generating land.

10.8 The provision of market and affordable housing has been afforded very substantial weight in the planning balance given the Council's housing supply position of 1.69 years, with no serious prospect of an improvement until a new local plan is adopted. With regard to affordable housing, local and national planning policy does not require affordable rented properties to be offered at less than 80% of market rent. Therefore, it is considered that the provision of 12 affordable rented properties at 60% of market rent would provide an important and tangible contribution to affordable housing need in the Borough; a contribution which would result in genuinely affordable rental properties. It is submitted that **very substantial weight** should, individually<sup>37</sup>, be given to these factors (provision of market and affordable housing).

10.9 The development would achieve a 21.47% increase in area Biodiversity Units and 313.32% increase in Hedgerow Biodiversity Units. In this case, the mandatory level of BNG is markedly exceeded and this would should attract **very substantial weight** in the planning balance.

10.10 Based on TRICS data and junction modelling, it has been determined that redevelopment of the site for housing would result in a reduction in total vehicle movements<sup>38</sup> and that capacity of the nearby junctions and roundabouts would not be exceeded. Analysis of the likely impacts on the section of White Hill between the application site and Whelpley Hill indicate that a minimal number of vehicles from the development would utilise the route, such that there would be no adverse impacts. Hertfordshire and Buckinghamshire Highway Authorities have been consulted and have raised no objections on highway safety or capacity grounds. As above, the lack of harm does not weight in favour or against the proposal.

10.11 A total of two Custom / Self Build plots are proposed to be provided as part of this application. It is considered that the provision of Custom and Self Build plots is a benefit that attracts **moderate weight** in the planning balance.

10.12 Economic benefits would arise from the proposal in the form of new direct and indirect employment during the construction process, a boost to the local economy through expenditure on goods and services etc. **Moderate weight** is afforded to this element.

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<sup>35</sup> The Hub Building and Haresfoot Pantry.

<sup>36</sup> Provision of footway along White Hill, traffic calming measures along White Hill, widening of existing footways, provision of a pedestrian crossing, speed limit reduction from 60mph to 40mph, provision of E-B

<sup>37</sup> Very substantial weight x 2.

<sup>38</sup> If the commercial use were operating at full capacity.

10.13 The lack of harm in relation to flooding, and the living conditions of neighbouring or future residents, cannot, by definition, weigh for or against the proposal.

10.14 Taking all of the above into account, officers are of the view that the limited adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## **11. RECOMMENDATION**

11.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to conditions and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure satisfactory mitigation for the Chiltern Beechwoods Special Area of Conservation, consistent with the Chilterns Beechwoods Mitigation Strategy, Biodiversity Net Gain (BNG) and other appropriate contributions and provisions to make the development acceptable in accordance with the development plan, NPPF and any other material considerations.

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

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

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

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

<b>23-4356-SLP001</b>	<b>Site Location Plan</b>
<b>23-J4356-1000</b>	<b>Proposed Site Layout Rev. A</b>
<b>23-J4356-1001</b>	<b>Proposed Coloured Site Layout Rev. A</b>
<b>23-J4356-1002</b>	<b>Proposed Coloured Site Layout in Context Rev. A</b>
<b>23-J4356-1007</b>	<b>Tenure Plan</b>
<b>23-J4356-1008</b>	<b>Proposed Parking and Cycle Plan</b>
<b>23-J4356-1009</b>	<b>Private and Communal Amenity Plan</b>
<b>23-J4356-1010</b>	<b>Affordable Location and Tenure</b>
<b>23-J4356-1011</b>	<b>Disabled Parking Plan</b>
<b>23-J4356-2001</b>	<b>Plot 1 – 3 Floor Plans &amp; Elevations</b>
<b>23-J4356-2002</b>	<b>Plot 4 &amp; 5 Floor Plans &amp; Elevations</b>
<b>23-J4356-2003</b>	<b>Plot 6 – 9 Floor Plans &amp; Elevations</b>
<b>23-J4356-2004</b>	<b>Plot 10 Floor Plans &amp; Elevations</b>
<b>23-J4356-2005</b>	<b>Plot 11 &amp; 20 Floor Plans &amp; Elevations</b>
<b>23-J4356-2006</b>	<b>Plot 12 Floor Plans &amp; Elevations</b>
<b>23-J4356-2007</b>	<b>Plot 13 Floor Plans &amp; Elevations</b>
<b>23-J4356-2008</b>	<b>Plot 14 Floor Plans &amp; Elevations</b>
<b>23-J4356-2009</b>	<b>Plot 15 Floor Plans &amp; Elevations</b>
<b>23-J4356-2010</b>	<b>Plot 16 Floor Plans &amp; Elevations</b>
<b>23-J4356-2011</b>	<b>Plot 17 Floor Plans &amp; Elevations</b>
<b>23-J4356-2012</b>	<b>Plot 18 Floor Plans &amp; Elevations</b>
<b>23-J4356-2013</b>	<b>Plot 19 Floor Plans &amp; Elevations</b>

23-J4356-2014	Plot 21 & 29 Floor Plans & Elevations	
23-J4356-2015	Plot 22, 26 & 28 Floor Plans & Elevations	
23-J4356-2016	Plot 23 Floor Plans & Elevations	
23-J4356-2017	Plot 24 Floor Plans & Elevations	
23-J4356-2018	Plot 25 Floor Plans & Elevations	
23-J4356-2019	Plot 27 Floor Plans & Elevations	
23-J4356-2020	Plot 30 Floor Plans & Elevations	
23-J4356-2021	Plot 31 Floor Plans & Elevations	
23-J4356-2022	Plot 32 – 35 Floor Plans & Elevations	Rev. A
23-J4356-2023	Plot 36 – 39 Floor Plans & Elevations	Rev. A
23-J4356-2024	Plot 40 – 43 Floor Plans & Elevations	Rev. A
23-J4356-2025	Plot 44 – 47 Floor Plans & Elevations	Rev. A
23-J4356-2026	Plot 48 – 50 Floor Plans & Elevations	
23-J4356-2027	Plot 51 – 53 Floor Plans & Elevations	
23-J4356-2028	Plot 54 & 55 Floor Plans & Elevations	
23-J4356-2029	Plot 56 – 59 Floor Plans & Elevations	
23-J4356-3000	Carbarns 1 & 3 Vehicle Floorplans & Elevations	
23-J4356-3002	Electric Bike Store Floorplans & Elevations	
23-J4356-4000	Street Scene A-A & B-B	
23-J4356-4001	Street Scene C-C & D-D	
23-J4356-4002	Street Scene E-E	

SK01	Rev. C	Proposed Site Access Arrangement
SK02	Rev. D	White Hill Proposed Improvements
SK03	Rev. D	Chesham Road & White Hill Proposed Improvements
SK04	Rev. B	A416 & Chesham Road Roundabout Improvement Proposals
SK05	Rev. B	A416 & Chesham Road Improvement Proposals
SK27	Rev. B	Site Access Visibility Splay and Double Yellow Lines

**Arboricultural Impact Assessment and Arboricultural Method Statement (June 2024)**

**TPP/HFWBH/010 B Tree Protection Plan**

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

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

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

**INFORMATIVE:**

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

- No development (other than demolition) shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a detailed construction method**

statement have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be constructed in accordance with the approved particulars and based on SuDS Drainage Report (REF: 4158/2023 Rev C dated 20 June 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The development shall include:

1. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent), three times in quick succession at the proposed depth of the proposed deep bore infiltration feature/s when they have been installed. The results shall be reviewed, and all the detailed drainage modelling calculations and detailed design be amended as appropriate.
2. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - i. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
  - ii. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
3. The design of the wetland, storage pond and swales for attenuation will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
4. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
5. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge including one additional step of treatment for discharge to a sensitive location (source protection zone 3).

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

5. No development (other than demolition) shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details

**of how groundwater and discharge to the deep bore soakaways will be protected, who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving waterbody. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.**

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

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

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

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

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

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

- 8. Upon completion of the surface water drainage system, including any SuDS features, and prior to occupation of the development hereby approved, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their**



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

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

**9. a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

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

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

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

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

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

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

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

**11. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary off-site highway improvement works as referred to in the Transport Assessment have been submitted to and approved in writing by the Local Planning Authority. These works shall include:**

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

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004).

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

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

- 13. Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

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

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

- a. **Construction vehicle number and type;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**

- g. Timing of construction activities (including delivery times and removal of waste);**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.**

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

- 15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within Part 1, Schedule 2, Classes A and D of the Order shall be undertaken in relation to all dwellings hereby approved until the local planning authority is satisfied that contamination will not pose a risk to human health, as evidenced by the submission and subsequent approval in writing of a Remediation Statement by the local planning authority**

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

Informative:

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

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

**Schedule 2, Part 1, Class A (single-storey rear extensions in excess of 3m):**

**Plot 2**

**Schedule 2, Part 1, Class C (north-western facing roof slopes): Plots 1 – 3, 30 – 39, 51 – 53 & 56 – 59**

**Schedule 2, Part 1, Class E: Plots 3, 5, 32, 35, 36, 39, 54, 46 & 59.**

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

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

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

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

**18. i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 17.**

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

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

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

**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.

20. **No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:  
The development hereby approved shall not be occupied until a scheme for the installation of sprinklers (the sprinkler system) in accordance with BS 9251:2014 or BS EN 12845 standard in respect of Plots 39, 53, 56 and 57 has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be fully installed and operational prior to the occupation of any of aforementioned plots and thereafter permanently retained and maintained.**

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

21. **Details of the onsite play space (which shall, at a minimum, include 1 x Locally Equipped Area of Play and 3 x Local Areas of Play) provision shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved. The details shall include:**

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

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

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

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

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

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

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

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

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

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures.
- 

**The approved hard landscaping works shall have been fully provided prior to first occupation of the dwellings hereby approved.**

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

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

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

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

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

**The SWMP shall, as a minimum, describe how materials will be managed efficiently and disposed of during the construction of the works, explaining how the re-use and recycling of materials will be maximised. It shall provide details on**

**how measures have been taken to reduce the amount of waste produced on site and shall contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type.**

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

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

**27. Development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement (June 2024) and the Tree Protection Plan (TPP/HFWBH/010 B) throughout the entirety of the demolition and construction phases.**

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

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

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

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

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

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

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

*This condition needs to be pre-commencement as avoidance or reduction measures may need to be implemented which may not be achievable if works have already commenced and progressed to a certain degree.*

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

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

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

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

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

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



## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Minerals And Waste Planning Policy (HCC)	<p>I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters.</p> <p>Minerals</p> <p>In relation to minerals, the site is not located within the 'Sand and Gravel Belt' or a Mineral Resource Block, as identified in Hertfordshire County Council's adopted Minerals Local Plan 2002 - 2016. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. The Minerals Resource Blocks are regarded as the most viable areas for future mineral extraction in the county.</p> <p>British Geological Survey (BGS) data does not identify any potential superficial sand/gravel deposits beneath the application site. Given the lack of deposits beneath the site, the Minerals Planning Authority does not have any mineral sterilisations concerns.</p> <p>Waste</p> <p>Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.</p> <p>The National Planning Policy for Waste (October 2014) sets out the following:</p> <p>'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:</p>

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

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

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

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

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

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

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

As a minimum, the SWMP should include the following:

	<p><b>Project and People</b></p> <ul style="list-style-type: none"> <li>• Identification of the client</li> <li>• Identification of the Principal Contractor</li> <li>• Identification of the person who drafted the SWMP</li> <li>• Location of the site</li> <li>• An estimated cost of the project</li> <li>• Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)</li> </ul> <p><b>Estimating Waste</b></p> <ul style="list-style-type: none"> <li>• A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)</li> <li>• Waste management actions for each waste type (i.e., will the waste be re-used or recycled (on-site or off-site?), recovered or disposed of)</li> </ul> <p><b>Space for Later Recordings</b></p> <ul style="list-style-type: none"> <li>• Space for the recording of actual figures against the estimated figures</li> <li>• Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it to</li> <li>• Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates</li> <li>• If a SWMP is not produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application: <ul style="list-style-type: none"> <li>Condition: No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.</li> <li>Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).</li> </ul> </li> </ul>
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Strategic Planning & Infrastructure (DBC)	<p>Thank you for your email.</p> <p>We do not wish to comment on this application. Please see previous comments to earlier application.</p> <p>Please ask if you have any queries.</p>
Berkhamsted Town Council	<p>Objection</p> <p>The smaller scale of the new proposals does not adequately address previous objections or the contravening of policy.</p> <p>The site is beyond the town boundary and is not in close enough proximity to local infrastructure.</p> <p>The area has not been designated for development by the Borough and much of the existing works on the site were unconsented and subject to appeal.</p> <p>The plans would create an urban housing estate on open countryside, resulting in urban sprawl beyond the boundary of the built environment of Berkhamsted and to the west of the A41 to the detriment of the openness of the local area.</p> <p>The site access is inappropriate and the inevitable increased car usage to and from the site would negatively impact the main town and White Hill, which is already a hazardous single-track road.</p> <p>The safety of pedestrians has not been considered, particularly for children needing to get to school, and suggested traffic calming measures such as zebra crossings will not work in such a busy traffic area.</p> <p>The proposed development does not meet national planning policy criteria for building a residential development in the Greenbelt in special circumstances, as the potential harm is not outweighed by other considerations</p> <p>NPPF (paragraph 109), CS1, CS5</p>
Natural England	<p>SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED</p> <p>Natural England considers that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> <li>• have an adverse effect on the integrity of Chilterns Beechwoods Special Area of Conservation</li> <li>• damage or destroy the interest features for which Ashridge Commons and Woods Site of Special Scientific Interest has been notified.</li> </ul>

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Payment of the Strategic Access Management and Monitoring (SAMM) per dwelling tariff as per Dacorum Borough Council's current rate;
- Haresfoot SANG (23/02508/MFA) is named as the SANG mitigation for the proposed development and 1.14ha of SANG capacity is drawn from the total SANG area to mitigate the proposed development of 59 dwellings;
- Payment, if required by the Haresfoot SANG owners, of a per dwelling financial contribution to the long-term management of Haresfoot SANG, according to the rate set by the SANG owners; and,
- The proposed new dwellings shall not be occupied until such time that the Haresfoot SANG (23/02508/MFA) is open and operational for visitors. This is to ensure that the mitigation for the proposed development is in place prior to first occupation of the new dwellings.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local bodies are consulted. Natural England's further advice on designated sites / landscapes and advice on other natural environment issues is set out below.

#### Chilterns Beechwoods Special Area of Conservation - Habitats Regulation Assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. The HRA is embedded within the Ecological Impact Assessment (EclA, paragraphs 5.6-5.10, CSA, June 2024). The outcome of the Appropriate Assessment is summarised in the Planning Statement - Haresfoot Farm Berkhamsted (Warner, June 2024) as follows:

*'Chiltern Beechwoods SAC and Ashridge Common and Woods SSSI are present 3.6km north-east of the Site with recreational impacts mitigated for in full through Strategic Management & Monitoring Payments and use of a Suitable Alternative Natural Greenspace (SANG) which wraps around the Site'.*

As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions.

We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance

with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

Natural England accepts that the mitigation measures proposed, namely payment of the appropriate Strategic Access Management and Monitoring (SAMM) tariff and a financial contribution to the surrounding Haresfoot SANG based upon the proposed number of new dwellings, will avoid adverse effects on the integrity of the Chilterns Beechwoods Special Area of Conservation (CBSAC), subject to the following advice.

The chapter on 'Assessment of Effects' in the Ecological Impact Assessment: Haresfoot Farm, Berkhamsted report (CSA, June 2024) states that 'Based upon the net increase of an estimated 207 new residents [for 86 new dwellings], the latter SANG requirement is confirmed to be 1.7ha (on the basis of 8ha SANG per 1000 population). In combination with the wider SANG proposed around the Site (23/02508/MFA), this 1.7ha area will be drawn down upon the capacity of the wider SANG'.

Since the EclA was published, the application has been updated and the proposal is now for 59 residential dwellings. As such, the SANG requirement for the application is 1.14ha on the basis of 8ha SANG per 1000 new population.

The Haresfoot Farm application relies upon a SANG that encircles the proposed development, which has been subject to a Change of Use application (23/02508/MFA). The SANG application has been given a resolution to grant approval at planning committee, subject to completion of a Section 106 agreement that names a long-term managing agent for the SANG and secures in-perpetuity management (taken to be 80 years) of the SANG.

Natural England does not object to the planning application the subject of this consultation, provided that the following mitigation measures are secured via an appropriate planning condition or obligation:

- Payment of the Strategic Access Management and Monitoring (SAMM) per dwelling tariff as per Dacorum Borough Council's current rate;

- Haresfoot SANG (23/02508/MFA) is named as the SANG mitigation for the proposed development and 1.14ha of SANG capacity is drawn from the total SANG area to mitigate the proposed development of 59 dwellings;
- Payment, if required by the Haresfoot SANG owners, of a per dwelling financial contribution to the long-term management of Haresfoot SANG, according to the rate set by the SANG owners; and,
- The proposed new dwellings shall not be occupied until such time that the Haresfoot SANG (23/02508/MFA) is open and operational for visitors. This is to ensure that the mitigation for the proposed development is in place prior to first occupation of the new dwellings.

Potential impact of the development on the surrounding SANG

Relationship of proposed development to Haresfoot SANG

Natural England is pleased to note that the proposed new development will be located within the footprint of the existing built area, with wide margins of high-quality open space surrounding the new dwellings, which will screen the development proposal from the SANG that surrounds it.

Natural England has no concerns that the proposed development would negatively impact the semi-natural aspect of the SANG space and the SANG will benefit from having local residents use the SANG on foot from the proposed development, as this will provide welcome surveillance and a sense of community ownership of the new SANG.

The wide green corridor through the proposed development will provide an effective link between the north and south parts of the SANG, as an alternative to walking around the new development, providing opportunities for walking routes of varied lengths.

The provision of a community hub will further enhance the appeal of the SANG open space to both the new residents of the Haresfoot Farm proposal and to visitors from further afield.

Lighting

Natural England has reviewed the lighting strategy and plans for the proposed development and has no concerns that light would spill from the new development into the wider SANG.

Protected Landscape

The proposed development is located within an area which Natural England has assessed as meeting the criterion for designation as an Area of Outstanding Natural Beauty (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB, known as National Landscape). Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the

	<p>natural beauty of this area may be a material consideration in the determination of the proposal.</p> <p>Natural England considers the Chilterns to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities.</p> <p>Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in an AONB.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issuing of the designation Order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.</p> <p>Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.</p> <p>Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.</p> <p>If you have any queries relating to the advice in this letter, please contact me via <a href="mailto:fiona.martin@naturalengland.org.uk">fiona.martin@naturalengland.org.uk</a>.</p> <p>We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission. Should the proposal change, please consult us again.</p>
Affordable Housing (DBC)	<u>RECONSULTATION</u>



	<p>In respect of the current proposal of Affordable Housing, we are generally supportive of the Affordable Housing mix. It is good to see that there is a good proportion of Dacorum Affordable Rented being provided, alongside our preference for Affordable Home Ownership in the form of Shared Ownership. Dacorum Affordable rents are set at a more agreeable 60% of open market including service charges, rather than 80%, which can be unaffordable for many on the housing register. Most of the comments by the Team have been taken into account. We would have preferred a mix of Rented that included more 3 and 4 bedroom properties and for the additional units over the 35% to be brought forwards as rented, but the additionality is welcomed.</p> <p>The M4(3)(2)(b) unit is being shown as Shared Ownership on the latest plans, these type of units should be Affordable Rented so that they can benefit applicants on the housing register. We would also question whether there is any potential to improve the parking arrangements for Plots 32-39.</p>
Affordable Housing (DBC)	<p><u>ORIGINAL CONSULTATION</u></p> <p>Thank you for requesting comments on affordable housing.</p> <p>Quantum</p> <p>35% of 59 we would expect 21 affordable dwellings to be provided. Proposing an over provision at 40% - 24 dwellings.</p> <p>Tenure</p> <p>We would prefer not to over provide the First Homes out of the 35% if possible. 6 being offered as opposed to 5. [25% of 21 = 5.25].</p> <p>The updated proposal offers the 3 additional at discount market sale (DMS) which would just about be affordable at 65% for the 2 bedrooms, unaffordable any higher as the household income cap would be £80k.</p> <p>The 3 bedrooms DMS are unaffordable. We would prefer rented/shared ownership to DMS if possible.</p> <p>Mix</p> <p>The updated proposal offers just 2 x 3 bed houses for rent (down from 4 in the previous proposal) and no 4 beds (where the previous proposal had 1). If there were potential to increase the rented number of 3 beds at all, and/or provide a 4 bed this would be better.</p> <p>Accessibility</p> <p>Plots 7-14 of the 89 unit iteration had a ground floor flat shown as the M4(3)(2)(b). We would ask for the wheelchair unit to be rented and details of which unit to be confirmed. We would normally seek 10% M4(3)(2)(b) for rent and the rest of the rented M4(2) where possible (not the 1st floor flatted in this instance as impractical).</p>

	<p>Other</p> <p>We are pleased to see the rented at Dacorum Affordable Rent levels (i.e. 60% of open market rent). Although unlikely to exceed Local Housing Allowance rates we would expect rents anyway to be capped at 60% or Local Housing Allowance Rates, whichever is the lower.</p> <p>We would normally expect First Homes and Discount Market Sale to be sold directly by the developer to eligible households. The government's First Homes Guidance and the Council's local connection policy for affordable tenures not allocated via the housing register would apply. The rented would be allocated via the housing register and transferred to and let by a registered provider of social housing.</p>
Sport England	<p>Thank you for consulting Sport England on the above application.</p> <p><b>Sport England's Position</b></p> <p>The proposed development does not fall within our statutory remit as set out in the Town &amp; Country Planning (Development Management Procedure) (England) Order 2015. Therefore, Sport England has not provided a detailed response in this case, but general advice is set out below to aid the assessment of the application.</p> <p>Sport England's Planning for Sport Guidance provides general advice which can be accessed at <a href="#">Planning for Sport</a>.</p> <p>Although Sport England is not in a position to provide a detailed response on this occasion, where relevant you may wish to consider advice provided by recognised sport National Governing Bodies (NGBs), a list of which is available at <a href="#">Recognised Sports</a>.</p> <p>The relevant NGB(s) may be able to provide advice on specific matters such as the need for the new/enhanced facility, the design and layout of the new/enhanced facility or the impact of the development proposal on the current facility.</p> <p>In the case of equestrian facilities, the recognised National Governing Body is the British Equestrian Federation. Should the Local Planning Authority wish to consult British Equestrian Federation, the relevant contact details are at <a href="https://www.britishequestrian.org.uk/contact-us">https://www.britishequestrian.org.uk/contact-us</a>. The British Horse Society (BHS), one of the British Equestrian Federation's member bodies may also be able to provide advice <a href="https://www.bhs.org.uk/about-us/contact-us/">https://www.bhs.org.uk/about-us/contact-us/</a>.</p>
Trees & Woodlands	<p>Not a lot to add from previous comments.</p> <p>The revised tree survey is accurate and conforms with BS5837.</p> <p>New documentation notes our previous comments that Ash trees should be removed prior to redevelopment, due to the presence and impact of Ash Dieback.</p>

	<p>Further details of new tree planting in mitigation for proposed loss is required. AIA Section 6.11 states approx. 200 trees are to be planted with locations indicated pictorially (DAS section 5.4), but specific detail is required of proposed tree locations, species, planting sizes and maintenance regime.</p>
<p>Hertfordshire Fire &amp; Rescue (HCC)</p>	<p>Following information sent to us from Highways Agency, with regards to the above planning application, we have examined the drawings and note that the provision for access does not appear to be adequate to comply with the building regulations 2010. Further to previous advice given, please see below the guidance which should be met to allow access for fire crews in the event of a fire.</p> <p><b>ACCESS AND FACILITIES</b></p> <p>Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.</p> <ol style="list-style-type: none"> <li>1. Appliance access minimum width of the road between kerbs is to be 3.7m. Minimum width of gateways is 3.1 m</li> <li>2. Access measures more that 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance.</li> </ol> <p>A number of dwellings, including those on plots 11, 39 and 56 appear to exceed this distance due to extensive reversing distances. Vehicular access can be increased significantly if a sprinkler system is installed and where the arrival time for the fire service is not more than ten minutes.</p> <p>BS 9991 - 2015 Residential Buildings 50.1.2 states:</p> <p>Where sprinklers, in accordance with BS 9251:2014 or BS EN 12845 (see 11.2, Table 2) are fitted throughout a house or block of flats:</p> <ol style="list-style-type: none"> <li>a) the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90m;</li> <li>b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).</li> </ol> <ol style="list-style-type: none"> <li>3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.</li> <li>4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5.</li> </ol> <p>The plans provided in the Transport Assessment Document June 2024 provide swept path analysis using a vehicle smaller than that of an HFRS vehicle which measures 8.1m long and 2.9m wide.</p>

	<p>It appears the options below may be of assistance in order to meet fire access guidance:</p> <ul style="list-style-type: none"> <li>a) The installation of sprinklers throughout the dwelling.</li> <li>b) The positioning of the hammerheads/turning facilities be moved in such a way to reduce the reversing distances to those dwellings that are not reachable.</li> <li>c) The access roads in all areas be wide enough to accommodate an operational fire appliance, so access to dwellings is achievable throughout the site.</li> </ul> <p><b>WATER SUPPLIES</b></p> <p>For guidance and requirements water for supplies for fire-fighting (Fire hydrants) at this location, please contact Hertfordshire Fire &amp; Rescue Services water officer on 01992 507507 or <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a></p> <p>The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.</p> <p>We hope the above information assists you and if you have any questions please do not hesitate to contact us.</p>
<p>Crime Prevention Design Advisor</p>	<p><u><b>ORIGINAL CONSULTATION</b></u></p> <p>Thank you for sight of planning application 24/01496/MFA</p> <p>Proposal: Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement</p> <p>Address: Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU.</p> <p>Crime prevention measures have been mentioned in the Design and Access statement (5.13, Safer Places , page 46). However, I (sic) concerned that the wording indicates looking at the Secured by Design principals but not actually building the development to the Secured by Design standard.</p> <p>"These measures are incorporated into the design to enhance safety and prevent crimes in line with Secured by Design."</p> <p>In relation to crime prevention and security the site layout is generally good and does provide adequate passive surveillance.</p> <p>I do have concerns about the parking area behind plots 11, 12, 13 10, 9 and 8, this has extremely poor surveillance . We are experiencing a huge rise in vehicle crime , areas like this also attract anti-social behaviour.</p>

	<p>I have not listed all the physical Secured by Design security requirements, however if the application is granted, I would like to discuss these with the architect/developer.</p>
<p>Crime Prevention Design Advisor</p>	<p><u>RECONSULTATION</u></p> <p>Thank you for sight of the re consultation for Haresfoot Farm Chesham, Berkhamsted Hertfordshire HP4 2SU.</p> <p>It is really good to see that it is the intention to build the development to the police security standard Secured by Design.</p> <p>I note the comments regarding the lighting and possible CCTV however I do still have concerns regarding the car parking areas. Although most do have some passive surveillance, the area at the front of the site behind plots 1,4 and 5 does not have any. My concerns are not from a burglary perspective but from possible anti-social behaviour problems. This will be a high-end development and Berkhamsted is a very nice relatively low crime area, however we do get called out regularly to asb incidents.</p> <p>I have been called out and spoken to residents that live in nice areas but with this design (drive through to a rear parking area). Drug taking and drinking take place and it just makes it miserable for the people that live there. It could be covered by CCTV, but I doubt it will be monitored 24/7 and it will be the police who are called to deal with it placing extra demand on an already stretched police force. Is it not better to learn from experience and design out the crime from the outset.</p> <p>Please contact me if you would like to discuss the above.</p>
<p>Environment Agency</p>	<p>We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals. We therefore have no site-specific comments on the application.</p> <p>As the site is situated in a vulnerable groundwater area within Source Protection Zone 3 on a bedrock aquifer these proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice. Where land contamination may be an issue for a prospective development, we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.</p> <p>Advice for Local Planning Authority</p> <p>Groundwater Standing Advice</p> <p>We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This</p>

means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "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." For this definition and more please see here.
4. Refer to the contaminated land pages on Gov.uk for more information.
5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater,

and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
- Use MCERTS accredited methods for testing contaminated soils at the site;
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assessors/>. In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land->

	<p>contamination-groundwater-compliance-points-quantitative-risk-assessments</p> <ul style="list-style-type: none"> <li>• Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.</li> <li>• For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.</li> </ul> <p>Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:</p> <ul style="list-style-type: none"> <li>• Up-flow percolation column test, run to LS 2 - to derive kappa values;</li> <li>• pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;</li> <li>• LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.</li> </ul> <p>Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.</p> <p>The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination.</p> <p>We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.</p> <p>The control of emissions from Non-Road Going Mobile Machinery (NRMM) at major residential, commercial or industrial sites.</p> <p>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</p>
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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.

Advice for Applicant

Water Resources

Increased water efficiency in new developments potentially enables more growth to be realised without an increased availability of water resources. Developers can highlight responsible water use as a positive corporate social responsibility message that will boost the commercial appeal of the development. For the homeowner/tenant, lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures in all developments, particularly in those that are new. 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 all considered as an integral part of new developments and/or refurbishments. The technology used to achieve improved water efficiency (e.g. efficient fittings, greywater recycling, etc) is also an attractive feature for many prospective building owners and tenants.

Residential developments

The supply of water in the area is under serious water stress (as identified in our report: Water stressed areas - 2021 classification). All

	<p>residential developments must therefore achieve the higher water consumption efficiency standard of 110 litres per person per day, as set out within the Building Regulations &amp;c. (Amendment) Regulations 2015.</p> <p>This standard or higher may already be a requirement of the local planning authority.</p> <p>We also recommend you contact your local planning authority for more information.</p> <p>Pre-Application Advice</p> <p>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>Further information on our charged planning advice service is available at; <a href="https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions">https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions</a>.</p> <p>Final comments</p> <p>Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.</p>
<p>BCA Townscape Group</p>	<p>This is a rural area within the Green Belt wherein residential development is only permitted in exceptional circumstances. Whilst this could be considered a 'brownfield' site containing some large, unattractive buildings, exceptional circumstances have not been proven to justify the proposed development. The BCA objects to the scale of the development as demonstrated by the cramped and excessive number of buildings and hard surfacing not conducive to this former historic parkland. The applicant quotes a reduction in overall building volume and hard surfacing, but the layout of the dwellings and the associated car parking is, in effect, a very urban approach in this rural area which takes no cognisance of its setting.</p> <p>This is a relatively isolated location; thus the residents will be reliant on cars. The access road, White Hill, is unsuitable for the amount of traffic likely to be generated by the development. There is a question over sustainability as the site cannot be considered to be on the 'fringe of Berkhamsted and Hemel Hempstead' as the former is separated from the town by the A41 bypass and the latter is some 8 km away. The site is also on the plateau of the southern slope of the Bulbourne valley and it is unrealistic to assume that residents will walk or cycle to the facilities in the town some 2.75km away, along unsuitable roads and having to negotiate a slope with a gradient of 1:5.</p>

	<p>The number of dwellings and the required car parking for each unit results in an excessive amount of hard surfaces. The site is already susceptible to surface water flooding at times of exceptional rainfall which, given climate change, will occur more frequently. It would appear that most parking is provided in the form of surface parking, many in courts, and often quite divorced from the relevant property. This constitutes very poor planning highlighted by the Crime Prevention Officer who states that the scheme does not meet either the gold or silver standard, which is woeful for a new development.</p> <p>Although there is green space around the built development - a proposed SANG, which provides a 'setting', there is minimal green space within the development itself. The properties also have minimal private open space, and the blocks of flats have no immediate amenity space at all. Whilst there is a narrow 'green' corridor through the centre of the site there is no space along the roads for any structural landscaping. The requirement of one tree per dwelling has not been met.</p> <p>The site location is outside the settlement boundary (of Berkhamsted) and is therefore not considered to be a suitable location for housing i.e. regardless of the number of units proposed, site is not suitable for housing.</p> <p>These comments all lead to the conclusion that the development constitutes an unacceptable development in the Green Belt, an overdevelopment of the site which introduces a very urban housing estate into open countryside to the detriment of its rural character. Therefore, the BCA objects to the application.</p>
Affinity Water - Three Valleys Water PLC	<p>DESCRIPTION: Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement.</p> <p>LOCATION: Haresfoot Farm Chesham Road Berkhamsted Hertfordshire HP4 2SU</p> <p>Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.</p> <p>Water quality</p> <p>We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction</p>

works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit [Water efficiency credits \(affinitywater.co.uk\)](https://affinitywater.co.uk).

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

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>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>Water Comments</p> <p>With regard to water supply, this comes within the area covered by the Affinity Water Company.</p>
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 does not wish to restrict the grant of permission subject to the following conditions:</p>

1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
  - a. Visibility splays of 2.4m by 25m illustrated on a scaled plan at any junctions / main vehicle accesses within the site.
  - b. Comments or recommendations from the rights of way officer as to any comments or recommendations in respect to the rights of way surrounding and through the site.

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).

#### Part A: Highway Improvements - Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as referred to in the Transport Assessment have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

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

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

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

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

2. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

3. Travel Plan

Prior to the first use of the approved development an updated Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The updated plan shall include:

- Text to be added to confirm that the secondary contact details provided upon appointment of the Travel Plan Co-ordinator (TPC).
- Offer of a sustainable travel voucher to the value of £50 for each flat and £100 for each house, as per HCC travel plan guidance.

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).

4. Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements

- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

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

#### Highway Informatives

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

Construction standards for works within the highway (s278 works):  
 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

The Public Rights of Way near the site should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from



traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or [row@hertfordshire.gov.uk](mailto:row@hertfordshire.gov.uk) for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

#### Comments / Analysis

The planning application consists of redevelopment of the existing Haresfoot Farm site to provide a residential development of 59 residential dwellings and associated works. The site is located to the south of Berkhamsted and is accessed from White Hill, which is designated as an unclassified local access road, subject to a derestricted speed limit of 60mph and classified as P1/M1 (rural lane) on HCC's Place and Movement Network. Whitehill then joins onto Chesham Road, which is designated as a principle A road (A416), subject to a speed limit of 60mph and classified as P2/M3 (main connector) on the Place and Movement Network.

Public footpath Berkhamsted 41 runs through the site. It is therefore recommended that the Rights OF Way. It would therefore be recommended that Clayton Rae (the Dacorum Rights of Way Officer) be consulted in respect to the proposals and any objections, recommendations or comments that he may have in respect to the impact on the rights of way surrounding and running through the site.

A previous application for the site for 86 dwellings ref. 24/00330/MFA was refused at committee by Dacorum Borough Council (DBC) as Local Planning Authority. HCC as the Highway Authority did not object to the proposals subject to recommending the inclusion of various planning conditions (including for a number of off-site highway works).

A Transport Assessment (TA) and Travel Plan (TP) have been submitted as part of the application.

#### 1. Access

##### a. Highway Works

	<p>The proposals include amending the existing access into the farm site to facilitate access to the residential development in the form a new bellmouth vehicle access and separate pedestrian footpath as indicated on drawing number SK01 B. The location and general design of the access is the same as for the previous application 24/00330/MFA and considered to be acceptable by HCC as HA.</p> <p>As part of the previous application review, it was recommended that double yellow lines are provided for at least the length of the required visibility splays in either direction from the access point on White Hill, to prevent any potential overspill parking from the proposed adjacent SANG site from parking within the necessary splay lines (2.4m by 101m in either direction from the access point, which is sufficient for the recorded 85th percentile speeds). The highway works plan were subsequently updated to include this, the details of which are shown on submitted drawing number SK27. The double yellow lines can be included as part of any 278 application / 278 technical review process, in addition to the other highway works referred to below (albeit the double yellow lines themselves also needing to be secured by a separate Traffic Regulation process).</p> <p>A number of off-site highway works have been included as part of the proposals and are supported by HCC as HA to ensure that access to and from the site is acceptable and sufficient for all users including pedestrians and to ensure that the proposals are in accordance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's Local Transport Plan (LTP4) and Paragraphs 110 to 112 of the NPPF.</p> <p>The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the necessary works that would be needed on highway land. The works are indicated on the submitted plans in Appendix E of the TA and include:</p> <ul style="list-style-type: none"> <li>• New relocated vehicle bellmouth access;</li> <li>• Any highway works associated with closing off the existing vehicle access;</li> <li>• Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;</li> <li>• Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road roundabout.</li> <li>• Pedestrian controlled crossing prior to A416/Chesham Road roundabout.</li> <li>• Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.</li> <li>• Tactile paving at key crossing points.</li> <li>• Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout to the north side of the A41; part of A416</li> </ul>
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Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.

- Any works associated with construction access into the site.

Following a request from HCC as HA as part its pre-app discussions with the applicant, a Stage 1 Road Safety Audit and Designers Response was submitted as part of planning application ref. 24/00330/MFA. This is still relevant for the current application and is included in section 7 and appendix M of the TA.

Following consideration of the audit results, designers response and feedback from HCC's Road Safety Audit Team, there would not be any objections to the proposed works at this stage from a safety perspective, subject to a full assessment as part of the 278 technical review and incorporation (and ultimately implementation) of all of the proposed amendments in the designer's response.

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

The acceptability of the necessary works on Chesham Road / A416 would be subject to the aforementioned speed limit change from the national speed limit 60mph to 40mph. Any speed limit change in Hertfordshire is subject to approval from the Speed Management Group (SMG).

Following submission of the necessary recorded vehicle speed survey data by the applicant (mean and 85<sup>th</sup> percentile speeds) and supporting information, the SMG has approved the recommended speed limit change and would not object to such a change and associated highway works. A copy of the full data is included in appendix K of the TA.

#### b. Internal Site Road Layout

The proposed site layout is shown on submitted drawing numbers 23-J4356-1000 and 23-J4356-1001. The proposals include a 5.5m carriageway width for vehicles (with localised narrowing further into the site) and a network of pedestrian footways and cycleway throughout the site, the overall layout of which is considered to be acceptable by HCC as Highway Authority.

The overall works would need to be built to a design speed of 20mph in accordance with guidelines as documented in MfS and HCC's recently adopted Place & Movement Planning and Design Guidance (P&MPDG), which does appear to be the case when taking into account the proposed features, which include raised tables, crossing points, localised narrowing and localised shared use areas.

Crossings points would need to be designed and provided in accordance with Cycle Infrastructure Design: Local Transport Note 1/20 (LTN1/20), 2020 and Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (IM), 2021 as necessary.

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

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

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

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However the works would need to be built to adoptable standards to be in accordance with guidelines as documented in MfS and P&MPDG. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

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

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

A policy and Sustainable Accessibility review was completed for the previous application 24/00330/MFA been included in section 6 of the TA. Whilst acknowledging the limitations of the site when taking into account its location, on balance following a review of the points raised in the TA (including the review of the policy considerations) and proposed off-site highway and access works, it has been considered

that there is not a reason to recommend refusal in respect of the sustainable travel options to and from the site. The proposed aforementioned off-site highway works would enable pedestrian access to bus stops closer to the site and therefore connections to bus services to the wider area including other facilities within Berkhamsted. The highway works would also enable safe pedestrian access to Ashlyns School (approximately 1km using the proposed new footways and pedestrian crossing points) and there would not be an objection in this respect.

HCC as HA would be supportive of the proposed community hub on site and proposed pedestrian links into the proposed adjacent Suitable Alternative Natural Greenspace (SANG) site, which is the subject of a separate planning application 24/00330/MFA. The pedestrian links would improve pedestrian permeability in and around the site in addition to the proposed highway footway link. The proposals include cycle storage provision for all of the dwellings in addition to an electric cycle store (the floorplan and elevation of which is shown on submitted plan number 23-J4356-3002), which would be supported by HCC as HA to promote and maximise cycling as a sustainable form of travel to and from the site.

## 2. Car Parking

The proposals include 147 car parking spaces for the proposed dwellings in addition to 30 dedicated visitor parking spaces. HCC as HA would therefore not have any objections in respect to the level of parking. In respect to electric vehicle charging provision, the submitted TA states that 50% of spaces will have active provision with the remaining 50% having passive provision. This would be supported by HCC as HA to ensure that the proposals are in accordance with LTP4, Policy 5h, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future".

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

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

### a. Trip Generation

A trip generation assessment has been included in section 8 the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the overall proposed development are estimated to be 25 two-way vehicle movements in the AM peak (0800-0900) (net reduction of -21 when compared to existing permitted use) and 23 two-way vehicle movements in the PM

peak (1700-1800) (net reduction of -30 when compared to the existing permitted use) with a total of 217 between 0700 and 1900.

An additional note / letter was submitted as part of application 24/00330/MFA in relation to trip distribution and numbers (in addition to those submitted as part of the original Transport Assessment), specifically in relation to trip numbers and distribution via Whelpley Hill to the south of Haresfoot Farm. The updated note included a comparison of the expected proposed trip generation against the existing use (based on a manual traffic count) to provide some greater details on traffic flows towards and from Whelpley Hill. The results show an expected 1 or 2 additional 1 and 2 additional car movements in the AM and PM peak hours.

HCC as Highway would not have any specific comments or concerns in respect to the methodology or data presented, which show a small number of additional vehicular movements travelling to and from the site via Whelpley Hill. This was also based on the larger number of dwellings and therefore would also be no concerns in this respect for the current application.

#### b. Junction Modelling

Following a request from HCC as HA as part of the pre-application review for the previous application 24/00330/MFA, junction modelling assessments were completed for the following junctions:

- A41 Roundabout (SW)
- White Hill/A416 Priority Junction
- A41 Roundabout (NE)
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The modelling has been updated as part of the current application to reflect the revised scheme with the reduced number of proposed dwellings (59). A Junctions 9 assessment has been carried out on the above junctions to a future year of 2028 both without and with the development, using baseline traffic data, TEMPRO growth factors to 2028 and the above TRICs vehicle trip rates in the AM and PM peak. The results of the modelling show that the Ratio of Flow to Capacity (RFC) at all of the arms of all junctions were well within the generally agreed practical capacity of 0.85.

From a highways and transport perspective, HCC as HA has assessed and reviewed the capacity and modelling results from the proposals in the context of paragraph 109, National Planning Policy

Framework (NPPF) (update 2023), which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this context and in conjunction with a review of the application and above model results, it has been demonstrated that there would not a severe impact on the road network.

	<p>4. Travel Plan</p> <p>A Travel Plan (TP) has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The TP is considered to be generally acceptable for this stage of the application.</p> <p>Nevertheless the in order to be acceptable the TP would need to be updated taking into account the following:</p> <ul style="list-style-type: none"> <li>• Supply details of a secondary contact to the TPC, when known. In the interim, please insert text that commits to informing HCC of the details of a secondary contact.</li> <li>• As per HCC travel plan guidance, please offer a sustainable travel voucher to the value of £50 for each flat and £100 for each house.</li> </ul> <p>For further information please see the following link  <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx</a></p> <p>OR by emailing  <a href="mailto:travelplan@hertfordshire.gov.uk">travelplan@hertfordshire.gov.uk</a></p> <p>5. Conclusion</p> <p>Following consideration of the overall application and the associated off-site highway works, HCC as Highway Authority has considered that there would not be sufficient ground to recommend refusal from a highways perspective. The applicant would also ultimately need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC as HA would not wish to object to the granting of planning permission, subject to the inclusion of the above planning conditions, informatives and comments in respect to the TP.</p>
Waste Services (DBC)	<p>Each house will require space to store 3 x wheeled bins and a curb side caddy and space outside their road side boundary to present 2 x wheeled bins and a curb side caddy on collection day.</p> <p>Each block of 4 flats will require space to store 1 x 770ltr container for residual waste, 1 x 770ltr container for comingled recycling and a wheeled bin for food waste and there should be no steps between the waste store and the collection vehicle.</p> <p>Residents should not have carry their waste more than 30mtrs and the collection crew should not have to collect from more than 25mtrs</p> <p>The collection vehicles are 26ton rigid freighters and reversing should be kept to a minimum, employing a loop road system to help achieve this.</p>

<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application submissions, including the TRC Desk Based Geoenvironmental Site Assessment (ref. 579790) dated 24th June 2024 and information held by the Environmental and Community Protection (ECP) Team I can confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.</p> <p>This reflects the introduction of a residential end use that would be vulnerable to the presence of contamination on to a brownfield site that has a long history of agricultural and commercial uses.</p> <p>If permission is granted, the below condition will be required to enable the assessment of the land contamination risk associated with the site and if necessary appropriate decisions to be made to ensure that the future site is safe and suitable for its intended use.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <ul style="list-style-type: none"> <li>a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: <ul style="list-style-type: none"> <li>iii. A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</li> <li>iv. The results from the application of an appropriate risk assessment methodology.</li> </ul> </li> <li>b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.</li> <li>c) This site shall not be occupied, or brought into use, until: <ul style="list-style-type: none"> <li>iii. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</li> <li>iv. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</li> </ul> </li> </ul> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
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	<p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are in line with paragraphs 180 (e) &amp; (f) and 189 and 190 of the NPPF 2023.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here:</p> <p><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>and here:</p> <p><a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
Hertfordshire Ecology	<p><b>ECOLOGICAL IMPLICATIONS</b></p> <p>Thank you for consulting this office on the above application.</p> <p>Overall Recommendation:</p> <p>Confirmation that all HRA issues are satisfied and legally secured will be required before the application can be determined. Otherwise, there are no ecological objections, pending conditions / informatives listed.</p> <p>Summary of Advice:</p> <ul style="list-style-type: none"> <li>• No extant ecological interest sufficient to represent a fundamental constraint on the proposals.</li> <li>• Where necessary, bat issues can be addressed under licence.</li> <li>• Baseline assessment acceptable</li> <li>• Biodiversity Net Gain has been demonstrated and is likely to be deliverable.</li> </ul>

- HRA and SANG requirements need to be legally secured prior to determination, but can be accommodated within separate SANG proposals.
- CEMP and LEMP conditions required, the latter to address species enhancements. HMMP secured by condition.
- Lighting strategy appears acceptable.

Detailed comments:

#### Background

1. This application is a re-submission of similar proposals previously refused (24-00330-MFA), although housing numbers have now been reduced. Given this is a new, full application, all comments will be repeated or updated accordingly where appropriate.

1.1 The proposal is to create a new housing estate on a former farm building complex within open countryside. Until recently this was one of the last active dairy farms in Hertfordshire. There have been numerous recent permissions in respect of different uses for the site so that the original farm complex is now somewhat degraded. The redevelopment represents a significant change in use and character of this site which will need to be considered by the LPA accordingly.

#### 2. Ecology - Habitats

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

2.2 No significant ecological interest was recorded on the site - largely a building complex and horse grazed grassland paddocks. This was considered to be Other Neutral Grassland (ONG) despite containing key 'modified grassland' species. This would be regarded as being of moderate value. However, the evidence for this (Appendix E) may suggest it could be regarded as 'modified grassland'. No abundances or % cover is provided for any species which also help determine ONG, and only 6/30 quadrat samples have at least 9 species which is one of the ONG criteria, whether or not some may be considered undesirable - which is a condition consideration anyway. 6/10 locations recorded quadrats with at least nine species, although only 1/10 locations averaged at least 9 species. Whilst I consider the assessment may over-estimate the grassland distinctiveness value, it does not under-estimate their value. In any event there is no existing or submitted evidence to suggest that the grasslands are of sufficient quality to require avoidance of any development. Ultimately they are essentially low quality grasslands, consistent with typical agriculturally improved grasslands for productive livestock grazing and subsequently horse-grazed pastures.

2.3 Furthermore, although a total of six LWS indicators were recorded, the grassland would not meet Local Wildlife Site grassland criteria.

#### 3. Ecology - protected species

	<p>3.1 Six low conservation status bat roosts (day / night roosts of pipistrelle / brown long-eared) have been recorded within five buildings on site, and these will need to be addressed accordingly under licence. If mitigation and compensation as outlined in EclA 5.20 is followed, I see no reason as to why any such licence would not be issued. Some trees are considered to have mainly low potential but none are proposed for removal.</p> <p>3.2 No badger setts were recorded on site but some use of the site was. Limited hedgehog habitat was recorded given most of the grasslands were well grazed.</p> <p>3.3 Old swallow nests were recorded from one building.</p> <p>3.4 The site is largely unsuitable for amphibians and reptiles.</p> <p>4. Ecological impacts</p> <p>4.1 Whilst much of the potential for species is also linked with site management - and this could change - there would appear to be no fundamental ecological constraints associated with the proposals.</p> <p>5. Ecological enhancements</p> <p>5.1 A number of species enhancements and other measures have been proposed (EclA 5.36) and these should be pursued as part of any approval. They should also include appropriate provision of integrated bat and bird (swift) boxes, which should be secured as part of the LEMP condition.</p> <p>6. Biodiversity Net Gain</p> <p>6.1 This application is subject to mandatory Biodiversity Net Gain. This has been calculated for this development as being a 21.47% increase in area Biodiversity Units (a gain of 8.66 BU) and 313.32% in hedgerow BU (1.58 BU gain). The latter is a substantial increase and although true, is perhaps a little misleading given the almost total lack of hedgerows currently present (none shown on the habitat map or visible in any Landscape photos, although 90m are claimed in the BNG metric and will be lost). This means this increase is relatively easily achieved with new hedgerow planting.</p> <p>6.2 Consequently, this proposal clearly meets in excess of the mandatory minimum 10% BNG requirements.</p> <p>6.3 Whilst I have raised a question regarding the accuracy of grassland assessment, it does not under-estimate the grassland value and in this respect I would not object to the baseline score. Whilst the landscaping and management details have yet to be fully detailed, I consider that the BNG condition is capable of being met.</p> <p>6.4 Further detail will be needed in respect of management of the areas claimed to deliver biodiversity benefits, and appropriate grassland management will be essential. This will need a Biodiversity</p>
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	<p>Gain Plan to be submitted as a condition of approval, informed by the completed metric and a Habitat Management and Monitoring Plan, which for consistency I advise should use the HMMP Template proposed by NE / DEFRA.</p> <p>6.5 BNG is not included within the proposed Heads of Terms (Planning Statement) - which would be required if the BNG is to be secured via a S106 agreement. It is, however, proposed as a condition - which will be needed in any event in the form of the BNG condition.</p> <p>6.6 A Construction and Environment Management Plan (CEMP) is proposed as a condition of approval (EclA 6.4) and I would support this.</p> <p>6.7 A Landscape and Ecology Management Plan (LEMP) is proposed (EclA 6.4) but I consider this only needs to cover species enhancements on site, as all other significant BNG will be included within the HMMP.</p> <p>6.8 A lighting strategy is proposed as a condition (EclA 6.4). This has already been presented as part of the proposals (see below). If further details / confirmation of the strategy is required if approved, I support this condition.</p> <p>7. HRA / SANG requirement</p> <p>7.1 The proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence' and so the Habitats Regulations 2017 (as amended) apply. As the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).</p> <p>7.2 It is recognised that the application will be subject to the requirements associated with the Chilterns Beechwoods SAC (incl. Ashridge Commons &amp; Woods SSSI), and the following mitigation will be adopted (EclA 5.8):</p> <ul style="list-style-type: none"> <li>• Strategic Access Management &amp; Monitoring (SAMM) payment to contribute to management of recreational pressures at the Chilterns Beechwoods SAC in line with current rates to be confirmed by DBC;</li> <li>• Suitable Alternative Natural Greenspace (SANG) provision at a rate of 8ha/1000 increase in population. Based upon an estimated increase of 207 new residents, this would amount to 1.7ha SANG requirement (EclA 5.9).</li> </ul> <p>7.3 These figures are the same as those calculated for the previous application 24-0330-MFA and so are incorrect. However, given there will be less houses, and less additional residents, it is reasonable to conclude the SANG area requirements will also be less.</p> <p>7.4 In respect of SANG capacity, in addition to the (too high) 1.7ha SANG required for the Haresfoot development as outlined above, the</p>
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	<p>Bovingdon Application (23/02034/MFA) suggested 4.280ha of SANG were required for that development. Given the proposed Haresfoot SANG (23-02508-MFA) delivers 24.049ha of SANG, both developments can be accommodated by the existing SANG proposals, if agreed with NE.</p> <p>7.5 Payment of the appropriate tariff has been proposed as part of the application, but I am unaware of any further details regarding this. However, to allow the HRA to conclude that adverse effects can be ruled out alone or in-combination, beyond reasonable scientific doubt, this must be secured via a legal agreement. Once this is achieved, the application can then be determined accordingly.</p> <p>7.6 In this respect, it is important that the legal status of the proposed SANG must also be secured before this application is determined. The reason for this is explained in the last three paragraphs of Natural England's (NE) letter of 21 November 2023 in relation to application no: 23/02508/MFA, in particular: As it currently stands, NE will object to any housing developments that rely on the Haresfoot SANG as mitigation for adverse impacts on the Chilterns Beechwoods SAC until such time that a legal agreement between the applicant and DBC regarding step-in rights and SANG security has been agreed. Consequently, if this issue has not been resolved, DBC should also take full account of NEs advice before determining this application.</p> <p>7.7 The ownership interest incorporates a significant proportion of land at Haresfoot already subject to a planning application for delivery of a SANG, which has yet to be determined. However, it was stated that Natural England had confirmed that the site is acceptable for creation of a SANG in respect of the application site at Grange Farm Bovingdon (23/02508/MFA Planning Statement 4.3).</p> <p>7.8 The Haresfoot development will help contribute to the delivery of the adjacent SANG (Planning Statement). How? The SANG is already subject to its own planning application and it is not clear how further development will contribute to its provision, other than address the existing tumbledown nature of the building complex and so remove the untidiness of this. However, if SANG delivery is in any event a legal requirement of approval, in itself it can't be afforded any planning weight unless its proposed size in excess of that required is considered.</p> <p>7.9 The proposed Heads of Terms for a S106 to include the SANG is noted.</p> <p>8. Landscaping</p> <p>8.1 The proposal includes:</p> <ul style="list-style-type: none"> <li>• Provision of interconnected open spaces, incorporating new trees and woodland.</li> </ul>
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- A general increase in tree cover and, specifically, the reintroduction of parkland trees to enhance the historic relevance of the landscape in the long-term.
- Facilitate connections with the off-site SANGs and provide circular routes and supplement the alternatives for those walking in the local area.
- Encourage the retention of the existing pattern of hedges and to create new features to further enhance landscape and ecological links between woodlands, using old field boundaries where possible.
- Promote the survey, retention and restoration of the historic parklands, including Ashlyns and Haresfoot, through a range of initiatives, including tree planting including parkland exotics (where over mature), encouragement to reverse arable to pasture and use of traditional metal estate fencing.

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

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

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

## 9. Trees

9.1 There is a limited proposed loss of trees, primarily associated with the immediate environs of the former farm complex. There is nothing to suggest this would have significant ecological implications sufficient to represent a constraint on the proposals. 296 new trees are proposed to be planted as outlined within the BNG metric, although these may be reduced in number if the plots have been reduced in number.

## 10. Lighting

10.1 The site location is in a prominent 'rural' position on high ground above the Bourne Gutter and Bulbourne Valley south of Bekhamsted. Without appropriate design considerations it has the potential to generate significant light pollution locally but also within the wider landscape of the Chilterns due to sky-glow which could be visible from the National Landscape towards Little Heath.

	<p>10.2 The lighting strategy recognises the location of the development adjacent to the SANG. The development also sits within what is otherwise open countryside, albeit within an urban fringe environment with the edge of Berkhamsted and the A41 close-by. It is considered to be within an E2 Rural surrounding in respect of existing lighting.</p> <p>10.3 It also considers latest guidance in respect of bats (Lighting Report, 3.4), given roosts are present within some of the buildings and will require compensation. Ecological receptors have been recognised and considered in the lighting strategy, which would appear to be acceptable in limiting the lighting associated with the development. The proposals will still, by default, introduce an element of new lighting into an otherwise sensitive rural location. Appendices 1 and 2 do not appear to be available for scrutiny. Other than this, I have no reasons to object to the lighting proposals.</p> <p>11. Conclusion</p> <p>Based on the above, there would not appear to be any fundamental ecological constraints to the proposals themselves. However, the HRA issues must be fully secured to the satisfaction of the LPA to tenable the application to be determined accordingly.</p> <p>12. Further Information/amendments required:</p> <ul style="list-style-type: none"> <li>• Confirmation that HRA all issues have been legally secured to enable determination.</li> </ul> <p>13. If approved, the following conditions and informatives are required / advised:</p> <ul style="list-style-type: none"> <li>• Independent BNG condition.</li> <li>• Construction Environment Management Plan condition to consider needs of protected species on-site as appropriate, as outlined within 5.4 of the EclA. This would include precautionary measures required for bats as outlined within 5.20 of the EclA and badgers, as outlined within EclA 5.26.</li> <li>• LEMP condition to consider a range of species proposals, including as outlined above.</li> <li>• Habitat Management and Monitoring Plan condition to inform BNG delivery.</li> <li>• Informative for nesting birds.</li> </ul>
Water Officer (HCC)	This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue services. This is to ensure there are adequate water supplies available for use at all times.
The Chiltern Society	The Chiltern Society maintains its objection to the scheme for the reasons set out in our objection of 08.03.2024. In particular, the transport and access issues and the distance from local amenities, being separated by the A41. The lack of public transport and increase

	of traffic flow onto a congested road system, and strain on local facilities eg schooling, medical care are still not adequately addressed.																																										
Education (HCC)	<p>I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 59 dwellings we would seek financial contributions towards the following projects:</p> <table border="1" data-bbox="580 483 1002 770"> <thead> <tr> <th colspan="3">HOUSES</th> </tr> <tr> <th>Number of Bedrooms</th> <th>A) Open Market &amp; Shared Ownership</th> <th>B) Affordable Rent</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td>2</td> <td>4</td> <td>6</td> </tr> <tr> <td>3</td> <td>15</td> <td>2</td> </tr> <tr> <td>4+</td> <td>22</td> <td>0</td> </tr> <tr> <td>Total</td> <td>41</td> <td>8</td> </tr> </tbody> </table> <table border="1" data-bbox="1050 483 1471 770"> <thead> <tr> <th colspan="3">FLATS</th> </tr> <tr> <th>Number of Bedrooms</th> <th>A) Open Market &amp; Shared Ownership</th> <th>B) Affordable Rent</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3</td> <td>2</td> </tr> <tr> <td>2</td> <td>3</td> <td>2</td> </tr> <tr> <td>3</td> <td>0</td> <td>0</td> </tr> <tr> <td>4+</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td>6</td> <td>4</td> </tr> </tbody> </table> <p>PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought</p> <p>Secondary Education Contribution towards the expansion of Ashlyns Secondary School and/or provision serving the development (£632,263 index linked to BCIS 1Q2022)</p> <p>Special Educational Needs and Disabilities (SEND) Contribution Delivery of 113 additional Severe Learning Difficulty (SLD) special school places (WEST) for pupils aged 2 to 19 years old, through the relocation and expansion of Breakspeare School and/or provision serving the development (£71,485 index linked to BCIS 1Q2022)</p> <p>Youth Service Contribution towards resources and reconfiguring the Hemel Hempstead Young People's Centre in order to ensure young people from Berkhamsted can access appropriate projects in response to growth in the area (£11,125 index linked to BCIS 1Q2022))</p> <p>Monitoring Fees - HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.</p> <p>The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an</p>	HOUSES			Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	1	0	0	2	4	6	3	15	2	4+	22	0	Total	41	8	FLATS			Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	1	3	2	2	3	2	3	0	0	4+	0	0	Total	6	4
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	<p>appropriate methodology for the obligations sought in this instance.</p> <p>The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): "fairly and reasonably relates in scale and kind to the development".</p> <p>Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.</p> <p>Justification</p> <p>The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: <a href="#">Planning obligations and developer infrastructure contributions</a></p> <p>In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:</p> <p>(i) Necessary to make the development acceptable in planning terms.</p> <p>Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states "No payment of money or other consideration can be positively required when granting planning permission."</p> <p>The development plan background supports the provision of planning contributions.</p> <p>The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.</p> <p>(ii) Directly related to the development.</p> <p>The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used</p>
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	<p>towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.</p> <p>(iii) Fairly and reasonably related in scale and kind to the development.</p> <p>The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).</p> <p>PLEASE NOTE THE FOLLOWING:</p> <p>Consult the Hertfordshire Fire and Rescue Service Water Officer directly at <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a>, who may request the provision of fire hydrants through a planning condition.</p> <p>I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions.</p> <p>Should you require any further information please contact the Growth &amp; Infrastructure Unit.</p>
<p>Buckinghamshire Council Highways</p>	<p>Thank you for sending the attached consultation regarding the above application. This has been allocated to myself and I have the following comments:</p> <p>Some development traffic will route onto Buckinghamshire's road network, in particular along the A416 Chesham Road, with a small amount also along White Hill/Whelpley Hill. Noting the previous application (ref: 24/00330/MFA) which was for a larger quantum of development, and considering the trips associated with the site's existing use which will be removed, the development impact on Buckinghamshire roads is minimal and does not give rise to any highway safety or network capacity concerns. The Highway Authority raises no objections.</p>
<p>Campaign to Protect Rural England (CPRE)</p>	<p>I write with regard to the above application which follows the refusal of planning permission for the same site under planning application reference 24/00330/MFA to which we objected on a number of grounds. We support the Council's previous decision and note the reasons for refusal including the lack of very special circumstances to overcome the harm which would be caused to the Green Belt.</p> <p>We also support the second reason for refusal relating to the sustainability of the proposed isolated location of the development in relation to Berkhamsted and repeat the following concerns from our previous submission which we believe apply equally to this application.</p> <ol style="list-style-type: none"> <li>1. The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Dacorum Core Strategy where development is seen as inappropriate unless very special circumstances are identified</li> </ol>

	<p>which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).</p> <ol style="list-style-type: none"> <li>2. The Planning Statement prepared by consultants for the Applicant seeks to suggest that the site is "previously developed" and "adjacent to a defined settlement" (reference page 12 Planning Policy). It is clearly not adjacent to a settlement, being outside the built-up area of Berkhamsted, entirely surrounded by open countryside, most of which is proposed as Suitable Alternative Natural Greenspace (SANG) in an associated application.</li> <li>3. The varied and extensive planning history affecting the site indicates a gradual build-up of various uses of both commercial and equestrian activities which have changed the nature of the original agricultural use to some extent by adding low-rise shed type buildings and hard-standings. Specific reference is made to the appeal decision (APP/A1910/C/20/3249358) permitting new buildings and allowing some intensification of existing uses.</li> <li>4. The appeal decision was however partial and significant attention was paid by the Inspector to Green Belt issues, and specifically the effect on openness of existing and proposed buildings. It is clear from the Inspector's decision that the generally rural character of both the existing development and surrounding area is significant and should be maintained.</li> <li>5. It is therefore not appropriate to suggest that the introduction of a completely different use, that is, a residential housing estate, should be permitted on the basis of consents granted for the intensification of uses which have been seen previously as compatible with a Green Belt location. The total redevelopment of the site marks a considerable departure from the previous planning history which is made up of numerous consents and refusals of permission for a wide variety of relatively low intensity uses over a period of many years.</li> <li>6. The proposed site is an unsustainable location for a residential development of 59 units with personal and community services such as schools and medical facilities requiring private vehicle use or a significant walk or cycle journey. For example, the location of Ashlyns School, which is presently significantly over-subscribed, is noted as being accessible "within a 15 to 20 minute walk" with the use of the road network, and there is no indication of local primary or other school or community provision, other than a small "community hub building".</li> <li>7. Public transport is almost entirely lacking in the area and the quantum of development proposed, while causing landscape and visual impacts, will not be sufficient to support special or even additional provision from the existing limited bus services. The local limited network of small country lanes surrounding the site will be detrimentally affected by the inevitable increased car usage.</li> <li>8. There is evidence of significant deterioration of the lanes in the immediate vicinity of the proposed development. Further increased usage will affect existing local users, rural residents and businesses which are already impacted by lack of maintenance and inadequate road capacity.</li> </ol>
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	<p>9. The proposed total redevelopment envisages the demolition of the existing original farm buildings as well as the more modern additions. There will be significant impacts on the rural character of the area caused by the demolition of extensive farm buildings which also contribute to the heritage context.</p> <p>10. Notwithstanding the promotion of the previously developed nature of the site as justification for the proposed development, which we challenge as above, 'very special circumstances' are also promoted in terms of a range of benefits. According to the National Planning Policy Framework (NPPF), these need to clearly outweigh the harm caused to the Green Belt which we believe will be detrimentally affected by the total redevelopment of the site, affecting both the visual and landscape characteristics of the area.</p> <p>11. The very special circumstances identified relate primarily to the provision of housing of various types, highway and environmental provision, and economic benefits, all of which would be anticipated from any similar development of this size and nature. We believe that very special circumstances should be related to the specific conditions of the site and surrounding area.</p> <p>12. We support local community concerns relating to local services, facilities and the gradual deterioration of the farm and buildings due in part to unauthorised development over a period of years. A significant development south of the A41 and well outside the built-up area of Berkhamsted would comprise a significant encroachment into the Green Belt, and we urge the Council to refuse permission for this unsustainable and inappropriate proposal.</p>
<p>UK Power Networks Barton Road, Bury St Edmunds IP32 7BG</p>	<p>We note there are HV overhead cables and Underground cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.</p> <p>In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website <a href="https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply">https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply</a></p> <p>All works should be undertaken with due regard to Health &amp; Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office.</p> <p>Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.</p> <p>You can also find support and application forms on our website <a href="#">Moving electricity supplies or equipment   UK Power Networks</a></p>

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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	33	3	23	7

### Neighbour Responses

Address	Comments
Haresfoot Grange Chesham Road Berkhamsted Hertfordshire HP4 2SU	<p>Haresfoot Park is a rural hamlet in the Green Belt consisting of 7 properties separated from Berkhamsted by the A41 bypass. This application is a re-submission of a scheme that was previously refused by the planning committee for the reasons below:</p> <p>Inappropriate development in the Green Belt.</p> <p>Conflicting with one of the five purposes of including land in the Green Belt - (c) to assist in safeguarding the countryside from encroachment.</p> <p>The site is not considered to be a suitable location for housing contrary to policy CS1 of Dacorum Core Strategy and paragraph 109 of the National Planning Policy Framework (2023).</p> <p>The only change to this re-submission is the applicants have reduced the number of houses from 86 to 59. This is for no other reason than to circumnavigate Core Strategy CS5 (inappropriate development in the Green Belt) by concentration of the housing on the previously developed land sections of the site. However it still goes against policy CS5 in that the development and road alterations will have a significant impact on the character and appearance of the countryside. Therefore the reasons for refusal highlighted above are still valid along with a number of core strategies that the application fails to meet.</p> <p>Policy CS1 states that the rural character of an area will be conserved. Haresfoot Farm is located in open countryside in the Green Belt, and although the land in which the houses will be located is previously developed, siting of 59 houses will alter the character of the area. The proposed changes to the country lane will further cause damage to the existing character of Haresfoot Park and essentially urbanise open countryside with its double yellow lines, pavements, street lighting, traffic calming and illuminated road signs. The planning committee voted against the previous application stating the site is not considered to be a suitable location for housing, and nothing has fundamentally changed in this current application for this view to be different. Therefore the application fails to meet the Policy CS1</p>

	<p>Policy CS2 states developments on previously developed land are within defined settlements. There is the question of whether Haresfoot Park lies within the Berkhamsted settlement boundary. Regardless of this, caveat (a) states development must allow good transport connections, which cannot exist without major road alterations, which goes against caveat (d) respect local character and landscape context. The proposal clearly does not respect the local character of the area with its urbanising effect.</p> <p>We also have to consider caveat (c) ensure the most effective use of land. The applicants state and I quote from email correspondence from Griggs homes</p> <p>The site cannot continue in its existing form, the vacancy rate is increasing on a monthly basis and the buildings are not fit for purpose, many without key facilities required for a commercial premises. It is not viable to carry on as a commercial premises in its existing form.</p> <p>We believe this needs addressing and feel the applicants are not being entirely transparent. Haresfoot Farm had operated successfully as a light industrial site for around 15 years prior to Griggs acquiring the farm. There were new buildings erected and others upgraded in 2020 which although subject to enforcement and appeal in 2021, only one building (number 7) was ordered to be taken down.</p> <p>Griggs acquired Haresfoot Farm in 2022, paying over double the market value and outbidding local residents and farmers, whom viewed the farm as a going concern. The farm was marketed with a rentable income of over £800,000 per year, and yet Griggs state it is not viable. Research shows the commercial buildings have not actively been advertised for some considerable time, and when they were, it was only offered on a 3 year lease. This is not only significantly below industry standard terms, but would put most companies off, given the costs involved in relocating.</p> <p>This, along with the tons of rubbish/spoil and general untidiness of the site, we believe was all part of the plan to support the application for housing. Therefore we believe the application fails to meet Policy CS2 on numerous points.</p> <p>Although the application meets Policy CS5 &amp; CS7 in that the housing will occupy previous developed land. The caveats are</p> <p>No significant impact on the character and appearance of the countryside.</p> <p>It supports the rural economy and maintenance of the wider countryside.</p> <p>We believe not only would an estate of 59 houses look out of character in open countryside, but the impact that the significant alterations to the country lane would have a devastating effect on the character and appearance of the countryside. What is being proposed is urbanisation of a rural hamlet with double yellow lines, pavements, street lighting, traffic calming and illuminated signage. Not only this,</p>
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the property known as The Redwoods, would be severely effected with the traffic calming lane and illuminated signage directly in front of the property. It would severely impact access to the driveway and the owner would be unable to pull out and shut their gates without blocking the road.

The rural economy will suffer with the complete loss of the commercial aspect of Haresfoot Farm. Jobs have already been lost through the mis-management of the site since Griggs acquired the farm. Although the application states the housing will have a positive effect on the rural economy. Any benefit will be short term and not provide long term employment which could be seen with a commercial enterprise. Therefore this application does not meet the requirements of Policy CS5 & CS7.

Policy CS20 refers to rural sites for affordable housing. The policy wording states 'Small-scale schemes for local affordable homes will be promoted in and adjoining selected small villages in the countryside (see Policies CS6 and CS7) and exceptionally elsewhere with the support of the local parish council'. These selected villages highlighted in Policy CS6 include Chipperfield, Flamstead, Potten End and Wiggington. Policy CS7 includes Aldbury, Long Marston and Wilstone. Therefore as Haresfoot Park is not included in the selected villages (and cannot be remotely described as a village), this application does not meet the requirements of Policy CS20. Only if Berkhamsted Town Council supports the application, would the application meet the requirements of Core Strategy CS20.

In terms of personal impact, our property lies to the north east of the application site and the closest proposed house would be roughly 100 metres away from our boundary and horse stabling. We are concerned regarding 59 households setting off fireworks simultaneously impacting the welfare of our horses and local wildlife. These days fireworks do not appear to be limited to the days around November 5th, i.e New Years Eve, Birthdays, Diwali, Eid etc. Despite the applicants knowing this information, nothing has been put in place to mitigate this.

We would also be impacted by the increase in traffic on the country lane and the proposed traffic calming which will cause more congestion than it is designed to relieve. The traffic data and highways report are based on theory and do not echo real life. We know from experience that a small increase in traffic on the lane, due to road closures in Ashley Green, brings the lane to a standstill. Our driveway and that of our neighbours become like a car park and this will only become a common occurrence with the granting of this application.

On balance, this application conflicts with Dacorum Core Strategies CS1, 2, 5, 7 and 20. It also conflicts with one of the five purposes of including land in the Green Belt - (c) to assist in safeguarding the countryside from encroachment. It will irrevocably cause harm to open countryside and damage the character of Haresfoot Park with the proposed urbanisation. Considering Taylor Wimpey is proposing a scheme for 850 houses less than a mile away, the application at

	<p>Haresfoot Farm seems futile to help deliver the housing need, considering the major road alterations that would be required and the overall damage it will cause to the countryside for a mere 59 houses.</p> <p>For these reason we ask you to refuse this application.</p>
<p>10 Kings Road Berkhamsted Hertfordshire HP4 3BD</p>	<p>This site is in Green Belt and is not specified as an area of development in the Core Strategy Site Allocation document. It is contrary to CS Policies 1, 5 and 9.</p> <p>There will be increased traffic on White Hill, which is already difficult to navigate, and not wide enough in many parts for 2 passing cars.</p> <p>Although there is a genuine need for affordable housing, the council should consider brownfield sites before developing on Green Belt. For this reason I object to the development.</p>
<p>The Base 15B Middle Road Berkhamsted Hertfordshire HP4 3EQ</p>	<p>Quite simply and most importantly the development is in the wrong place. It isn't in Berkhamsted, or Ashley Green, nor Chesham. A unsupported hamlet in the middle of the countryside doesn't match the needs of the population. I note the reduction in numbers of houses but a location so far from the envelope of the settlements is not appropriate.</p> <p>The envelope of Berkhamsted should be kept north and east of the A41.</p> <p>It seems that substantial changes will be required to the local road and footpath network, it will be important that these are implemented before other building takes place. Relying on existing public transport provision seems to be evading developers responsibilities.</p> <p>I'd prefer not to pick at details, so just a single comment on detail, I'm not sure the travel times (isochrones) are realistic. As an example, I suggest that primary school children will not walk for (an optimistic) 40 minutes - I don't think young children can walk at 13min/km. If this assumes the use of the footpath under the A41 south from the Ashlyns Care Home (Chiltern Society ref BK40), it needs to be enlarged, relit and made considerably more pleasant at the developers expense.</p>
<p>Wentworth Shootersway Lane Berkhamsted Hertfordshire HP4 3NW</p>	<p>Having considered the documents filed by the Applicant on 1.7.24, I object to the application for planning permission relating to the proposed development of Haresfoot Farm - 24/01496/MFA.</p> <p>I have also read the papers relating to a previous application for planning permission for 86 houses at the same site (24/00330/MFA) and the minutes of the Development Management Committee dated 30.5.24 where that application was turned down.</p> <p>The Applicant's Planning Statement refers to the earlier application being refused '.....due to some elements of the proposal being just outside the area officers believed was the brownfield envelope of the</p>



site and insufficient sustainability measures had been promoted to justify development in this location'. The minutes of the Development Management Committee meeting dated 30.5.24 actually state that the decision was based upon the fact that the application contravened the National Planning Policy Framework (NPPF) and Core Strategy (2013) Policies 1 and 5 and that 'the site is not considered to be a suitable location for housing'.

In summary, my objections to the proposed development are that the new application remains contrary to:

1. the National Planning Policy Framework (2023) ('NPPF') paras 109, 142, 143, 152, 153, & 154
2. the Core Strategy (2013)
3. the Dacorum Borough Local Plan (as amended)
4. the Hertfordshire Local Transport Plan 4 (LTP4) 2018

In detail I object on the following grounds as follows:

1. Contrary to the NPPF (2023) and Core Strategy (2013)

1.1 The application remains contrary to Policy 1 of the Core Strategy (2013) relating to Distribution of Development which provides that:

'The rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.'

Critically, the Applicant has still failed to provide relevant material consideration as to why this policy should be contravened particularly bearing in mind the overarching vision of the Core Strategy (2013) para 1.17 relating to 'small settlements' where the focus is on '....(maintaining) the openness of the areas of the borough designated as Green Belt'. The area in which Haresfoot Farm is situated is a tiny hamlet - the photographs in the Applicant's Planning Statement demonstrate this. The introduction of 59 houses will fundamentally destroy the rural and open character of the area.

1.2 Importantly, there is no mention of the Haresfoot Farm site within the Site Allocations Development Plan document - it has never been designated for housing development. The proposed development is to be built on the site of a farm in the middle of open countryside outside of Berkhamsted's settlement boundary thus damaging the rural character of the borough and contravening Policy 2 of the Core Strategy (2013) relating to the Selection of Development Sites which provides that developments should be within defined settlements.

There is little point in having clearly defined planning policy if it is to be ignored.

The Applicant's argument appears to revolve around Haresfoot Farm being a brownfield site situated in Green Belt and therefore

development should be allowed. The reality is that this site has been a farm for decades until the pandemic when excessive development took place with seeming disregard for planning which culminated in applications for retrospective permissions and lack of appropriate enforcement action by Dacorum Borough Council. This does not provide valid reason for policy within the Core Strategy (2013) to be contravened further.

1.3 The application remains contrary to Policy 5 of the Core Strategy relating to Green Belt (and consequently Policy 11 relating to the Quality of Neighbourhood Design) which provides that small scale development may be permitted where:

'(a) building for the uses defined as appropriate in national policy;  
(b) the replacement of existing buildings for the same use;  
(c) limited extensions to existing buildings;  
(d) the appropriate reuse of permanent, substantial buildings; and  
(e) the redevelopment of previously developed sites.....

provided that (my emphasis)

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....'

Critically the Applicant has still failed to provide any evidence to show why a development of 59 houses in the middle of Green Belt is a small-scale development permitted under this policy in circumstances where the Development Management Committee has already determined that the site is an unsuitable location for housing. The Applicant has provided no evidence to show that this development will have no significant impact on the character and appearance of the countryside and how it will support the maintenance of the wider countryside or how it does not contravene NPPF paras 142, 143, 152, 153 and 154.

Specifically NPPF para 143 provides that one of the 5 objectives of Green Belt land is to '...assist in safeguarding the countryside from encroachment'. No material consideration has been provided by the Applicant to demonstrate why this policy should be contravened - at a very basic level it is clear that this overdevelopment would create the 'urban sprawl' that the Green Belt is designed to protect particularly given its proximity to an ancient historic town. What is also clear is that no 'very special circumstances' have been provided as to why the development should be allowed to encroach on this area of Green Belt where it will inevitably prove harmful to wildlife, the biodiversity and ecology of the area.

1.4 The Applicant has failed to realistically demonstrate how this site will meet the strategic objective set within the Core Strategy (2013) of '.....(minimising) the impact of traffic and (reducing) the overall need to travel by car.....' and thus continues to contravene NPPF para 109.

The application is contrary to Policy 9 of the Core Strategy (2013) relating to the Management of Roads which provides that:

'All new development will be directed to the appropriate category of road in the road hierarchy based on its scale, traffic generation, safety impact, and environmental effect.

The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments'.

Whilst the Applicant asserts various measures to improve traffic management, the reality is that White Hill is a rural country road which narrows significantly soon after the proposed development. Lighting along White Hill and within the development will result in visual harm and visual intrusion to the countryside. Bus stops on Chesham Road (and pedestrian crossing facilities adjacent to the roundabouts) will slow traffic attempting to access the A416, the A41 and the town causing further traffic build up on an already congested road network. Whilst much is made of proposed sustainable transport measures these are wholly unrealistic for a development positioned outside of a town whose geography is such that residents will almost undoubtedly rely on the use of their cars.

White Hill narrows to a single track as it passes by the development and on through to Whelpley Hill - the road is poorly maintained not least due to the flooding caused by the Bourne Gutter and can in no way be relied upon for safe and easy passage. If road users turn left out of the development to Whelpley Hill this will inevitably cause traffic chaos should any vehicle or farm traffic come the other way as there are few passing places. If road users turn right along White Hill any attempts to then turn right onto the A416 particularly in the peak periods will take some time and will likely cause traffic chaos - cars can drive along here at speed notwithstanding the proximity of the roundabouts. Pressure on this junction is likely to increase at peak hours with traffic also accessing the proposed adjacent SANG and parents/carers dropping off/collecting children from the Haresfoot campus of Berkhamsted School. If the Taylor Wimpey development north of the A41 is allowed to proceed there will be cars from another 850 houses entering the road network on the Chesham Road and accessing the A416 roundabouts.

The traffic assessment of travel times between the development and the town for walking, cycling and by car are unrealistic not least because they fail to take into account the geography of the town situated at the bottom of a steep valley. For example, there is no mention of the fact that it is inevitably far quicker travelling downhill on foot or by bicycle than when making the return journey uphill; the walking times stated do not take into account the slower speed that children walk in comparison with adults; and the times stated for car travel do not allow for the congested roads at peak times (and/or during bad weather) particularly for those attempting to access the heavily used railway station on the north side of Berkhamsted via the only north-south route across the town along Kingshill Way and Kings Road. This residential road is already severely impacted by heavy traffic including traffic associated with Berkhamsted School situated halfway along the road. The inevitable consequence of the

development's geographical position is that residents will have recourse to their cars adding to further road congestion.

What is more, the detail given within the traffic assessment for bus timetables is misleading giving the impression that there are 15/16 buses daily Monday to Saturday - any consultation of the current 354 timetable will show that buses to Berkhamsted are infrequent and are not compatible with commuter travel to London with the first bus dropping travellers at the station at 8.28 and the last bus leaving the rail station at 1818. There are no buses on a Sunday. Again, the inevitable consequence is that there will be greater reliance upon cars by residents of the proposed development.

1.5 The core purpose of local place strategies is stated at para 19.4 of the Core Strategy (2013) as being to 'Maintain and enhance the character, built heritage, natural environment and leisure assets of each settlement and the wider countryside

Berkhamsted Place Strategy at Para 21.6 of the Core Strategy (2013) provides that 'New development must respect and maintain the distinctive physical and historic character of the town and its valley setting..... It will not be supported where it has an adverse impact on the sensitive open valley sides and ridge top locations'.

1.6 No material consideration has been submitted by the Applicant to demonstrate why the vision contained within the Berkhamsted Place Strategy of the Core Strategy should be overridden for a development within the wider countryside.

## 2. Contrary to the Dacorum Borough Local Plan (DBLP)

2.1 The application is contrary to Policy 51 of the DBLP relating to Development and Transport impacts which provides that 'Overall capacity in the main road network will be regarded as an important constraint on development proposals which would have a significant transport impact.....The acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon: (a) the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; (b) the provision of routes and facilities for pedestrians, cyclists and passenger transport users, including links to existing networks; .....(d) the design and capacity of parking areas and the implications for on-street parking.' (my emphasis).

The Applicant has failed to demonstrate that it has met these criteria - clearly the introduction of road users from the development (and users of the adjacent proposed SANG (23/02508/MFA) with a 24 space car park on the bend of White Hill) will have a significant impact on the existing highway network which is already at breaking point. The documents supporting the application refer to the fact that 130 parking spaces are envisaged for the 59 properties; 17 unallocated parking spaces; and 30 visitors parking spaces with 1 electric car club parking place. This does not appear to be a development that is going to be able to embrace sustainable travel options.

2.2 No material consideration has been submitted by the Applicant to demonstrate why the DBLP should be overridden.

### 3. Contrary to LTP4 2018

The objectives of the LTP are to '..... Preserve the character and quality of the Hertfordshire environment; and reduce carbon emissions'.

The development will not address these objectives - the inevitable car usage by the development's residents will negatively impact on the rural character of the county and the natural environment with additional noise, light pollution and visual intrusion as well as additional carbon emissions caused by increased road congestion. The built and historic environment of Berkhamsted will also be adversely impacted by the additional traffic caused by the development.

LTP4 provides that 'All transport measures delivered by the county council must be in accordance with the LTP policies'. Policy 5 refers to the need to 'Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users'. The development will severely affect the rural nature of White Hill and further damage the residential nature of Kings Road by the increase in traffic entering the town centre - the Applicant has provided no material consideration as to why this policy should be contravened.

#### Conclusion

Regardless of whether the development is for 86 or 59 dwellings it still represents an unacceptable overdevelopment in the Green Belt. Whilst reference has been made in the Statement of Community Involvement to an earlier public consultation for 86 houses taking place at this site with information sent to addresses within a radius of 1.5km, it should be noted that as the surrounding land is in Green Belt the consultation area covered mainly comprised fields. There were a comparatively small number of properties consulted and few attendees to the consultation event (in stark contrast to the proposal for development of the South Berkhamsted Concept) in circumstances where the impact of traffic on the whole of Berkhamsted of this development and particularly for all those residents who currently use King's Road will be significant.

In summary,

- The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018).

- A slight revision of the proposals (by reducing the number of homes to be built) does not mean that the previous decision of the Development Management Committee (that the site is not a suitable location for housing) should be ignored or that overarching strategic planning policies should be similarly ignored.

	<p>- Whilst there is a clear need for 'affordable' housing locally, the 'affordable' (and other) housing promised by this development is very clearly in the wrong place with no existing infrastructure to support it and will amount to an intolerable strain being placed on the local road network. It should be noted that the idea of 'affordable' housing becomes even less affordable when every resident needs a car to get to key services and/or their place of work.</p> <p>- Rather than dealing with matters on a piecemeal basis, decision makers need to reflect on the overdevelopment of the historic town of Berkhamsted and the impact on its existing residents particularly so far as the local road network is concerned.</p> <p>For the reasons expressed above I object to the revised application for planning permission re 24/01496/MFA.</p>
<p>29 Shrublands Avenue</p> <p>Berkhamsted Hertfordshire HP4 3JH</p>	<p>I object to the planning application 24/01496/MFA</p> <ul style="list-style-type: none"> <li>- The scheme is not only in the green belt but falls outside of the existing Berkhamsted town boundary.</li> <li>- The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018)</li> <li>- The development will increase traffic on already very congested roads, particularly at peak periods.</li> <li>- The development will add extra pressure on health provision in the town, which is already at capacity.</li> <li>- The planning statement states that children will be able to walk or cycle to schools - this is highly unlikely as the roads are very busy and speed limits for part of the route are high, making them far too dangerous for children to cycle. Primary school provision is not close by, so young children are unlikely to walk such distances with parents.</li> <li>- I would question the validity of the 'Public Consultation' - this is an important planning issue for the whole town and yet very few residents were contacted by letter. The single public meeting was not widely publicised and held at a busy period in the run up to Christmas.</li> <li>- I note that the developers have been in close discussion with Dacorum Borough Council (DBC) planning department regarding the proposal, in particular regarding so called "Affordable Homes". If DBC were serious about providing good quality, low cost homes for local people surely they should be exploring existing Brown Field sites within the Town? For example, the former Roy Chapman garage derelict site at Gossoms End, which has been vacant for many years and is close to 2 primary schools and a Health centre.</li> </ul>
<p>13 Hall Park Gate Berkhamsted Hertfordshire HP4 2NL</p>	<p>This application should be dismissed for the same reasons the applicants previous application was refused which are not countered by reducing the scale of development.</p> <p>It is in Green Belt. It is outside the built up area of the town in a relatively remote location and will generate considerable amounts of private vehicular traffic with no mitigating factors.</p>

	It is not in the draft Local Plan
<p>12 Gilders Sawbridgeworth Sawbridgeworth CM21 0EF</p>	<p>This development is suitable for the inclusion of integrated Swift bricks within the walls of the new buildings.</p> <p>NPPF paragraph 186(d) states: "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"</p> <p>At present the Ecological Impact Assessment proposed 22 tree mounted boxes. Frankly, such boxes are of limited ecological benefit as they will only be used by the most common species of birds. Instead, integrated Swift bricks should be required. Integrated bricks have the advantage of lasting the lifetime of the building and requiring no maintenance. Unlike externally fitted boxes, they cannot become dislodged or be replaced.</p> <p>Swift bricks are universal nest bricks and so no other types of box are required to be installed on buildings. This is because they conform to the British Standard for integrated nest boxes, BS42021:2022, and in doing so provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling, making inclusion a real biodiversity enhancement for the site.</p> <p>Similar comments were made in relation to the previous application for this site, 24/00330/MFA, and the committee report included a draft condition for 22 Swift Bricks</p> <p>Bearing in mind the scale of the development, please consider securing Swift bricks by way of a specific condition, which could alternatively be a condition of a LEMP.</p> <p>The condition should be worded: "no development shall take place until written details are approved by the LPA of the model and location of 22 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p>
<p>12 The Mallards Hemel Hempstead Hertfordshire HP3 9DP</p>	<p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>Great for the area and providing more housing</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>• The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>• There's 40% provision for much needed affordable housing which is above and beyond existing policy allowing residents to get onto the housing ladder</li> </ul>

	<ul style="list-style-type: none"> <li>• There is significant off-site highway and sustainable transport improvements to the local area and network</li> <li>• A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> <li>• New landscaping, including significant tree planting with a total of 292 new trees planted</li> <li>• Retaining 69% of the site as open space - 20 times the council's policy requirement</li> <li>• In excess of 20% biodiversity net gain</li> <li>• Reduction of vehicle movements from the baseline of existing consented uses</li> </ul> <p>I hope the council will support this planning application and grant permission.</p>
<p>13 Poynders Hill Hemel Hempstead Hertfordshire HP2 4PQ</p>	<p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>Given the housing crisis that is currently happening I am in support of this new development</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>• The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>• In excess of 20% biodiversity net gain</li> </ul> <p>I hope the council will support this planning application and grant permission</p>
<p>12 The Mallards Hemel Hempstead Hertfordshire HP3 9DP</p>	<p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>This will improve the overall quality of the location.</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>• The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>• A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> <li>• New landscaping, including significant tree planting with a total of 292 new trees planted</li> </ul> <p>I hope the council will support this planning application and grant permission.</p>
<p>6 Trevalga Way Hemel Hempstead Hertfordshire</p>	<p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p>



<p>HP2 6NW</p>	<p>I think it's a great idea, and will bring lots of beautiful homes to the area I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>• The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>• There's 40% provision for much needed affordable housing which is above and beyond existing policy allowing residents to get onto the housing ladder</li> <li>• There is significant off-site highway and sustainable transport improvements to the local area and network</li> <li>• A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> <li>• New landscaping, including significant tree planting with a total of 292 new trees planted</li> <li>• Retaining 69% of the site as open space - 20 times the council's policy requirement</li> <li>• In excess of 20% biodiversity net gain</li> <li>• Air source heat pumps and other sustainable construction methods - meaning no gas boilers</li> <li>• Reuse of a previously developed site incorporating a substantial reduction in built footprint, volume and hardstanding</li> <li>• Reduction of vehicle movements from the baseline of existing consented uses</li> </ul> <p>I hope the council will support this planning application and grant permission.</p>
<p>Town End Shootersway Lane Berkhamsted Hertfordshire HP4 3NW</p>	<p>Dear Sir,</p> <p>Objections to Application for Planning Permission re Demolition of existing buildings and redevelopment of the site at Haresfoot Farm to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement - 24/01496/MFA</p> <p>I wish to register my objection to the application for planning permission relating to the proposed development of Haresfoot Farm - 24/01496/MFA.</p> <p>I object for the following reasons:</p> <p>I am aware of the papers relating to a previous application for planning permission for 86 houses at the same site (24/00330/MFA) and the minutes of the Development Management Committee dated 30.5.24 where that application was turned down.</p> <p>The minutes of the Development Management Committee meeting dated 30.5.24 state that the decision was based upon the fact that the application contravened the National Planning Policy Framework</p>

(NPPF) and Core Strategy (2013) Policies 1 and 5 and that 'the site is not considered to be a suitable location for housing'.

The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018).

1.1 The application does not follow Policy 1 of the Core Strategy (2013) relating to Distribution of Development

The Applicant has not demonstrated why this policy should be contravened particularly bearing in mind the overarching vision of the Core Strategy (2013) para 1.17 relating to 'small settlements' where the focus is on '...(maintaining) the openness of the areas of the borough designated as Green Belt'. The area in which Haresfoot Farm is situated is a tiny hamlet and the introduction of 59 houses will fundamentally destroy the rural and open character of the area.

1.2 Secondly there is no mention of the Haresfoot Farm site within the Site Allocations Development Plan document - it has never been designated for housing development. The proposed development is to be built on the site of a farm in the middle of open countryside outside of Berkhamsted's settlement boundary. This will damage the rural character of the borough and contravenes Policy 2 of the Core Strategy (2013) relating to the Selection of Development Sites, which requires that developments be within defined settlements.

I do not understand why the clearly defined planning policy is being ignored.

The Applicant's argument seems to be that Haresfoot Farm is a brownfield site situated in Green Belt and, therefore, development should be allowed. This is not an accurate representation. The reality is that this site had been a farm for decades until the pandemic. The general disruption caused by the pandemic seemed to provide an opportunity for excessive development to take place with seeming disregard for planning. This culminated in applications for retrospective permissions and lack of appropriate enforcement action by Dacorum Borough Council. This does not provide valid reason for policy within the Core Strategy (2013) to be contravened further.

1.3 The application remains contrary to Policy 5 of the Core Strategy relating to Green Belt (and consequently Policy 11 relating to the Quality of Neighbourhood Design)

The Applicant has still failed to provide any evidence to show why a development of 59 houses in the middle of Green Belt is a small-scale development permitted under this policy in circumstances where the Development Management Committee has already determined that the site is an unsuitable location for housing. The Applicant has provided no evidence to show that this development will have no significant impact on the character and appearance of the countryside and how it will support the maintenance of the wider countryside or how it does not contravene NPPF paras 142, 143, 152, 153 and 154.

It is clear is that no 'very special circumstances' have been provided as to why the development should be allowed to encroach on this area of Green Belt where it will inevitably prove harmful to wildlife, the biodiversity and ecology of the area.

1.4 The Applicant has failed to realistically demonstrate how this site will meet the strategic objective set within the Core Strategy (2013) of '.....(minimising) the impact of traffic and (reducing) the overall need to travel by car.....' and thus continues to contravene NPPF para 109.

The application is contrary to Policy 9 of the Core Strategy (2013) relating to the Management of Roads

The Applicant asserts various measures to improve traffic management. However, the reality is that White Hill is a rural country road, which narrows significantly soon after the proposed development. Lighting along White Hill and within the development will result in visual harm and visual intrusion to the countryside. Bus stops on Chesham Road (and pedestrian crossing facilities adjacent to the roundabouts) will slow traffic attempting to access the A416, the A41 and the town causing further traffic build-up on an already congested road network. Whilst much is made of proposed sustainable transport measures, these are wholly unrealistic for a development positioned outside of a town whose geography is such that residents will almost undoubtedly rely on the use of their cars.

White Hill narrows to a single track as it passes by the development and on through to Whelpley Hill - the road is poorly maintained not least due to the flooding caused by the Bourne Gutter and can in no way be relied upon for safe and easy passage. If road users turn left out of the development to Whelpley Hill, this will inevitably cause traffic chaos should any vehicle or farm traffic come the other way, as there are few passing places. If road users turn right along White Hill, any attempts to then turn right onto the A416 particularly in the peak periods will take some time and will likely cause traffic chaos - cars can drive along here at speed notwithstanding the proximity of the roundabouts. Pressure on this junction is likely to increase at peak hours with traffic also accessing the proposed adjacent SANG and parents/carers dropping off/collecting children from the Haresfoot campus of Berkhamsted School. If the Taylor Wimpey development north of the A41 is allowed to proceed there will be cars from another 850 houses entering the road network on the Chesham Road and accessing the A416 roundabouts.

The traffic assessment of travel times between the development and the town for walking, cycling and by car are unrealistic. In particular, they fail to take into account the geography of the town situated at the bottom of a steep valley. For example, there is no mention of the fact that it is far quicker to travel downhill on foot or by bicycle than to return uphill; the walking times stated do not take into account the slower speed that children walk in comparison with adults; and the times stated for car travel do not allow for the congested roads at peak times (and/or during bad weather) particularly for those attempting to access the heavily used railway station on the north side of Berkhamsted via the only north-south route across the town along

	<p>Kingshill Way and Kings Road. This residential road is already severely impacted by heavy traffic including traffic associated with Berkhamsted School, situated halfway along the road. The inevitable consequence of the development's geographical position is that residents will prefer to use their cars adding to further road congestion.</p> <p>In addition, the detail given within the traffic assessment for bus timetables is misleading. It gives the impression that there are 15/16 buses daily Monday to Saturday, whereas any consultation of the current 354 timetable will show that buses to Berkhamsted are infrequent and are not compatible with commuter travel to London, with the first bus dropping travellers at the station at 8.28 and the last bus leaving the rail station at 1818. There are no buses on a Sunday. Again, the inevitable consequence is that there will be greater reliance upon cars by residents of the proposed development.</p> <p>2. Contrary to the Dacorum Borough Local Plan (DBLP)</p> <p>2.1 The application is contrary to Policy 51 of the DBLP relating to Development and Transport impacts</p> <p>The Applicant has failed to demonstrate that it has met the criteria stated in this Policy. It is clear that the introduction of road users from the development (and users of the adjacent proposed SANG (23/02508/MFA) with a 24 space car park on the bend of White Hill) will have a significant impact on the existing highway network which is already at breaking point. The documents supporting the application refer to the fact that 130 parking spaces are envisaged for the 59 properties; 17 unallocated parking spaces; and 30 visitors parking spaces with 1 electric car club parking place. This does not appear to be a development that is going to be able to embrace sustainable travel options.</p> <p>2.2 No material consideration has been submitted by the Applicant to demonstrate why the DBLP should be overridden.</p> <p>3. Contrary to LTP4 2018</p> <p>The inevitable car usage by the development's residents will negatively impact on the rural character of the county and the natural environment with additional noise, light pollution and visual intrusion as well as additional carbon emissions caused by increased road congestion. The built and historic environment of Berkhamsted will also be adversely impacted by the additional traffic caused by the development.</p> <p>The development will severely affect the rural nature of White Hill and further damage the residential nature of Kings Road by the increase in traffic entering the town centre - the Applicant has provided no material consideration as to why this policy should be contravened.</p> <p>4. Additional points</p>
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	<p>Whether the development is for 86 or 59 dwellings, this remains an unacceptable overdevelopment in the Green Belt.</p> <p>I see that reference has been made in the Statement of Community Involvement to an earlier public consultation for 86 houses taking place at this site with information sent to addresses within a radius of 1.5km. It should be noted, however, that as the surrounding land is in Green Belt, the consultation area covered comprised mainly fields. As a result, very few properties were consulted and there were few attendees to the consultation event (in stark contrast to the proposal for development of the South Berkhamsted Concept). This is in circumstances where the impact of traffic will have a significant effect on the whole of Berkhamsted and especially on those residents who currently use King's Road.</p> <p>Whilst there is a clear need for 'affordable' housing locally, the 'affordable' (and other) housing promised by this development is very clearly in the wrong place; there is no existing infrastructure to support it and will amount to an intolerable strain being placed on the local road network. It should be noted that the idea of 'affordable' housing becomes even less affordable when every resident needs a car to get to key services and/or their place of work.</p> <p>Rather than dealing with matters on a piecemeal basis, decision makers need to reflect on the overdevelopment of the historic town of Berkhamsted and the impact on its existing residents particularly so far as the local road network is concerned.</p> <p>For the reasons expressed above I object to the revised application for planning permission re 24/01496/MFA.</p>
<p>1 Coram Close Berkhamsted Hertfordshire HP4 2JG</p>	<p>I object to the planning application 24/01496/MFA.</p> <p>The area should be retained as green belt. This proposal is in the wrong place. There is no existing infrastructure to support it. It would create a significant strain on the local road network given its proposed location. This proposal will harm biodiversity and wildlife. It will create a community isolated from amenities which will necessitate significant car use to access those amenities that exist in the town centre which is already struggling with the amount of car traffic.</p>
<p>Spring Meadow Farm Whelpley Hill Berkhamsted HP4 2SX</p>	<p>I am a land worker on one of the farms in Whelpley Hill. Having a big housing project in this area is not good for anyone, as lorries get stuck on the lane and there will be long delays sometimes for hours. Also large combines and tractors regularly use the lane tending their fields.</p> <p>Building on the green belt isn't good either, for environment and would mean certain habitats would be destroyed.</p>
<p>Harriotts End Farm House Chesham Road Berkhamsted</p>	<p>The applicant has recently proposed the construction of 86 houses, this was rejected and now is coming back with 59 houses. In my opinion, there is not any difference now as compared with the previous application.</p>

<p>Hertfordshire HP4 2SU</p>	<p>The traffic will be horrendous, it is already busy at times with cars running between Bovington and Berkhamsted, we are talking about a country lane in the beautiful English countryside. This proposal will dramatically change the character of the area.</p> <p>I have lived here for 10 years and I have walked from my house to Berkhamsted two or three times maximum, it is simply too far (40 minutes) and people will use their cars to go shopping, nobody will walk and carry bags. This will increase pollution and it will be a hazard to pedestrians, runners, bickers, etc, whom enjoy the countryside as it is.</p> <p>The nearest school is Ashlyns which already has a long waiting list, I believe there are about 500 potential students waiting for a place and I know that parents from Berkhamsted school will be looking to move their children to Ashlyns as VAT will be applied to school fees, this will certainly increase the waiting list.</p> <p>Development should take place in buildup areas, not in the countryside which many people enjoy as it is.</p>
<p>2 Hall Park Gate Berkhamsted Hertfordshire HP4 2NJ</p>	<p>We object to this over development in a rural setting</p> <p>The area should be retained as green belt - it is down a quite rural road. Development should not be allowed in farmland where it will harm biodiversity and wildlife.</p> <p>The access road is small and the houses would not be near any local amenities requiring extra car journeys and congestion. There is not sufficient public transport and pedestrian access is not secure and too far from amenities.</p> <p>It is an unacceptable development on green belt land creating an isolated community away from amenities and damaging the environment.</p> <p>It is not in keeping with the area and does not, as the Core Strategy 2013 demands "preserve the rural character of the borough."</p>
<p>Whelpley Hill Farm Whelpley Hill Berkhamsted HP4 2SY</p>	<p>I would like my all objections to the previous application to stand.</p> <p>I would also like to point out that the developers state 'that the site cannot continue in its existing form as the vacancy rate is increasing on a monthly basis' Maybe this is because they have given notice to quit to many of the businesses. The very successful livery yard was forced to close earlier this year. This yard was used by many local horse and pony owners to enjoy the extensive adjoining bridleway network for their leisure and relaxation. Most of these people now travel many miles to find equivalent facilities.</p> <p>White Hill is a single track rural lane. While it may be possible to widen it and add lighting and turn it into suburbia that will substantially alter the rural nature and affect the wildlife - badgers, foxes, hares, deer etc that inhabit the adjoining woodland areas. In addition the lane</p>

	<p>through to Whelpley Hill is single track, with big bends, in a deep cutting in many places. On 10th June this year, as a result of works on the A416, so much traffic used the lane that its whole 2 miles length was full of cars with no one being able to move other than by using residents front gardens. It took 2 hours to remove the vehicles. I was unable to access or leave my property during this period and I have photographic evidence of the chaos. I am still repairing my front lawn. The prospect of more traffic using the lane is shocking. It is a very small rural lane, largely used by those involved in agriculture trying to do their job and feed the nation. To have periods when farm machinery and residents cannot get about is not acceptable.</p> <p>The times for walking to/from Berkhamsted make no allowance for the steepness of the roads. Very few people would be fit enough to carry their shopping back from the High Street to Haresfoot Farm.</p> <p>The local bus service is very limited and not particularly helpful for linking with rail stations at any normal commuting times.</p> <p>The number of traffic movements seem to be very overestimated a regards current usage and massively underestimated for 59 homes.</p> <p>The developers keep describing it as a 'brownfield' site. It is green belt and the 'ugly buildings' are farm buildings put up for the use of the very large dairy herd that were there for many years. Since the demise of the farm, following its purchase/sale by a series of developers/entrepreneurs/asset strippers, much of the land has been sold off and extra buildings put up, many without planning permission. However it is still in the green belt and should not be allowed for massive development.</p>
<p>Wentworth Shootersway Lane Berkhamsted Hertfordshire HP4 3NW</p>	<p>Further to my comment submitted on 23.7.24, I would wish to add that the documents supporting the application refer to the fact that 130 parking spaces are envisaged for the 59 properties; 17 unallocated parking spaces; and 30 visitors parking spaces with 1 electric car club parking place. This does not appear to be a development that is going to embrace sustainable travel options and will undoubtedly adversely impact the local road network with this number of cars travelling to and from it.</p> <p>Having considered the documents filed by the Applicant on 1.7.24, I object to the application for planning permission relating to the proposed development of Haresfoot Farm - 24/01496/MFA.</p> <p>I have also read the papers relating to a previous application for planning permission for 86 houses at the same site (24/00330/MFA) and the minutes of the Development Management Committee dated 30.5.24 where that application was turned down.</p> <p>The Applicant's Planning Statement refers to the earlier application being refused '.....due to some elements of the proposal being just outside the area officers believed was the brownfield envelope of the site and insufficient sustainability measures had been promoted to justify development in this location'. The minutes of the Development Management Committee meeting dated 30.5.24 actually state that the</p>

decision was based upon the fact that the application contravened the National Planning Policy Framework (NPPF) and Core Strategy (2013) Policies 1 and 5 and that 'the site is not considered to be a suitable location for housing'.

In summary, my objections to the proposed development are that the new application remains contrary to:

1. the National Planning Policy Framework (2023) ('NPPF') paras 109, 142, 143, 152, 153, & 154
2. the Core Strategy (2013)
3. the Dacorum Borough Local Plan (as amended)
4. the Hertfordshire Local Transport Plan 4 (LTP4) 2018

In detail I object on the following grounds as follows:

1. Contrary to the NPPF (2023) and Core Strategy (2013)

1.1 The application remains contrary to Policy 1 of the Core Strategy (2013) relating to Distribution of Development which provides that:

'The rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.'

Critically, the Applicant has still failed to provide relevant material consideration as to why this policy should be contravened particularly bearing in mind the overarching vision of the Core Strategy (2013) para 1.17 relating to 'small settlements' where the focus is on '....(maintaining) the openness of the areas of the borough designated as Green Belt'. The area in which Haresfoot Farm is situated is a tiny hamlet - the photographs in the Applicant's Planning Statement demonstrate this. The introduction of 59 houses will fundamentally destroy the rural and open character of the area.

1.2 Importantly, there is no mention of the Haresfoot Farm site within the Site Allocations Development Plan document - it has never been designated for housing development. The proposed development is to be built on the site of a farm in the middle of open countryside outside of Berkhamsted's settlement boundary thus damaging the rural character of the borough and contravening Policy 2 of the Core Strategy (2013) relating to the Selection of Development Sites which provides that developments should be within defined settlements.

There is little point in having clearly defined planning policy if it is to be ignored.

The Applicant's argument appears to revolve around Haresfoot Farm being a brownfield site situated in Green Belt and therefore development should be allowed. The reality is that this site has been a farm for decades until the pandemic when excessive development took place with seeming disregard for planning which culminated in



	<p>applications for retrospective permissions and lack of appropriate enforcement action by Dacorum Borough Council. This does not provide valid reason for policy within the Core Strategy (2013) to be contravened further.</p> <p>1.3 The application remains contrary to Policy 5 of the Core Strategy relating to Green Belt (and consequently Policy 11 relating to the Quality of Neighbourhood Design) which provides that small scale development may be permitted where:</p> <p>'(a) building for the uses defined as appropriate in national policy;  (b) the replacement of existing buildings for the same use;  (c) limited extensions to existing buildings;  (d) the appropriate reuse of permanent, substantial buildings; and  (e) the redevelopment of previously developed sites.....</p> <p>provided that (my emphasis)</p> <p>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....'</p> <p>Critically the Applicant has still failed to provide any evidence to show why a development of 59 houses in the middle of Green Belt is a small-scale development permitted under this policy in circumstances where the Development Management Committee has already determined that the site is an unsuitable location for housing. The Applicant has provided no evidence to show that this development will have no significant impact on the character and appearance of the countryside and how it will support the maintenance of the wider countryside or how it does not contravene NPPF paras 142, 143, 152, 153 and 154.</p> <p>Specifically NPPF para 143 provides that one of the 5 objectives of Green Belt land is to '....assist in safeguarding the countryside from encroachment'. No material consideration has been provided by the Applicant to demonstrate why this policy should be contravened - at a very basic level it is clear that this overdevelopment would create the 'urban sprawl' that the Green Belt is designed to protect particularly given its proximity to an ancient historic town. What is also clear is that no 'very special circumstances' have been provided as to why the development should be allowed to encroach on this area of Green Belt where it will inevitably prove harmful to wildlife, the biodiversity and ecology of the area.</p> <p>1.4 The Applicant has failed to realistically demonstrate how this site will meet the strategic objective set within the Core Strategy (2013) of '.....(minimising) the impact of traffic and (reducing) the overall need to travel by car.....' and thus continues to contravene NPPF para 109.</p> <p>The application is contrary to Policy 9 of the Core Strategy (2013) relating to the Management of Roads which provides that:</p>
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	<p>'All new development will be directed to the appropriate category of road in the road hierarchy based on its scale, traffic generation, safety impact, and environmental effect.</p> <p>The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments'.</p> <p>Whilst the Applicant asserts various measures to improve traffic management, the reality is that White Hill is a rural country road which narrows significantly soon after the proposed development. Lighting along White Hill and within the development will result in visual harm and visual intrusion to the countryside. Bus stops on Chesham Road (and pedestrian crossing facilities adjacent to the roundabouts) will slow traffic attempting to access the A416, the A41 and the town causing further traffic build up on an already congested road network. Whilst much is made of proposed sustainable transport measures these are wholly unrealistic for a development positioned outside of a town whose geography is such that residents will almost undoubtedly rely on the use of their cars.</p> <p>White Hill narrows to a single track as it passes by the development and on through to Whelpley Hill - the road is poorly maintained not least due to the flooding caused by the Bourne Gutter and can in no way be relied upon for safe and easy passage. If road users turn left out of the development to Whelpley Hill this will inevitably cause traffic chaos should any vehicle or farm traffic come the other way as there are few passing places. If road users turn right along White Hill any attempts to then turn right onto the A416 particularly in the peak periods will take some time and will likely cause traffic chaos - cars can drive along here at speed notwithstanding the proximity of the roundabouts. Pressure on this junction is likely to increase at peak hours with traffic also accessing the proposed adjacent SANG and parents/carers dropping off/collecting children from the Haresfoot campus of Berkhamsted School. If the Taylor Wimpey development north of the A41 is allowed to proceed there will be cars from another 850 houses entering the road network on the Chesham Road and accessing the A416 roundabouts.</p> <p>The traffic assessment of travel times between the development and the town for walking, cycling and by car are unrealistic not least because they fail to take into account the geography of the town situated at the bottom of a steep valley. For example, there is no mention of the fact that it is inevitably far quicker travelling downhill on foot or by bicycle than when making the return journey uphill; the walking times stated do not take into account the slower speed that children walk in comparison with adults; and the times stated for car travel do not allow for the congested roads at peak times (and/or during bad weather) particularly for those attempting to access the heavily used railway station on the north side of Berkhamsted via the only north-south route across the town along Kingshill Way and Kings Road. This residential road is already severely impacted by heavy traffic including traffic associated with Berkhamsted School situated halfway along the road. The inevitable consequence of the</p>
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	<p>development's geographical position is that residents will have recourse to their cars adding to further road congestion.</p> <p>What is more, the detail given within the traffic assessment for bus timetables is misleading giving the impression that there are 15/16 buses daily Monday to Saturday - any consultation of the current 354 timetable will show that buses to Berkhamsted are infrequent and are not compatible with commuter travel to London with the first bus dropping travellers at the station at 8.28 and the last bus leaving the rail station at 1818. There are no buses on a Sunday. Again, the inevitable consequence is that there will be greater reliance upon cars by residents of the proposed development.</p> <p>1.5 The core purpose of local place strategies is stated at para 19.4 of the Core Strategy (2013) as being to 'Maintain and enhance the character, built heritage, natural environment and leisure assets of each settlement and the wider countryside</p> <p>Berkhamsted Place Strategy at Para 21.6 of the Core Strategy (2013) provides that 'New development must respect and maintain the distinctive physical and historic character of the town and its valley setting..... It will not be supported where it has an adverse impact on the sensitive open valley sides and ridge top locations'.</p> <p>1.6 No material consideration has been submitted by the Applicant to demonstrate why the vision contained within the Berkhamsted Place Strategy of the Core Strategy should be overridden for a development within the wider countryside.</p> <p>2. Contrary to the Dacorum Borough Local Plan (DBLP)</p> <p>2.1 The application is contrary to Policy 51 of the DBLP relating to Development and Transport impacts which provides that 'Overall capacity in the main road network will be regarded as an important constraint on development proposals which would have a significant transport impact.....The acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon: (a) the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; (b) the provision of routes and facilities for pedestrians, cyclists and passenger transport users, including links to existing networks; .....(d) the design and capacity of parking areas and the implications for on-street parking.' (my emphasis).</p> <p>The Applicant has failed to demonstrate that it has met these criteria - clearly the introduction of road users from the development (and users of the adjacent proposed SANG (23/02508/MFA) with a 24 space car park on the bend of White Hill) will have a significant impact on the existing highway network which is already at breaking point.</p> <p>2.2 No material consideration has been submitted by the Applicant to demonstrate why the DBLP should be overridden.</p> <p>3. Contrary to LTP4 2018</p>
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The objectives of the LTP are to '..... Preserve the character and quality of the Hertfordshire environment; and reduce carbon emissions'.

The development will not address these objectives - the inevitable car usage by the development's residents will negatively impact on the rural character of the county and the natural environment with additional noise, light pollution and visual intrusion as well as additional carbon emissions caused by increased road congestion. The built and historic environment of Berkhamsted will also be adversely impacted by the additional traffic caused by the development.

LTP4 provides that 'All transport measures delivered by the county council must be in accordance with the LTP policies'. Policy 5 refers to the need to 'Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users'. The development will severely affect the rural nature of White Hill and further damage the residential nature of Kings Road by the increase in traffic entering the town centre - the Applicant has provided no material consideration as to why this policy should be contravened.

#### Conclusion

Regardless of whether the development is for 86 or 59 dwellings it still represents an unacceptable overdevelopment in the Green Belt.

Whilst reference has been made in the Statement of Community Involvement to an earlier public consultation for 86 houses taking place at this site with information sent to addresses within a radius of 1.5km, it should be noted that as the surrounding land is in Green Belt the consultation area covered mainly comprised fields. There were a comparatively small number of properties consulted and few attendees to the consultation event (in stark contrast to the proposal for development of the South Berkhamsted Concept) in circumstances where the impact of traffic on the whole of Berkhamsted of this development and particularly for all those residents who currently use King's Road will be significant.

In summary,

- The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018).
- A slight revision of the proposals (by reducing the number of homes to be built) does not mean that the previous decision of the Development Management Committee (that the site is not a suitable location for housing) should be ignored or that overarching strategic planning policies should be similarly ignored.
- Whilst there is a clear need for 'affordable' housing locally, the 'affordable' (and other) housing promised by this development is very clearly in the wrong place with no existing infrastructure to support it and will amount to an intolerable strain being

	<p>placed on the local road network. It should be noted that the idea of 'affordable' housing becomes even less affordable when every resident needs a car to get to key services and/or their place of work.</p> <ul style="list-style-type: none"> <li>- Rather than dealing with matters on a piecemeal basis, decision makers need to reflect on the overdevelopment of the historic town of Berkhamsted and the impact on its existing residents particularly so far as the local road network is concerned.</li> </ul> <p>For the reasons expressed above I object to the revised application for planning permission re 24/01496/MFA.</p>
<p>16 Kings Road Berkhamsted Hertfordshire HP4 3BD</p>	<p>I object to the proposal to build 59 houses on Haresfoot Farm greenbelt land for the following reasons:</p> <p>The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018).</p> <ul style="list-style-type: none"> <li>- A slight revision of the proposals (by reducing the number of homes to be built) does not mean that the previous decision of the Development Management Committee (that the site is not a suitable location for housing) should be ignored or that overarching strategic planning policies should be similarly ignored.</li> <li>- Whilst there is a clear need for 'affordable' housing locally, the 'affordable' (and other) housing promised by this development is very clearly in the wrong place with no existing infrastructure to support it and will amount to an intolerable strain being placed on the local road network. It should be noted that the idea of 'affordable' housing becomes even less affordable when every resident needs a car to get to key services and/or their place of work.</li> <li>- Rather than dealing with matters on a piecemeal basis, decision makers need to reflect on the overdevelopment of the historic town of Berkhamsted and the impact on its existing residents particularly so far as the local road network is concerned. The impact on Kings Rd, which is essentially residential will be considerable particularly when looked at together with the 850 new dwellings proposed at the top of Swingate Lane.</li> <li>- It should also be borne in mind that whilst the population of this area expands the health infrastructure shrinks. The proposed health hub in Hemel Market Square is no replacement of the hospital.</li> </ul> <p>For the reasons expressed above I object to the revised application for planning permission re 24/01496/MFA.</p>
<p>1 Coram Close Berkhamsted Hertfordshire HP4 2JG</p>	<p>This development is in the wrong place. There are no other housing estates nearby, making it completely out of character with the area. It's on green belt land, local traffic is already a problem, this would add to it. Being the other side of the A41 from Berkhamsted town centre this is over development. Local schools are already oversubscribed.</p>

	<p>The development conflicts with the local plan. There has been insufficient local consultation.</p>
<p>Harratts Chesham Road Berkhamsted Hertfordshire HP4 2SU</p>	<p>The developers state:</p> <p>"The site cannot continue in its existing form, the vacancy rate is increasing on a monthly basis and the buildings are not fit for purpose, many without key facilities required for a commercial premises. It is not viable to carry on as a commercial premises in its existing form."</p> <p>This is an incorrect statement; it could be viable but would not be as profitable in the short term as turning the site into houses. There is a big difference.</p> <p>It was a viable site before. The area it is located is in the M1 A1 corridor and is perfect for light industrial warehousing facilities.</p> <p>Modernisation is required but would be a low cost compared to the current housing development plan and then could provide work for around 50 to 60 local people.</p> <p>An example is Peterley Manor Fram, which makes a profit and employs people while housing local businesses like plant nurseries, stables, multi-space work areas, gyms and wellbeing centres etc.</p> <p>This, mixed with storage and light industrial spaces, could provide a very valuable business centre just outside Berkhamstead and near Ashley Green.</p> <p>Property developers have been known to run sites down deliberately and destroy businesses. This allows them to then state the site is economically unviable and the only option is to build housing. This is typically done with pubs but now increasingly with farm sites on the green belt. Councils, local communities, and the courts have noticed this practice and have stopped it previously.</p>
<p>Spring Meadow Farm Whelpley Hill Berkhamsted HP4 2SX</p>	<p>I strongly object to the application, a resubmission from previously with fewer dwellings, however the site remains inaccessible and the development remains unsustainable in such a remote location.</p> <p>Whilst further sustainable transport measures have now been introduced in the re-application, given the remote location these can not provide the real alternative to the car required to fulfil HCC's LTP4 Policy 2.</p> <p>The application sets a precedent for development on this side of the A41 bypass and would destroy the openness of the green belt, with which it is surrounded. The demolition would sanction the loss of historic, vernacular farm buildings, replacing them with new buildings out of keeping with rural character of the countryside.</p> <p>I believe the scale of this application cannot be supported by the surrounding infrastructure or available services . Take the local road</p>

	<p>network, in particular the single roadway from the proposed site to the A416 is already under stress from existing two-way traffic, which was added to with the Berkhamsted School exit. The proposal adds another 127 cars into the mix while introducing " traffic calming features ". These features cut the flow at the same time as an increase in traffic, which is entirely unworkable. Further, the traffic calming features are immediately outside the Redwoods and take no account for the resident's needs for access. One last point on this stretch of road - the minimum width in places is 3.5m only - insufficient for the proposed roadway, pavement and cyclepath.</p> <p>Secondly on the infrastructure - the application presumes that most schoolchildren will attend Ashlyns School, however the school is currently oversubscribed. This will necessitate children attending schools further afield and further car traffic on the road network.</p> <p>There are countless other measures introduced on White Hill and the A416, street lighting, pelican crossing, reduced speed limit, expanding traffic island, to name a few; all of which are deleterious to the appearance of this rural area and and an unjustifiable imposition, solely for the development of a housing project.</p> <p>Finally, the application is made on the basis of the site being commercially unviable - however the application does not sufficiently prove this to be the case and there is a body of evidence to suggest this is in fact not true. As a primary issue the applicant should be required to provide better evidence to support their position.</p> <p>I commend these points to the Councillors for their consideration, while registering my deep objection to the application.</p>
<p>29 Shrublands Avenue Berkhamsted Hertfordshire HP4 3JH</p>	<p>When the last local plan that I am aware of, went through public consultation, it was clear that the long term intention was to build on all available land between the A4251 (Berkhamsted &amp; Northchurch High Streets) and the A41 Berkhamsted by-pass. This has been steadily happening, and is mostly executive housing. There has been no additional provision for local amenities, and traffic density has increased noticeably. However poorly executed, there was some geographic logic to this expansion as the by-pass forms a barrier.</p> <p>However, to jump, like some mutating virus, across the by-pass, will push the Berkhamsted envelope south towards the county border and onto Ashley Green. There is no logic to this, just as there will be no additional amenities or access ways. But what it will do is set a precedence that when another landowner, hyperthetically, say the Rossway Estate, decides to exploit the position, then it will be difficult to refuse... ..and so it goes on...</p> <p>I suggest that if you are really concerned about homes for people, especially local people, you should be looking for solutions which are less car-orientated, and considerably higher density. That can still be achieved with a high quality of living, through careful and imaginative design, planning and construction.</p>
<p>The Redwoods Haresfoot Park</p>	<p>1. Introduction</p>

Berkhamsted  
HP4 2SU

I am pleased to see references to my property, the Redwoods, in some of the documents and it's inclusion on one of the drawings. It is a pity, therefore, that this does not herald the taking on board of the objections and points that I raised in connection with the previous, refused, application.

## 2. Consultation

I attended the community engagement event held on 14th December 2023 in Berkhamsted to promote the previous application, 24-00330-MFA. I asked about the "significant off-site highway improvements", but they were not able to give me an answer as apparently there were no drawings or other details available. So I had to wait for the application to be submitted. I also visited the website set up by the applicants. I think that, from my side, I have attempted to engage with the applicants.

In connection with the present application I, on 20th June, and my neighbours, received a letter from Griggs (STATEMENT\_OF\_COMMUNITY\_INVOLVEMENT-1508194.pdf Appendix K pdf-p63) offering a meeting to discuss the revised plan they were "working towards". One of my neighbours replied, on 24th June, on behalf of the group of us that we would like to have a meeting and also requested a summary of the revised plan. There were a few emails back and forth but before we were able to fix a date the rug was pulled from under our feet by an email on 2 July from Griggs telling us that they had already submitted the application. There was nothing in their letter, to suggest that the application was practically complete and they were on the verge of submitting it.

This somewhat clouds the issue of the sincerity with which the Applicant wishes to engage with neighbours.

I would like the Councillors from Berkhamsted and Dacorum councils, and the officers of the planning department, to take note of this when they read: "An invitation has been made to meet neighbours, but we have yet to receive a response" in the Planning Statement, a document created on 28 June (PLANNING\_STATEMENT-1508259.pdf pdf-p40)

Throughout this process, the previous application (and the SANG one as well) we have felt as if our existence was inconvenient and best ignored. One example among many is where the Planning Statement gives a list of those likely to experience visual change (pdf-p85). Whilst it includes people travelling on white Hill absolutely no mention is made of adjoining neighbours, for whom the site is in direct view. It has taken a lot of hard work to get now some acknowledgement (although that's all it seems to be at this stage). I think my neighbours are still waiting.

## 3. White Hill - Road 'improvements'.

I object most strongly to the alterations proposed for White Hill. In particular the priority traffic calming features shown on drawing SK02 rev D (PART\_1-1509223.pdf pdf-p84)

The Design And Access Statement (pdf-p20) makes the assertion that "Implementation of traffic calming along white Hill will promote a



suitable highway arrangement for the proposed development as well as existing properties such as The Redwoods." It will not. My objections were already known from the previous application.

These proposals are exactly the same as those in the previous application and no account has been taken of the objections I raised at that time.

The juxtaposition of the traffic calming and the gates to my house would make entering and exiting by vehicle very difficult and possibly dangerous. It would cause conflict with other vehicles approaching or queuing at the traffic calming and it would create an ambiguous situation with regards to the movement of vehicles in or out of my property. Also I need to pull up on the verge opposite in order to get out and open the gate before driving or reversing in. Up to now, this has not been a problem, but with the proposed layout I can foresee difficulties. With the proposed footpath and kerb it would necessitate stopping fully on the carriageway in the middle of the traffic calming feature.

These difficulties are even worse in the case of larger vehicles, for example, a Land-rover and trailer or a heavy goods vehicle, which require the full width of the road at present to manoeuvre, particularly when reversing in. The top gate was constructed especially to allow larger vehicles to be able to enter or exit and therefore not remain on the road in order, for example, to make a delivery. There is also the case where a vehicle needs to stop in the road to make a delivery, such as the postman or other similar delivery driver.

In addition to this there is also the gate to the field next to my property, to the north. This needs to be kept clear as it is required for access by the Electricity company for maintenance of the 11kV pole and transformer and installation of a generator at times of power failure. These generators are usually transported by a large HGV with a trailer which has to park at the edge of the road opposite this gate.

It is not clear why two sets of traffic calming would be needed on such a short piece of lane such as this. The northernmost one is too close to the bend. I can foresee congestion resulting as vehicles have to queue up whilst others come from the opposite direction. This would especially be the case when 50 or 60 cars come from the school in the afternoon.

In short, this proposal for traffic calming measures would be impractical, dangerous, and would cause undue conflict with other road users and should be abandoned forthwith.

Further, I strongly object to the alterations proposed for White Hill in general. The proposals would change the whole character of White Hill from rural lane to a kerbed, street-lit, traffic-calmed suburban road - not out of place in a town but certainly not what one would expect in the countryside. On top of this there would be all the signs, possibly lit. It is stated in paragraph 6.6 of the Transport Statement (pdf-p31) that White Hill "would have a series of associated street lighting which is currently absent." Of course it's absent - it's a rural country lane and we want it to stay that way.

Worryingly, I notice that on drawing SK03 rev D (PART\_1-1509223.pdf pdf-p85) that there is a red line marked "assumed carriageway width ...". In the legend it designates such a red line as "New proposed carriageway extension". It appears that it is proposed to widen the lane along this stretch to the full width of the passing-place. We had this passing-place left here after the by-pass was completed. Since that time the verges and banks along this part of the lane are just coming to a state of pleasant maturity with an interesting mix of plants and flowers to lift the spirits as one drives home. We do not want this interfered with. It's strange that the applicants want to widen this part whilst further on round the bend putting in constrictions by way of traffic calming - it does not make sense.

No thought seems to have been given to using the paths through the SANG instead of putting one along White Hill. With some improvement to the tunnel under the A-41 this could bring pedestrians out onto Chesham Road already a fair way to Berkhamsted.

Also the proposed footpath along White Hill would take up a strip of SANG land which was supposed to be planted with shrubs to provide some screening. We would need re-assurance that this planting would be reinstated along the new fence-line.

#### 4. Heritage

Haresfoot Farm was part of the Haresfoot Estate, home of the 19th C agricultural improver Lt. Colonel Robert Dorrien (ARCHAEOLOGICAL\_ASST-1508187.pdf 6.1.6, pdf-p22).

The range of white farm buildings along the northern side of the farm, with the dovecot and slightly mediterranean appearance, are a link to that age of agriculture. They form a characteristic part of the view across the fields and have featured in the works of some members of Berkhamsted Art Society over the years. The archaeological interest is recognised in the archaeological assessment (ibid. 9.1.10 pdf-p37).

The heritage statement (HERITAGE\_STATEMENT-1508190.pdf) seems to attach great weight to the Locally Important Historic Parks and Gardens (LIHPG) as the only measure of heritage. It then goes to great lengths to make a case that Haresfoot Farm lies in neither Ashlyns or Haresfoot LIHPG and therefore has little heritage value. Much of the report's conclusions are subjective and there seems to be an unwillingness to find any value in the heritage of the farm at all. The extracts from external sources are, however, useful.

Whether the farm falls within one or other LIHPG or not is not the major criterion, what does matter is the heritage value of Haresfoot Farm itself. Animals from the farm more than likely grazed in the park; which belonged to Haresfoot House. The animals, the park, the farm, Haresfoot House and the Dorrien family are all inextricably linked, and one of the only remaining parts is those white farm buildings, with the dovecote at the end. I am not aware of any other farm buildings with a dovecot like this.

Heritage is what is handed down to us from earlier generations - what we inherit. It is not just the bricks and mortar, but the history and

culture. Therefore when we have something like this before us we should think very long and hard before destroying it. The demolition of these buildings would be a great loss and they should be incorporated, as far as possible, in any future plans for the farm - the electric bike store for example.

#### 5. Planning and Green Belt

In the transport Assessment (PART\_1-1509223.pdf pdf-p35) it is acknowledged that "the proposed development site lies at the fringes of generally large urban conurbations consisting of Berkhamsted, Hemel Hempstead and Chesham." It is precisely this kind of area that the Green Belt was intended to protect.

The A41 Berkhamsted By-pass has hitherto formed a boundary beyond which, it could be assumed, no further development would occur. This planning application forms a major threat to this assumption. If allowed, one has to wonder which other farms or settlements up and down the Bourne Gutter might be sought out for their 'previously developed' land to be exploited for further development.

On 17 July Taylor Wimpey ran a consultation event in Berkhamsted about their plan, currently at a very early stage, to build 850 houses. Unlike the Haresfoot Farm application, the land concerned is already in the Dacorum Local Plan, BK01 and lies between the town and the by-pass. 850 houses in this location seriously lessens any need to build at Haresfoot Farm and increases the need for employment.

#### 6. Other Uses - commercial.

We believe that the case for commercial use has not been sufficiently or imaginatively pursued.

The Draft Commercial Report (DRAFT\_COMMERCIAL\_REPORT\_REVISED-1508810.pdf pdf-p5) relies heavily on a perceived use as film studio space in making their case; but studio space, filming use has never been advocated by anyone. For storage and support services to the film industry, however, the buildings could be used.

This report accepts, or assumes, that the planning use class (restricted to the entertainment industry) cannot be changed. This seems strange considering that the current planning application seeks to do just that - from B8 to residential. It should, therefore, not be too difficult to explore changing the use class to accommodate business use that is suitable to this area.

The buildings are already in existence. If the site was tidied up and cared for it would go a long way to making it appeal to potential occupants.

The lack of facilities such as toilets, kitchens and even office space has been given as a barrier to letting, but the provision of these should be no problem to a builder such as Griggs.

The report does not really consider any other than fairly large potential occupiers. However some small and medium sized businesses, who can find it difficult to find suitable premises, could be suitable tenants.

I would, however, be vehemently opposed to a waste re-cycling or processing use, as has been the case in the past.

Berkhamsted is not exactly awash with employment opportunities, especially in some sectors, and if large numbers of houses are built in the town, such as the 850 by Taylor Wimpey, one needs to consider what employment opportunities there will be for them.

A major advantage of continuing the commercial use would be that there would be no need for any so-called highway improvements and White Hill could be left alone.

#### 7. CO2 climate change

Many of the buildings at Haresfoot Farm have only been built in the last six years and should have decades of life left in them. The production of the concrete and other materials used in their construction will have produced a high output of CO2, to justify which the life of the buildings should be as long as possible. We should not squander this CO2 'debt' by destroying what has been built after such a short time only to build something else in its place causing further CO2 emissions associated with the production of the materials necessary. We should be very careful about what we build in the first place and what we do with it thereafter.

#### 8. Utilities

It is proposed to disconnect the water supply to Haresfoot Farm before the commencement of groundworks. (Utilities Statement 3.2 pdf-p10).

The water main that supplies Haresfoot Farm also supplies several other, unrelated, properties in the area and it is essential that the supplies to these properties are NOT disconnected. If any alteration in the means of supply is found to be necessary this should be at no cost or undue inconvenience to these properties.

Further to my previous comments:

I wish to elaborate on the direct effects on my house with reference to drawing SK02 rev D. (PART\_1-1509223.pdf pdf-p84)

As well as the traffic calming measures which I have already dealt with the proposals involve two highway signs outside my property, one directly outside the house, both visible from the house and probably with lighting which would shine into the house throughout the night. The street lighting would also be a visible intrusion into the countryside - a line of lamp-posts down the road by day and light shining around the area and into my house by night. While the final details of this have not been provided, I wish to make clear my objection to any such addition or development, of the lane - White Hill. We do not need any more light pollution.

	<p>Since my earlier comments, the finalists of the RIBA Sterling Prize have been announced, one of which is the renovation and re-use of old dairy buildings at Wraxall Yard. These farm buildings were in a not dissimilar state of needing repair to the range of white farm buildings which have graced the northern side of Haresfoot Farm for as long as anyone can remember. The award of the Sterling Prize for Wraxall Yard demonstrates what could, with a little imagination, be achieved at Haresfoot by a sympathetic, competent, professional developer.</p> <p>I provide here some links to pictures of Wraxall Yard for comparison.</p> <p>Photographs in the initial state:  <a href="https://structureworkshop.co.uk/site/wp-content/uploads/2020/08/SW_18125_Wraxall_6-2880x2160.jpg">https://structureworkshop.co.uk/site/wp-content/uploads/2020/08/SW_18125_Wraxall_6-2880x2160.jpg</a>  <a href="https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_120143%20(1).jpg">https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_120143%20(1).jpg</a>  <a href="https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_115303%20(1).jpg">https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_115303%20(1).jpg</a>  <a href="https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_115406%20(1).jpg">https://www.spice-home.co.uk/uploads/Media/Residential/IMG_20190111_115406%20(1).jpg</a></p> <p>Architect's web page:  <a href="https://clementineblakemore.com/projects/wraxall-yard/">https://clementineblakemore.com/projects/wraxall-yard/</a></p>
<p>68 Upper Hall Park  Berkhamsted  Herts  HP4 2NR</p>	<p>I attach here a copy of objections from [REDACTED] relating to the above application, the content of which I would like you to accept as one and the same as my objections.</p> <p>[REDACTED] and I have discussed this application and our objections to the same, and our views accord entirely. I will not therefore trouble you again with the detail that she has already provided.</p> <p>However, for the sake of providing an appropriate, individual response, I will confirm that, in addition to all existing plans and decisions published in respect of this application, I have reviewed the updated set of plans - as filed by the Applicant on 1 July 2024 - and object to the same on the basis that the new application remains contrary to:</p> <ul style="list-style-type: none"> <li>• The NPPF 2023 (specifically paras 109, 142, 143, 152, 153 and 154)</li> <li>• The Core Strategy 2013</li> <li>• The Dacorum Borough Local Plan (as amended)</li> <li>• The Hertfordshire Local Transport Plan (LTP4) 2018</li> </ul> <p>Further, I would struggle to see how a small reduction in the number of dwellings for which approval is now being sought could negate the detailed decision already made (by the Development Management Committee) that the site is not a suitable location for housing. That decision, and all of the policies set out in the publications above,</p>

remain relevant, and so should require that this latest application is rejected, as was the last.

Objections to Application for Planning Permission re Demolition of existing buildings and redevelopment of the site at Haresfoot Farm to provide 59 residential units (market and affordable), erection of a community hub building, sustainability measures together with associated landscaping, open space, parking, and highway improvement - 24/01496/MFA

Having considered the documents filed by the Applicant on 1.7.24, I object to the application for planning permission relating to the proposed development of Haresfoot Farm - 24/01496/MFA.

I have also read the papers relating to a previous application for planning permission for 86 houses at the same site (24/00330/MFA) and the minutes of the Development Management Committee dated 30.5.24 where that application was turned down.

The Applicant's Planning Statement refers to the earlier application being refused '.....due to some elements of the proposal being just outside the area officers believed was the brownfield envelope of the site and insufficient sustainability measures had been promoted to justify development in this location'. The minutes of the Development Management Committee meeting dated 30.5.24 actually state that the decision was based upon the fact that the application contravened the National Planning Policy Framework (NPPF) and Core Strategy (2013) Policies 1 and 5 and that 'the site is not considered to be a suitable location for housing'.

In summary, my objections to the proposed development are that the new application remains contrary to:

1. the National Planning Policy Framework (2023) ('NPPF') paras 109, 142, 143, 152, 153, & 154
2. the Core Strategy (2013)
3. the Dacorum Borough Local Plan (as amended)
4. the Hertfordshire Local Transport Plan 4 (LTP4) 2018

In detail I object on the following grounds as follows:

1. Contrary to the NPPF (2023) and Core Strategy (2013)

1.1

The application remains contrary to Policy 1 of the Core Strategy (2013) relating to Distribution of Development which provides that:

'The rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported. '

Critically, the Applicant has still failed to provide relevant material consideration as to why this policy should be contravened particularly bearing in mind the overarching vision of the Core Strategy (2013) para 1.17 relating to 'small settlements' where the focus is on '...(maintaining) the openness of the areas of the borough designated as Green Belt'. The area in which Haresfoot Farm is situated is a tiny hamlet - the photographs in the Applicant's Planning Statement demonstrate this. The introduction of 59 houses will fundamentally destroy the rural and open character of the area.

### 1.2

Importantly, there is no mention of the Haresfoot Farm site within the Site Allocations Development Plan document - it has never been designated for housing development. The proposed development is to be built on the site of a farm in the middle of open countryside outside of Berkhamsted's settlement boundary thus damaging the rural character of the borough and contravening Policy 2 of the Core Strategy (2013) relating to the Selection of Development Sites which provides that developments should be within defined settlements. There is little point in having clearly defined planning policy if it is to be ignored.

The Applicant's argument appears to revolve around Haresfoot Farm being a brownfield site situated in Green Belt and therefore development should be allowed. The reality is that this site has been a farm for decades until the pandemic when excessive development took place with seeming disregard for planning which culminated in applications for retrospective permissions and lack of appropriate enforcement action by Dacorum Borough Council. This does not provide valid reason for policy within the Core Strategy (2013) to be contravened further.

### 1.3

The application remains contrary to Policy 5 of the Core Strategy relating to Green Belt (and consequently Policy 11 relating to the Quality of Neighbourhood Design) which provides that small scale development may be permitted where:

- '(a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites.....

provided that (my emphasis)

- 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....'

### 3

Critically the Applicant has still failed to provide any evidence to show why a development of 59 houses in the middle of Green Belt is a

small-scale development permitted under this policy in circumstances where the Development Management Committee has already determined that the site is an unsuitable location for housing. The Applicant has provided no evidence to show that this development will have no significant impact on the character and appearance of the countryside and how it will support the maintenance of the wider countryside or how it does not contravene NPPF paras 142, 143, 152, 153 and 154.

Specifically NPPF para 143 provides that one of the 5 objectives of Green Belt land is to '...assist in safeguarding the countryside from encroachment'. No material consideration has been provided by the Applicant to demonstrate why this policy should be contravened - at a very basic level it is clear that this overdevelopment would create the 'urban sprawl' that the Green Belt is designed to protect particularly given its proximity to an ancient historic town. What is also clear is that no 'very special circumstances' have been provided as to why the development should be allowed to encroach on this area of Green Belt where it will inevitably prove harmful to wildlife, the biodiversity and ecology of the area.

1.4 The Applicant has failed to realistically demonstrate how this site will meet the strategic objective set within the Core Strategy (2013) of '.....(minimising) the impact of traffic and (reducing) the overall need to travel by car.....' and thus continues to contravene NPPF para 109.

The application is contrary to Policy 9 of the Core Strategy (2013) relating to the Management of Roads which provides that:  
'All new development will be directed to the appropriate category of road in the road hierarchy based on its scale, traffic generation, safety impact, and environmental effect.

The traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments'.

Whilst the Applicant asserts various measures to improve traffic management, the reality is that White Hill is a rural country road which narrows significantly soon after the proposed development. Lighting along White Hill and within the development will result in visual harm and visual intrusion to the countryside. Bus stops on Chesham Road (and pedestrian crossing facilities adjacent to the roundabouts) will slow traffic attempting to access the A416, the A41 and the town causing further traffic build up on an already congested road network. Whilst much is made of proposed sustainable transport measures these are wholly unrealistic for a development positioned outside of a town whose geography is such that residents will almost undoubtedly rely on the use of their cars.

White Hill narrows to a single track as it passes by the development and on through to Whelpley Hill - the road is poorly maintained not least due to the flooding caused by the Bourne Gutter and can in no way be relied upon for safe and easy passage. If road users turn left out of the development to Whelpley Hill this will inevitably cause traffic chaos should any vehicle or farm traffic come the other way as there



are few passing places. If road users turn right along White Hill any attempts to then turn right onto the A416 particularly in the peak periods will take some time and will likely cause traffic chaos - cars can drive along here at speed notwithstanding the proximity of the roundabouts. Pressure on this junction is likely to increase at peak hours with traffic also accessing the proposed adjacent SANG and

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parents/carers dropping off/collecting children from the Haresfoot campus of Berkhamsted School. If the Taylor Wimpey development north of the A41 is allowed to proceed there will be cars from another 850 houses entering the road network on the Chesham Road and accessing the A416 roundabouts.

The traffic assessment of travel times between the development and the town for walking, cycling and by car are unrealistic not least because they fail to take into account the geography of the town situated at the bottom of a steep valley. For example, there is no mention of the fact that it is inevitably far quicker travelling downhill on foot or by bicycle than when making the return journey uphill; the walking times stated do not take into account the slower speed that children walk in comparison with adults; and the times stated for car travel do not allow for the congested roads at peak times (and/or during bad weather) particularly for those attempting to access the heavily used railway station on the north side of Berkhamsted via the only north-south route across the town along Kingshill Way and Kings Road. This residential road is already severely impacted by heavy traffic including traffic associated with Berkhamsted School situated halfway along the road. The inevitable consequence of the development's geographical position is that residents will have recourse to their cars adding to further road congestion.

What is more, the detail given within the traffic assessment for bus timetables is misleading giving the impression that there are 15/16 buses daily Monday to Saturday - any consultation of the current 354 timetable will show that buses to Berkhamsted are infrequent and are not compatible with commuter travel to London with the first bus dropping travellers at the station at 8.28 and the last bus leaving the rail station at 1818. There are no buses on a Sunday. Again, the inevitable consequence is that there will be greater reliance upon cars by residents of the proposed development.

1.5 The core purpose of local place strategies is stated at para 19.4 of the Core Strategy (2013) as being to 'Maintain and enhance the character, built heritage, natural environment and leisure assets of each settlement and the wider countryside Berkhamsted Place Strategy at Para 21.6 of the Core Strategy (2013) provides that 'New development must respect and maintain the distinctive physical and historic character of the town and its valley setting..... It will not be supported where it has an adverse impact on the sensitive open valley sides and ridge top locations'.

1.6 No material consideration has been submitted by the Applicant to demonstrate why the vision contained within the Berkhamsted Place

	<p>Strategy of the Core Strategy should be overridden for a development within the wider countryside.</p> <p>2. Contrary to the Dacorum Borough Local Plan (DBLP)</p> <p>2.1 The application is contrary to Policy 51 of the DBLP relating to Development and Transport impacts which provides that 'Overall capacity in the main road network will be regarded as an important constraint on development proposals which would have a significant transport impact.....The acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon: (a) the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; (b) the provision of routes and facilities for pedestrians, cyclists and passenger transport users, including links to existing networks; .....(d) the design and capacity of parking areas and the implications for on-street parking.' (my emphasis).</p> <p>5</p> <p>The Applicant has failed to demonstrate that it has met these criteria - clearly the introduction of road users from the development (and users of the adjacent proposed SANG (23/02508/MFA) with a 24 space car park on the bend of White Hill) will have a significant impact on the existing highway network which is already at breaking point.</p> <p>2.2 No material consideration has been submitted by the Applicant to demonstrate why the DBLP should be overridden.</p> <p>3. Contrary to LTP4 2018</p> <p>The objectives of the LTP are to '..... Preserve the character and quality of the Hertfordshire environment; and reduce carbon emissions'.</p> <p>The development will not address these objectives - the inevitable car usage by the development's residents will negatively impact on the rural character of the county and the natural environment with additional noise, light pollution and visual intrusion aswell as additional carbon emissions caused by increased road congestion. The built and historic environment of Berkhamsted will also be adversely impacted by the additional traffic caused by the development.</p> <p>LTP4 provides that 'All transport measures delivered by the county council must be in accordance with the LTP policies'. Policy 5 refers to the need to 'Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users'. The development will severely affect the rural nature of White Hill and further damage the residential nature of Kings Road by the increase in traffic entering the town centre - the Applicant has provided no material consideration as to why this policy should be contravened.</p> <p>Conclusion</p>
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	<p>Regardless of whether the development is for 86 or 59 dwellings it still represents an unacceptable overdevelopment in the Green Belt. Whilst reference has been made in the Statement of Community Involvement to an earlier public consultation for 86 houses taking place at this site with information sent to addresses within a radius of 1.5km, it should be noted that as the surrounding land is in Green Belt the consultation area covered mainly comprised fields. There were a comparatively small number of properties consulted and few attendees to the consultation event (in stark contrast to the proposal for development of the South Berkhamsted Concept) in circumstances where the impact of traffic on the whole of Berkhamsted of this development and particularly for all those residents who currently use King's Road will be significant.</p> <p>In summary,</p> <ul style="list-style-type: none"> <li>• The application is in clear contravention of policy within the NPPF, Core Strategy (2013), DBLP and LTP4 (2018).</li> <li>• A slight revision of the proposals (by reducing the number of homes to be built) does not mean that the previous decision of the Development Management Committee (that the site is not a suitable location for housing) should be ignored or that overarching strategic planning policies should be similarly ignored.</li> <li>• Whilst there is a clear need for 'affordable' housing locally, the 'affordable' (and other) housing promised by this development is very clearly in the wrong place with no existing infrastructure to support it and will amount to an intolerable strain being placed on the local road network. It should be noted that the idea of 'affordable' housing becomes even less affordable when every resident needs a car to get to key services and/or their place of work.</li> <li>• Rather than dealing with matters on a piecemeal basis, decision makers need to reflect on the overdevelopment of the historic town of Berkhamsted and the impact on its existing residents particularly so far as the local road network is concerned.</li> </ul> <p>For the reasons expressed above I object to the revised application for planning permission re 24/01496/MFA.</p>
<p>20 Hall Park Gate Berkhamsted Hertfordshire HP4 2NJ</p>	<p>On behalf of BRAG (Berkhamsted Residents Action Group)</p> <p>BRAG objects strongly to planning application 24/01496/MFA</p> <p>BRAG notes that CPRE Hertfordshire made a comprehensive 12-point objection to the initial planning application 24/00330/MFA for 86 residential. BRAG fully supported that objection and a reduction to 59</p>

	<p>residential units makes no material difference to the points made back in April.</p> <p>The land proposed for development remains in the Metropolitan Green Belt and fully serves the purposes required for Green Belt designation.</p> <p>Indeed, the proposed development is some distance the nearest built area of Berkhamsted, while being surrounded by open countryside, so this proposal remains a major incursion into Green Belt and there are no special circumstances to warrant such.</p> <p>The developers promote benefits to the existing community, but the site's lack of connectivity makes it difficult to envisage anything but further strain on an already creaking infrastructure, especially in terms of traffic and access.</p> <p>The roads surrounding the Chesham Road / Shooters Way traffic island already grind to a halt during peak times, which also creates dangerous environment for children going to Ashlyns School.</p> <p>Given Berkhamsted is a steep-sided valley town, the road topography means the developers claims that resident will enjoy the 40 min walk into Berkhamsted rather than driving can be disregarded as fanciful.</p> <p>The development will simply increase car traffic as public transport is also not an option in that area, with the developers misrepresenting the frequency, reliability and usability of the existing poor bus service operating at present.</p> <p>BRAG urges the Council to refuse permission for this unsustainable and inappropriate proposal.</p> <p>Chair BRAG</p>
<p>Spring Meadow Farm Whelpley Hill Berkhamsted HP4 2SX</p>	<p>I would like to make one point regarding road access to and from the proposed site - We live on White Hill and travel daily in both directions along it - taking our life in our hands each time. It is a single track with passing places and has many blind bends - if the application were approved, which I hope it will not - access should not be permitted through Whelpley Hill and limited only to and from the A416 .</p>
<p>13 Poynders Hill Hemel Hempstead Hertfordshire HP2 4PQ</p>	<p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>Redevelopment is always positive - brings new life to the area</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>o The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>o There's 40% provision for much needed affordable housing which is above and beyond existing policy allowing residents to get onto the housing ladder</li> <li>o There is significant off-site highway and sustainable transport improvements to the local area and network</li> </ul>

	<ul style="list-style-type: none"> <li>o A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> <li>o New landscaping, including significant tree planting with a total of 292 new trees planted</li> <li>o Retaining 69% of the site as open space - 20 times the council's policy requirement</li> <li>o In excess of 20% biodiversity net gain</li> <li>o Air source heat pumps and other sustainable construction methods - meaning no gas boilers</li> <li>o Reuse of a previously developed site incorporating a substantial reduction in built footprint, volume and hardstanding</li> <li>o Reduction of vehicle movements from the baseline of existing consented uses</li> </ul> <p>I hope the council will support this planning application and grant permission.</p>
<p>21 Lyne Way Hemel Hempstead Hertfordshire HP1 3PL</p>	<p>Dear Dacorum Borough Council,</p> <p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>Create affordable housing and bring more revenue to the area. \nJob opportunities for local trades.</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>o The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>o There's 40% provision for much needed affordable housing which is above and beyond existing policy allowing residents to get onto the housing ladder</li> <li>o There is significant off-site highway and sustainable transport improvements to the local area and network</li> <li>o A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> <li>o New landscaping, including significant tree planting with a total of 292 new trees planted</li> <li>o Retaining 69% of the site as open space - 20 times the council's policy requirement</li> <li>o In excess of 20% biodiversity net gain</li> <li>o Air source heat pumps and other sustainable construction methods - meaning no gas boilers</li> <li>o Reuse of a previously developed site incorporating a substantial reduction in built footprint, volume and hardstanding</li> <li>o Reduction of vehicle movements from the baseline of existing consented uses</li> </ul> <p>I hope the council will support this planning application and grant permission.</p> <p>Yours faithfully,</p>

<p>3 Widmore Drive Hemel Hempstead Hertfordshire HP2 5JJ</p>	<p>Dear Dacorum Borough Council,</p> <p>I am writing to register my support for the proposed new development at Haresfoot Farm (24/01496/MFA) for the following reasons:</p> <p>Affordable housing is so important to any community</p> <p>I am also supporting this application because of the following benefits it will deliver:</p> <ul style="list-style-type: none"> <li>• The scheme will deliver 59 high-quality new homes which are much needed in the area</li> <li>• There's 40% provision for much needed affordable housing which is above and beyond existing policy allowing residents to get onto the housing ladder</li> <li>• A community hub for residents, including places to work, meet, and access everyday groceries at the community pantry bringing community cohesion to the development</li> </ul> <p>I hope the council will support this planning application and grant permission.</p>
<p>3 Chalet Close Berkhamsted Hertfordshire HP4 3NR</p>	<p>1) the reasons for rejecting the previous application are still valid, particularly 2 - " outside the settlement of Berkhamsted .....the site is not considered a suitable location for housing"</p> <p>Although the new application keeps the proposed development within the area of the already developed land, special circumstances for approving development within the Greenbelt have not been identified. Additionally the proposed buildings are higher than the current ones, are primarily in red brick, despite "the character areas" so will be significantly more intrusive in the Greenbelt than the existing largely aged wooden buildings which blend into the landscape. Particularly when viewed from Whitehill. On that basis para 154 of the NPPF ( 151 in new Draft) still applies.</p> <p>2) This site is disconnected from any community either Berkhamsted or Ashley Green. This is acknowledged in para 6 of the D&amp;A statement justifying the need for a community hub and the emphasis on the availability of home deliveries in para 5</p> <p>3) The D&amp;A and transport statements make much of the easy access to Berkhamsted on foot or by cycle. The timings forget that walking back up the steep hill takes significantly longer, and requires a lot more effort, even without shopping or a buggy, and few if any will walk.</p> <p>The narrow congested streets with parking either side and busy main roads are a deterrent to cycling, so even with an electric bike few apart from the most experienced are likely to attempt cycling into Berkhamsted.</p>

	<p>The proposed electric bikes and a single electric car ( car club) are simply a sop to the NPPF requirement for various modes of transport to be available.</p> <p>4) the time table for the 354 bus does not show a bus stop on Kingshill Way - but if there is one, the proposal to move it for the benefit of the site at the possible detriment to those who currently use it, cannot be acceptable !</p> <p>5) It's proposed that Ashlyns kids will use byway 40 to walk to school ( in summer!!) - this path is narrow, muddy in wet weather, is not lit, has scrub either side and passes through a short graffiti decorated tunnel under the A41. It's not a pleasant walk and without improvements such as proper surfacing, lighting regular maintenance of the scrubby areas, I would not consider this a safe path for a child walking to school. If it is minded to approve this application please condition such improvements to this byway.</p> <p>Primary school children will of course need to be driven to school.</p> <p>This site will just add to the congestion in Berkhamsted. The transport statement acknowledges that based on census data almost 50% of journeys from this site will be by car - but that does not take account of the topography of the town and the location of this site.</p> <p>6) it's not clear from the application who would run the proposed hub, electric car club and electric bike hire/borrowing. If it is minded to approve this application please ensure that these proposal are enforced by conditioning ( I've seen proposals on other applications, which are not conditioned and are therefore unenforceable when not met !!)</p>
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# Agenda Item 5b

ITEM NUMBER: 5b

<b>24/00782/FUL</b>	<b>Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping.</b>	
<b>Site Address:</b>	<b>Birchin Grove Farm Half Moon Lane Pepperstock Luton LU1 4LL</b>	
<b>Applicant/agent:</b>	<b>Mr Brunson</b>	<b>Mr Dicker</b>
<b>Case officer:</b>	<b>Kirsty Shirley</b>	
<b>Parish/Ward:</b>	<b>Flamstead Parish Council</b>	<b>Pepperstock</b>
<b>Referral to Committee:</b>	<b>Contrary views of Flamstead 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 previous developed land which would not have a greater impact on the openness of the Green Belt than the existing development, and therefore accords with Policy CS5 of the Dacorum Core Strategy and paragraph 154 g) of the National Planning Policy Framework (NPPF) (2023).

2.2 The proposed development would satisfactorily integrate with the local character and would not result in any significant adverse impacts on neighbouring properties.

## 3. SITE DESCRIPTION

3.1 The application site is entirely within the Metropolitan Green Belt with public rights of way to the north and west of the site. The public rights of way do not adjoin or traverse the application site.

3.2 The application site is located on the south-east side of Half Moon Lane and is setback approximately 40m from the road.

3.3 To the east, south and west of the site is open countryside with residential development to the north of the site.

3.4 The application site includes part of the Fantastic Fireworks business, which specialises in fireworks operations.

3.5 The application site contains several buildings and shipping containers across the application site which have been described as being previously used and now partly used by Fantastic Fireworks to store their products.



## **4. PROPOSAL**

4.1 Planning permission is sought for the development is for the demolition of existing buildings and erection of seven dwellings.

4.2 All of the existing buildings within the site would be demolished.

4.3 The dwellings would be positioned around a central core, constituting a roundabout with open spaces to the north, northeast, south and south west of the site.

4.4 The dwellings comprise of three dwellings in a terrace and four link detached properties joined by garaging. The dwellings would be a storey and half in height and benefit from on-site car parking.

## **5. BACKGROUND**

5.1 Pre application enquiries have been submitted for residential development of the site in 2016, 2021, 2022 and 2023.

5.2 The most recent pre application was for seven dwellings, where it was concluded that the principle of development was acceptable subject to design amendments to ensure the development would not have a greater openness on the Green Belt.

## **6. PLANNING HISTORY**

6.1 Planning Applications (If Any):

4/01019/19/FHA - Proposed detached double garage and extended parking area  
*REFUSED - 27th June 2019*

4/01760/18/DRC - Details required by condition 7c (contamination) and 8 (fire hydrants) attached to planning permission 4/03038/16/ful (demolition of outbuildings and construction of 3 dwellings and new vehicular Access).  
*GRANTED - 18th September 2018*

4/00974/17/DRC - Details as required by conditions 2 (materials), 3 (landscaping) and 7 (contamination) of planning permission 4/03038/16/ful (demolition of outbuildings and construction of 3 dwellings and new vehicular access)  
*GRANTED - 8th June 2017*

4/03038/16/FUL - Demolition of outbuildings and construction of 3 dwellings and new vehicular access  
*GRANTED - 17th January 2017*

4/01699/15/FUL - Demolition of outbuildings and erection of 2 dwellings, creation of new Access.  
*GRANTED - 22nd June 2015*

4/01862/06/FUL - Temporary workshop and stable buildings  
*TMP - 13th October 2006*

4/01528/05/ROC - Revised layout

*REFUSED - 2nd September 2005*

4/00043/03/ROC - Removal of condition 5 of planning permission 4/01101/00 (demolition of dwelling, outbuildings and some farm buildings, replacement dwelling and relocation of residential curtilage (amendment to approved scheme)) to allow retention of original dwelling  
*REFUSED - 6th February 2003*

4/01743/02/FUL - Replacement office building (amended scheme)  
*GRANTED - 22nd October 2002*

4/01527/00/FUL - Replacement office building  
*GRANTED - 13th March 2001*

4/01101/00/FUL - Demolition of dwelling, outbuildings and some farm buildings. replacement dwelling and relocation of residential curtilage (amendment to approved scheme)  
*GRANTED - 7th September 2000*

4/02128/99/FUL - Erection of a replacement office building  
*REFUSED - 11th February 2000*

4/02094/99/DRC - Details of menage surface required by condition 4 of planning permission 4/01639/99ful (demolition of existing farm buildings, construction of barn, stables and menage)  
*GRANTED - 4th January 2000*

4/01639/99/FUL - Demolition of existing farm buildings. construction of barn, stables, and menage  
*GRANTED - 19th November 1999*

4/01207/99/DRC - Details of materials required by condition 2 of planning permission 4/0274/99 (demolition of existing dwelling, outbuilding and some farm buildings replacement dwelling. relocation of residential curtilage)  
*GRANTED - 29th July 1999*

4/00274/99/FUL - Demolition of existing dwelling, outbuilding and some farm buildings. erection of replacement dwelling. relocation of residential curtilage  
*GRANTED - 31st March 1999*

4/00220/99/RET - Extensions to existing office building. retention of buildings 3 and 4. Siting of additional magazines  
*GRANTED - 7th May 1999*

4/00860/90/FUL - Detached building & use of land for storage & assembly of fireworks for display & formation of access track  
*GRANTED - 16th May 1996*

Appeals: None

## **7. CONSTRAINTS**

Advert Control: Area of Special Control for Adverts

CIL Zone: CIL2

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

HSE Consultation Zone: Haz. Subst. Buffer

Site: Fantastic Fireworks Ltd Birchin Gr, Substance: Explosives  
Parish: Flamstead CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Wildlife Sites: Birchin Grove Meadow

## **8. REPRESENTATIONS**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## **9. PLANNING POLICIES**

Main Documents:

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

Relevant Policies:

### *Core Strategy:*

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS18 – Mix of Housing  
CS29 - Sustainable Design and Construction

### *Local Plan:*

Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Documents:

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

## 10. CONSIDERATIONS

### Main Issues

10.1 The main issues to consider are:

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

### Principle of Development

10.2 The application site lies within the Metropolitan Green Belt. The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.3 Paragraph 152 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except unless very special circumstances exist.

10.4 Paragraph 154 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. Of relevance is paragraph 154 g) which excludes partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

10.5 It is acknowledged that proposed alterations to the NPPF are currently undergoing consultation and exception paragraph 154 g) is proposed to be amended to:

*‘...would not cause substantial harm to the openness of the Green Belt’*,

in place of:

*‘...would not have a greater impact on the openness of the Green Belt than the existing development.’*

10.6 While it is acknowledged that this alteration would amend the assessment of development under exception criteria 154 g), given that the alteration is at consultation stage and not formally amended, limited weight can be attributed to this altered assessment.

10.7 Policy CS5 of the Dacorum Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Policy CS5 clarifies that small scale development – including the redevelopment of previously developed sites – is acceptable provided that:

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

## *Appropriateness*

10.8 The Glossary to the Framework defines Previously Developed Land (PDL) as:

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

10.9 Case law has established that the extent of previously developed land is determined with reference to the curtilage of buildings.

10.10 The Hiley judgement established that the correct approach in determining curtilage is that set out by the Court of Appeal in the decision of R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs [2022]; namely, for *'one hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter'*.

10.11 Within the site there is considerable hardstanding, a number of buildings and shipping containers mainly used for storage.

10.12 The hardstanding, buildings and shipping containers are primarily positioned to the periphery of the application site with inconsistent distances between the buildings. While the fireworks shop itself is not part of this application, the hardstanding, buildings and shipping containers are intimately associated with one another through the fireworks business for storage purposes. As such, the application site is considered to be previously developed land for the purposes of paragraph 154 g).

## *Openness*

10.13 Paragraph 142 of the NPPF states that 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. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open.

10.14 There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case.

10.15 Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.

## *Spatial impact*

10.16 The surrounding area is characterised by open countryside with dwellings, a mobile home park and caravan storage site to the north of Half Moon Lane. To the south of Half Moon Lane are sparse dwellings with a paintball venue to the north-east of the application site. The application site is situated at the end of Half Moon Lane, to the east of a fireworks shop with the east and south of the site surrounded by open countryside.

10.17 The majority of the existing buildings within the site are approximately 2.5m to 2.8m in height, with two buildings approximately 4.3m to 5m in height. The existing buildings, particularly those around the periphery of the site, are not particularly visible from the surrounding area. There is dense vegetation to the south, which limit views from Flamstead Footpath 3, which runs adjacent (west) to the site. However, it may be that glimpsed views of the structures are possible during times of leaf-fall.

10.18 The tables below demonstrate the existing and proposed footprint and volume calculations for the development:

<b>Existing Footprint and Volume Calculations</b>		
<b>Existing Overall Footprint (and Floor) Area (m2)</b>		<b>1285.2</b>
<b>Existing Overall Volume (m3)</b>		<b>3755.5</b>
	<b>Footprint (m2)</b>	<b>Volume (m3)</b>
Block 1	299.4	686.9
Block 2	83.8	205.4
Block 3	335.8	1215.7
Block 4	95.4	410.4
Block 5	28.8	77.6
Block 6	73.9	184.7
Block 7	74.1	185.3
Block 8	102.4	256.0
Block 9	29.6	79.9
Block 10	77.6	217.4
Block 11	84.4	236.3
<b>TOTAL</b>	<b>1285.2</b>	<b>3755.5</b>

Figure 1. Extract of existing footprint and volume calculations within the application site

<b>Proposed Overall Floor Area (m2)</b>			<b>1134.8</b>
<b>Proposed Overall Volume (m3)</b>			<b>4272.4</b>
	<b>Footprint (m2)</b>	<b>Floor Area (m2)</b>	<b>Volume (m3)</b>
Plot 1	118.21	167.74	635.76
Plot 2	118.21	167.74	635.76
Plot 3	101.75	149.39	557.32
Plot 4	93.76	165.08	614.73
Plot 5	101.75	149.39	557.32
Plot 6	118.21	167.74	635.76
Plot 7	118.21	167.74	635.76
<b>TOTAL</b>	<b>770.1</b>	<b>1134.8</b>	<b>4272.4</b>

Figure 2. Extract of proposed footprint, floor area and volume calculations within the application site (excluding garaging).

10.19 The development would introduce development taller in height than the existing buildings on site, as well as a larger volume than the existing buildings within the site. However, the development would result in reductions to the footprint within the site, as demonstrated in figure 3.

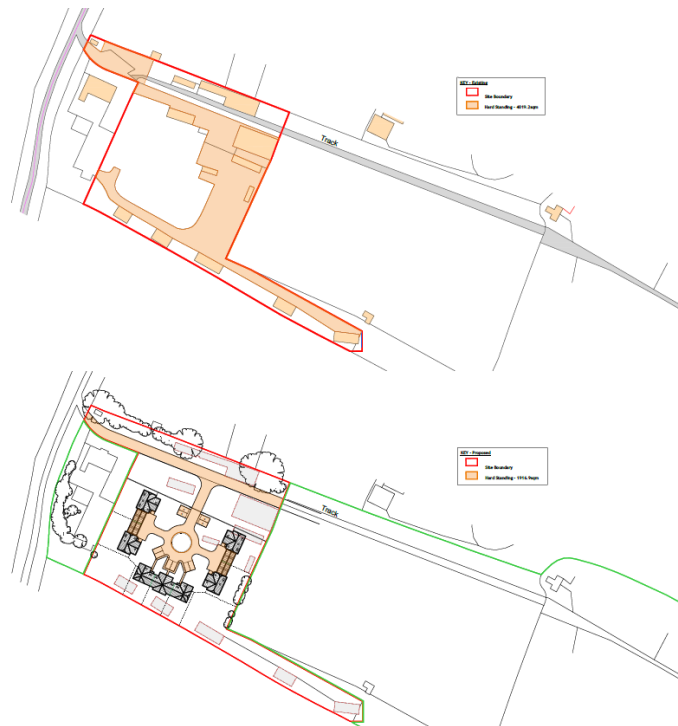


Figure 3. Extract of existing and proposed hardstanding within the site.

10.20 The proposals would consolidate the development on the site, reducing the sprawl of buildings and significantly reduce the amount of hardstanding within the site.

10.21 The significant reduction in hardstanding, in combination with the introduction of greater amount of soft landscaping by virtue of the creation of residential gardens and substantial open paddock areas, would spatially increase the Green Belt's openness.

#### *Visual Impact*

10.22 As all of the proposed dwellings would be taller than the tallest and predominant single-storey buildings, the dwellings would be further prominent and visible within the site and from surrounding public vantage points when compared to the existing situation.

10.23 While the height and volume of the proposed dwellings would be greater than the existing buildings, the design of the development, by virtue of gable and hipped roof slopes and features, storey and a half height dwellings and sympathetic materials, would ensure that the development would not be unduly prominent and visible within the site and from surrounding public vantage points when compared to the existing situation. The development would not be unacceptably discernible from the public realm.

10.24 In order to allow the Local Planning Authority to duly assess the impact of any future development within the site on the Green Belt, it is considered reasonable and necessary in this case to remove permitted development rights under Classes AA, A, B, D, E and F under Schedule 2, Part 1 of the General Permitted Development Order (2015) (as amended) for the proposed dwellings.

10.25 It is therefore considered that the proposed development would not have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing development and therefore it would not comprise inappropriate development within the Green Belt.

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

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

10.27 The layout of the development would be a U-shaped courtyard, which would be sympathetic to the rural location the site is within. The proposed dwellings would be a storey and half in height and 'barn style' in appearance, due to the low eaves in relation to the larger roofs which would be half hipped in design. During the course of the application, alterations to the roof form to be half hipped on both sides and reductions in glazing size was submitted to ensure consistent roof forms and proportionate fenestration within each dwelling.

10.28 The lengths and heights of the garaging between the east and west ranges has been reduced during the course of this application, ensuring the garages appear as a sympathetic and ancillary feature towards the respective dwellings.



10.29 Plots 1, 2, 6 and 7 benefit from garaging to the side of the property to park vehicles, with a hardstanding to the front of garage to allow further car parking. The positioning of the hardstanding prevents vehicles parking directly in front of the respective dwelling and allows for soft landscaping to be predominant to the frontages of dwellings. The hardstanding for car parking of plots 3, 4 and 5 are setback from the front of dwellings and would allow for soft landscaping to surround the parking spaces, mitigating the hardstanding's impact and ensuring the hardstanding would not dominate the frontages of these dwellings.

10.30 The majority of the dwellings would have the opportunity to store bins to the rear of the dwellings however it is acknowledged that it is convenient to store bins to the front of properties for ease on collection days. Bin storage can result in visual clutter and so the details of bin storage and the positioning for each dwelling can be secured by condition.

10.31 The dwellings would be finished in dark weatherboard on red brick plinths with clay effect roof tiles, which would not harmfully detract from the character and appearance of the wider area. Should the application be recommended for approval, details of the external finish can be secured by condition.

#### Impact on Residential Amenity

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

10.33 Neighbouring representations have been received that raise concerns regarding the impact of development on ancient woodland, Central Bedfordshire Council not consulted, contamination, insufficient car parking and road network capacity, no sewerage information, impact to the rights of way and public footpath within the site, insufficient information to ensure fire appliance can access the site, maintenance of the paddocks, insufficient information regarding drainage, storage for business being retained, overlooking towards existing dwellings, and light pollution.

10.34 It is noted that the application site is in close proximity with Central Bedfordshire. Central Bedfordshire have been consulted for this application and made no comments on the application. In this case it is considered that the scale of the development would not result in an adverse impact to the county of Bedfordshire.

10.35 The sewerage system of the development would not be managed under the planning system.

10.36 Matters concerning ancient woodland, contamination, insufficient car parking, road network capacity, impact to the rights of way and public footpath within the site, insufficient information to ensure fire appliance can access the site, maintenance of the paddocks, insufficient information regarding drainage, and storage for business being retained have been addressed elsewhere within the report.

10.37 The positioning of the development would leave a considerable distance between the proposed dwellings and existing dwellings to the north of the site. The considerable distance, in combination with the orientation, scale and positioning of the dwellings within the application site would not result in adjoining neighbours to experience an undue loss of light or privacy, nor would the development appear unduly dominant or overbearing towards adjoining neighbours. The positioning and scale of the development would also not result in an introduction of light pollution that would be unduly harmful or disruptive to adjoining neighbours.

10.38 The positioning and orientation of the proposed dwellings would also not result in future occupiers of the site to experience inadequate levels of daylight and sunlight or undue overlooking from other proposed dwellings in this development.

#### Future Occupier Amenity

10.39 Saved Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Each dwelling would be afforded its own private rear amenity space that would be functional in size and shape, with a minimum depth of 11.5m

10.40 While not every plot would have a minimum depth of 11.5m, each dwelling would be provided a private rear garden that would be functional in size and shape. Open countryside and footpaths are in close proximity to the site, and large paddock areas are also shown in the submitted site plan to the corners of the application site. While it is not clear how these paddock areas will be maintained or how residents will have access to these areas, details of their maintenance and access can be submitted as part of a condition in the event of an approval.

10.41 In this case it is therefore considered that sufficient private amenity space and opportunity to wider amenity space would be available for residents.

#### Impact on Highway Safety and Parking

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

10.43 In this location, a four-bedroom dwelling should provide either 2.4 unallocated or 3 allocated car parking spaces. This would result in the site needing to provide 16.8 to 21 on-site car parking spaces.

10.44 Each dwelling would be provided two on-site car parking spaces, with four visitor spaces to the front of the site. This would total 18 car parking spaces on-site.

10.45 The development would therefore provide sufficient on-site car parking spaces. While it is noted that each dwelling would only benefit from two allocated spaces, this would encourage a reduced reliance on private vehicles, with sufficient car parking spaces to accommodate visitors to the site.

10.46 The Hertfordshire Highways Authority have objected to the development on the basis of the site's unsustainable location and location in an isolated site. The Highways Authority to identify that the rights of way and footpath routes from the site are not surfaced or lit, and would not be appropriate for most journeys other than leisure.

10.47 However, the rights of way and footpath routes do provide alternative methods of travel than private vehicle. The development would not alter the rights of way. Slip End benefits from a shop, public house, village hall and primary school approximately 1km away which can be accessed by foot, though it is acknowledged that this would be via a public right of way which would not be suitable in adverse weather or in dark conditions.

10.48 There is a bus stop approximately 400m from the site on Half Moon Lane, however it is acknowledged that there are no footpaths from the site to access the bus stop and pedestrians would need to utilise the adjoining soft verge to avoid vehicles.

10.49 The Highways Authority has raised no concerns regarding access to the site, including fire appliance access which has been raised by neighbours as a concern. The Highways Authority do identify that the highways further north to the site on Half Moon Lane are not maintained as part of HCC's Highways network. Central Bedfordshire Council were consulted as part of this application, but a no comment response was received.

10.50. While the application site does benefit from public rights of way in close proximity to the site and footpaths further north of Half Moon Lane, it is acknowledged that these options would not result in the location be considered a sustainable location. Future occupiers of the proposed dwellings would likely be reliant on private vehicle for most journeys. However this is the existing situation for residents of properties to the north of the site, and it is considered that the location of the application site in proximity to existing dwellings and alternative transport options available to future residents result in the sites location to be acceptable in this case.

#### Loss of Employment Land

10.50 Policy 34 states:

*“Established employment generating uses in the Green Belt...which do not cause environmental problems and provide local employment opportunities will be protected from change to non-employment generating uses unless satisfactory replacement opportunities are provided.”*

10.51 The employment opportunities provided by the site are retained, as the fireworks shop is based outside of the application site. The application site itself contains ancillary storage facilities which would not operate independently of the shop, and the submitted planning statement advises replacement storage facilities are in the process of being secured.

10.52 The absence of the replacement storage information does not prevent this application from being determined. Should new buildings or relocation of buildings be required to accommodate the existing storage, this would likely be subject to requiring further planning consent.

#### The Tilted Balance and the Council's Housing Land Supply

10.53 Paragraph 11 of the NPPF states Plans and decisions should apply a presumption in favour of sustainable development. Part d) of paragraph 11 is relevant in this case as the policies which are most important for determining the application are out-of-date, as the proposal is for housing and the local planning authority cannot demonstrate a five year supply. In this case, the application should therefore be granted permission unless:

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

10.54 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.

#### **Other considerations**

### Landscaping

10.55 Saved Policies 99 and 100 of the Dacorum Borough Local Plan and Policy CS12 of the Core Strategy seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees. Policy CS25 states proposals should ensure they conserve or improve the prevailing landscape quality, character and condition.

10.56 There is Ancient Woodland to the north of the site however the application site is not within Ancient Woodland.

10.57 The application would not remove any trees and the submitted plans show indicative landscaping, with substantial paddock areas. The paddock areas provide important amenity space for future occupiers as well as preserving the openness of the Green Belt and therefore the paddock areas must be preserved as part of this development. Information regarding the maintenance of the paddock areas has not been submitted with this application, but given the paddocks importance to the acceptability of the development, information regarding the maintenance of the paddocks can be secured by condition.

10.58 The Council's Tree team have commented that the trees within the proximity of the site are located away from the main development, there is a possibility of harm to the trees through storage of materials and vehicular movement. A Tree Protection Plan can therefore be secured by condition to ensure the trees will be afforded appropriate protection during construction.

10.59 Precise details of a hard and soft landscaping within the scheme can also be secured by condition in the event of an approval.

### Contamination

10.60 The Council's Environmental Health team have commented that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present it will be remediated. This can be secured by condition.

10.61 The Council's Environmental Health team have raised no objections or concerns regarding noise, odour or air quality. Informatives have been recommended and these can be included to advise the applicant in the event of an approval.

10.62 The HSE Explosives Inspectorate have been consulted; however no comments have been received.

### Drainage

10.63 The application site is within Flood Zone 1, which has a low probability from flooding from rivers and the sea. In this case therefore no further flooding or drainage information is required to support the application.

### Biodiversity Net Gain

10.64 Biodiversity Net Gain (BNG) is now a legal requirement for major development and small sites.

10.65 The application was submitted to the Council on the 28<sup>th</sup> of March, prior to mandatory BNG, and is therefore not subject to mandatory BNG.

#### Community Infrastructure Levy (CIL)

10.66 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application site resides in CIL Zone 2 and may be CIL Liable.

#### Chilterns Beechwoods Special Area of Conservation

10.67 The Council has a legal obligation under the Habitat Regulations to ensure that the integrity of the Chilterns Beechwoods SAC is maintained. A Mitigation Strategy has been approved which sets out targeted measures to protect the site and to accommodate the predicted pressures associated with future growth within the 12.6 kilometre Zone of Influence that extends from Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

10.68 The Council has worked with Natural England and other relevant partners to agree a mitigation strategy which enables the Council to carry out their legal duties and grant residential development in the Borough. The mitigation strategy requires financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

10.69 The development would cause additional reactional pressure to the CBSAC and as such were consent to be granted mitigation would need to be secured via a legal agreement.

### **11. CONCLUSION**

11.1 The proposed development would constitute redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development, and is therefore acceptable in principle. Careful consideration has been given to the design and layout of the proposed dwellings with amendments to the design during the course of the application to ensure high quality design.

11.2 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.

### **12. RECOMMENDATION**

12.1 That planning permission be DELEGATED with a view to APPROVAL subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation and relevant conditions.

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

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

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

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

9165/10 C  
9165/03 C  
9165/04 C  
9165/PLOT 1 C  
9165/PLOT 2 C  
9165/PLOT 3 A  
9165/PLOT 4 A  
9165/PLOT 5 A  
9165/PLOT 6 C  
9165/PLOT 7 C  
9165/20 A

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

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

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

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

5. (a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites)**

**with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

- a If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
  - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
  - (ii) The results from the application of an appropriate risk assessment methodology.**
- b No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), 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 (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.

- 6. Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

- 7. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
  - o all external hard surfaces within the site;**
  - o other surfacing materials;**
  - o means of enclosure;**

- o **soft landscape works including maintenance and enclosure of the open areas to the north of the site, the paddock areas to the south of the site, and a planting scheme with the number, size, species and position of trees, plants and shrubs;**

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

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 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. The open spaces to the north of the site and paddock areas to the south of the site must remain in perpetuity.**

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

8. **Prior to the first occupation of the dwellings hereby permitted, a Paddock Management Plan shall be submitted to and approved in writing by the local planning authority, detailing the management, maintenance and access arrangements of the paddocks. The Paddock Management Plan shall be implemented in accordance with the approved details.**

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

9. **No construction of the superstructure shall take place until details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s) for that purpose unless further written approval for an alternative scheme is gained from the Local Planning Authority.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or reenacting 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 for the dwellings approved under this application: Classes AA, A, B, D and F under Schedule 2, Part 1 of the General Permitted Development Order (2015) (as amended).**



Reason: In order to allow the Local Planning Authority to duly assess the impact of any future development within the site on the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and chapter 13 of the National Planning Policy Framework (2023).

**Informatives:**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
3. The attention of the Applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
4. In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.
5. 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>.
6. 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.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flamstead Parish Council	<p>Although not unanimous, there was a majority objection to this application for the following reasons:</p> <p>The site location is not clear on the plans</p> <p>The application states that there are 6 x 3 bedroomed houses and one x 4 bedroomed when in fact they are all 4 bedroomed.</p> <p>The parking provision is insufficient as each dwelling could generate up to 4 vehicles.</p> <p>It is considered to be over development of this site which is in the Green Belt as with 7 dwellings the development is too dense and creates too much mass.</p> <p>Object</p>
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p> <p>Working Hours Informative</p> <p>Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday,</p>
	<p>8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p>Construction Dust Informative</p> <p>Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>Waste Management Informative</p> <p>Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so</p>

	<p>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.</p> <p>As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.</p> <p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p>
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	<p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-otherinvasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-otherinvasive-plants</a></p>
<p>Health &amp; Safety Executive</p>	<p>Thank you for your email seeking HSE's observations on application 24/00782/FUL.</p> <p>HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <a href="https://pa.hsl.gov.uk/">https://pa.hsl.gov.uk/</a> - for them to use to consult HSE and obtain HSE's advice.</p> <p>Please note, this lies within an explosive safeguarding zone and you will need to contact the Explosives Inspectorate. Contact details will be given on the pdf obtained from the Web App consultation.</p> <p>Therefore, I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning</p>

	<p>application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.</p> <ul style="list-style-type: none"> <li>* residential accommodation;</li> <li>* more than 250m<sup>2</sup> of retail floor space;</li> <li>* more than 500m<sup>2</sup> of office floor space;</li> <li>* more than 750m<sup>2</sup> of floor space to be used for an industrial process;</li> <li>* transport links;</li> <li>* or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.</li> </ul> <p>There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: <a href="http://www.hse.gov.uk/landuseplanning/methodology.htm">www.hse.gov.uk/landuseplanning/methodology.htm</a></p> <p>NB HSE is a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.</p> <p>A relevant building is defined in the planning guidance at gov.uk as: containing two or more dwellings or educational accommodation and meeting the height condition of 18m or more in height, or 7 or more storeys</p> <p>If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to <a href="mailto:PlanningGatewayOne@hse.gov.uk">PlanningGatewayOne@hse.gov.uk</a></p> <p>There is further information on compliance with the Building Safety Bill at <a href="https://www.gov.uk/guidance/fire-safety-and-high-rise-residentialbuildings-from-1-august-2021">https://www.gov.uk/guidance/fire-safety-and-high-rise-residentialbuildings-from-1-august-2021</a> .</p>
Natural England	<p>NATURAL ENGLAND'S ADVICE  OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p>
	<ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained</p>
Conservation & Design (DBC)	<p>The site is within the Green Belt but there are no associated heritage constraints. A public footpath runs past the site and the existing access road to the site is narrow.</p>

	<p>The application proposes a U-shaped courtyard development of tall 1 ½ storey 'barn style' dwellings. The dwellings are a good size and have a rather top heavy appearance due to the low eaves in relation to the larger roofs but are acceptable in terms of design and materials (dark weatherboard on brick plinth with dark frame windows and tile roof). The lengths of garaging between the east and west ranges does increase the built form on site.</p> <p>The layout is broadly sympathetic to the rural location but the courtyard itself has a rather suburban character and will likely be dominated by car parking. Will there be sufficient parking for 7 x 4-bed dwellings?</p> <p>Two areas of paddock are shown but it is not clear how they will be accessed /maintained. There are two further areas of grass to the front of the site which don't look to belong to any of the properties, again how will these be maintained?</p> <p>If consent is granted the submission of materials (details) should form a condition of consent.</p>
Hertfordshire Highways (HCC)	<p>Proposal Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping</p> <p>Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: 1) The development site, by reason of its' remote location from local</p>
	<p>shops, services and employment, shall not be sustainable in transport terms, with all residents heavily reliant on the use of private vehicles contrary to the paragraphs 114 and 116 of the National Planning Policy Framework (NPPF) and contrary to Hertfordshire County Councils (HCX) Local Transport Plan (2018) policies 1 and 5.</p> <p>Comments: The proposal is for the demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping at Birchin Grove Farm, Half Moon Lane, Pepperstock. Half Moon Lane adjacent the site is part of the adopted highway network that is highway maintainable at public expense. However, it is isolated and the carriageway further north is parts of central Bedfordshire and not maintained or part of HCC's Highway network. The site is fronted by Flamstead Footpath 001 which accesses onto Markyate BOAT 003.</p> <p>The surrounding site provides a number of rights of way including (Markyate BOAT 003 and Flamstead Footpath 001). Such routes do provide permeability to the surrounding villages. A lot of the routes are not surfaced or lit. They do not represent an attractive walking route (particularly in the dark) and are unlikely to represent an attractive alternative to use of footways for anyone other than for leisure (pedestrian) activities.</p> <p>The use of RoW network is not appropriate for most journey choices (school access, employment, access to shops / services etc for matters of convenience and safety (particularly for school age, or in wet weather whereby the route can be extremely muddy, or dark) in this instance</p>

	<p>dark. Walk distances via the highway footway network is available as there is not footway linking the site. The consideration of this site as a non-sustainable location is consistent with the HA's determination across the whole of Hertfordshire.</p> <p>There is a bus about 400 metres from the site which serves bus route 232 to Dunstable Asda which would need to be accessed via walking on the highway network. The 232 only runs 3 times in the morning out with the final bus back at 12:36 pm which does not provide an attractive alternative to the private motor car for trips such as school, commuting or even leisure.</p>
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	<p>Rail services are not within 2 km of the site. The IHIE document - Guidelines for providing for journeys on Foot (2000) directs (table 3.3) that the accepted preferred Maximum walk distance to town centres should be 800m, for commuting (e.g. access to rail, school etc) is 2km and, elsewhere is 1200m. This therefore places the development site well below the maximum walk distances, giving weight to the HA's position that residents will elect to use the car. Planning for walking (2015) even states walking to a station at 800 metres and is a more recent document and therefore holds more weight.</p> <p>As per LT120 Figure 4.1: Appropriate protection from motor traffic on highway, it deems that cycling within the carriageway for mixed traffic is not suitable for most potential users such as school children and casual cyclists and therefore cycling to and from the site is not applicable and as per the highway code no one should be cycling within the footway. The County Councils Local Transport Plan (policy 1) seeks to ensure that, in line with the golden thread of the NPPF, development is sustainable and located such that it can enable opportunity of choice to travel mode to reduce the reliance on the use of the private car. Such objective also underpins policy 5 to the LTP (adopted 2018).</p> <p>The HA present that the development does not offer alternatives that are within achievable sustainable travel distances to the use of the private car, and is therefore contrary to Policies 1 and 5 of HCC's LTP, as well as failing to comply with the NPPF. The NPPF directs that development should 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 public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use and that the needs of people with disabilities and reduced mobility in relation to all modes of transport are addressed. (Para 115/116 NPPF) nor that safe and suitable access to the site can be achieved for all users; (Para 114 NPPF).</p> <p>This Authority therefore presents significant concern that residents of</p>
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	<p>the site shall be highly reliant on the use of the private car, and therefore that the development proposals are contrary to national and local highway authority policy, and for this reason recommend that the application be refused.</p> <p>Conclusion</p>
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	<p>The Highway Authority are acceptant of the access proposals. Similarly the HA does not present that the vehicle trips arising from the residential shall have an unacceptable impact on their own to the network, however this Authority identifies that the development shall be car borne. Whilst the use existing represents a traffic demand, the Residential units proposed shall have differing needs (shopping, access to schools, employment, leisure) with differing user needs (children, mobility impaired, elderly). Residents shall be reliant on the private car. The Hertfordshire County Council LTP (adopted 2018), as well as input to local plans, is predicated upon achieving a mode shift for all development in the plan period, recognising without the network impacts of development shall be severe. The non-sustainable nature of this development is therefore contrary to LTP4 and NPPF policies, and for this reason, the HA presents an objection to the development as a whole.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development. However, it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where present that it will be remediated.</p> <p>This reflects the introduction of a residential land use, that would be vulnerable to the presence of contamination, on to a brownfield site. A site that is currently under a commercial land use and which was previously part of a brickfield and brick works, both of which have the potential to have resulted in ground contamination.</p> <p>Contaminated Land Conditions: Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk</p>
	<p>assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully</p>

	<p>completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p>
	<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 180 (e) &amp; (f) and 189 and 190 of the NPPF 2023.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here:  <a href="https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm">https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm</a> and here:  <a href="https://www.dacorum.gov.uk/docs/default-source/environmenthealth/development-on-potentially-contaminatedland.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environmenthealth/development-on-potentially-contaminatedland.pdf?sfvrsn=c00f109f_8</a></p> <p>Having reviewed the additional documents I can confirm that the advice sent out on 30/04/2024 for contaminated land conditions has remained the same.</p>
The Countryside Charity	<p>I write with regard to the above application to which CPRE Hertfordshire objects for the following reasons.</p> <ol style="list-style-type: none"> <li>1. The land identified for this proposed development is designated as London Metropolitan Green Belt in the adopted Dacorum Core Strategy where development is inappropriate unless very special circumstances are identified which clearly outweigh the harms caused, according to criteria in the National Planning Policy Framework (NPPF).</li> <li>2. In the absence of a Planning Statement, the Design and Access Statement (DAS) notes very briefly that the site is in the Green Belt but provides no justification for the proposed development. The proposed site is effectively open ground with a number of containers which cannot reasonably be regarded as constituting previous development.</li> <li>3. Adjacent existing premises, formerly used by Fantastic Fireworks, are not included in the site. The proposed development would constitute a substantial encroachment into the open countryside,</li> </ol>



	<p>in a relatively isolated and unsustainable location, affecting openness and changing the rural character of the area.</p> <p>4. The unimaginative layout would introduce a discordant element into the rural landscape.</p>
	We urge the Council to refuse permission for this inappropriate speculative development.
Central Bedfordshire Council - Planning	Thank you for your recent consultation letter. Central Bedfordshire Council have no comment to make on the above planning application.
Strategic Planning & Regeneration (DBC)	We do not wish to comment on this application.
Trees & Woodlands	<p>With regard to Re-Consultation on Planning Application 24/00782/FUL.</p> <p>There are a number of trees along the northern and southern boundary of the site which could be detrimentally affected by the proposal. The applicant has not demonstrated how these trees will be protected. Therefore, I require the applicant to provide further information in the form of a tree survey as described in BS5837:2012 Trees in relation to design, demolition and construction. I would expect this to include a tree protection plan which clearly demonstrates how trees will be protected throughout the development.</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: 1) The development site, by reason of its' remote location from local shops, services and employment, shall not be sustainable in transport terms, with all residents heavily reliant on the use of private vehicles contrary to the paragraphs 114 and 116 of the</p>
	<p>National Planning Policy Framework (NPPF) and contrary to Hertfordshire County Councils (HCX) Local Transport Plan (2018) policies 1 and 5.</p> <p>Comments:</p> <p>The amendments are in relation to the size of the building and do not propose to alter the highway network from that of the previous iteration. Therefore, please see our previous response below.</p> <p>The proposal is for the demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping at Birchin Grove Farm, Half Moon Lane, Pepperstock. Half Moon Lane adjacent the site is part of the adopted highway network that is highway maintainable at public expense. However, it is isolated and the carriageway further north is parts of central Bedfordshire and not maintained or part of HCC's Highway network.</p> <p>The site is fronted by Flamstead Footpath 001 which accesses onto Markyate BOAT 003.</p> <p>The surrounding site provides a number of rights of way including (Markyate BOAT 003 and Flamstead Footpath 001). Such routes do provide permeability to the surrounding villages. A lot of the routes are not surfaced or lit. They do not represent an attractive walking route</p>

	<p>(particularly in the dark) and are unlikely to represent an attractive alternative to use of footways for anyone other than for leisure (pedestrian) activities.</p> <p>The use of RoW network is not appropriate for most journey choices (school access, employment, access to shops / services etc for matters of convenience and safety (particularly for school age, or in wet weather whereby the route can be extremely muddy, or dark) in this instance dark. Walking distances via the highway footway network is not available as there is no footway linking the site.</p> <p>The consideration of this site as a non-sustainable location is consistent with the HA's determination across the whole of Hertfordshire.</p> <p>There is a bus about 400 metres from the site which serves bus route 232 to Dunstable Asda which would need to be accessed via walking on the highway network. The 232 only runs 3 times in the morning out with the final bus back at 12:36 pm which does not provide an attractive alternative to the private motor car for trips such as school, commuting or even</p>
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	<p>leisure.</p> <p>Rail services are not within 2 km of the site. The IHIE document - Guidelines for providing for journeys on Foot (2000) directs (table 3.3) that the accepted preferred Maximum walk distance to town centres should be 800m, for commuting (e.g. access to rail, school etc) is 2km and, elsewhere is 1200m. This therefore places the development site well below the maximum walk distances, giving weight to the HA's position that residents will elect to use the car. Planning for walking (2015) even states walking to a station at 800 metres and is a more recent document and therefore holds more weight.</p> <p>As per LT120 Figure 4.1: Appropriate protection from motor traffic on highway, it deems that cycling within the carriageway for mixed traffic is not suitable for most potential users such as school children and casual cyclists and therefore cycling to and from the site is not applicable and as per the highway code no one should be cycling within the footway.</p> <p>The County Councils Local Transport Plan (policy 1) seeks to ensure that, in line with the golden thread of the NPPF, development is sustainable and located such that it can enable opportunity of choice to travel mode to reduce the reliance on the use of the private car. Such objective also underpins policy 5 to the LTP (adopted 2018).</p> <p>The HA present that the development does not offer alternatives that are within achievable sustainable travel distances to the use of the private car, and is therefore contrary to Policies 1 and 5 of HCC's LTP, as well as failing to comply with the NPPF. The NPPF directs that development should 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 public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use and that the needs of people with disabilities and reduced mobility in relation to all modes of transport are addressed. (Para 115/116 NPPF) nor that safe and suitable access to the site can be achieved for all users; (Para 114 NPPF).</p>
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	This Authority therefore presents significant concern that residents of
	<p>the site shall be highly reliant on the use of the private car, and therefore that the development proposals are contrary to national and local highway authority policy, and for this reason recommend that the application be refused.</p> <p>Conclusion The Highway Authority are acceptant of the access proposals. Similarly the HA does not present that the vehicle trips arising from the residential shall have an unacceptable impact on their own to the network, however this Authority identifies that the development shall be car borne. Whilst the use existing represents a traffic demand, the Residential units proposed shall have differing needs (shopping, access to schools, employment, leisure) with differing user needs (children, mobility impaired, elderly). Residents shall be reliant on the private car. The Hertfordshire County Council LTP (adopted 2018), as well as input to local plans, is predicated upon achieving a mode shift for all development in the plan period, recognising without the network impacts of development shall be severe. The non-sustainable nature of this development is therefore contrary to LTP4 and NPPF policies, and for this reason, the HA presents an objection to the development as a whole</p>
Health & Safety Executive	<p>HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <a href="https://pa.hsl.gov.uk/">https://pa.hsl.gov.uk/</a> - for them to use to consult HSE and obtain HSE's advice.</p> <p>HSE were consulted on this planning application on 28 June 2024 by Kirsty Shirley and HSE's advice was received (: HSL-24062810313373 Crosses Explosive Safeguarding Zones) The site which you have identified currently lies within one or more Explosives Safeguarding Zones; please contact the HSE Explosives Inspectorate. The Explosives Inspectorate can be contacted at: <a href="mailto:explosives.planning@hse.gov.uk">explosives.planning@hse.gov.uk</a></p> <p>I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.</p> <ul style="list-style-type: none"> <li>o residential accommodation; o more than 250m2 of retail floor space; o more than 500m2 of office floor space;</li> </ul>
	<ul style="list-style-type: none"> <li>o more than 750m2 of floor space to be used for an industrial process; o transport links; o or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.</li> </ul> <p>There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: <a href="http://www.hse.gov.uk/landuseplanning/methodology.htm">www.hse.gov.uk/landuseplanning/methodology.htm</a></p>
Natural England	NATURAL ENGLAND'S ADVICE

	<p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations</p> <p>Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Page 2 of 15</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p>
	<p>The 12.6km zone proposed within the evidence base<sup>1</sup> carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p> <p>In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC. Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:</p> <ul style="list-style-type: none"> <li>o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;</li> <li>o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;</li> <li>o Fire: increased incidence and risk of fire; and</li> <li>o Other: all other impacts, including harvesting and activities associated with site management.</li> </ul> <p>In light of the new evidence relating to the recreation impact zone of influence, planning authorities</p>

	<p>must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC. Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. Consequently, it is Natural England's view that the planning authority</p>
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	<p>will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64. We would like to draw your attention to a recent appeal for St Leonard's Church Hall (Ref: APP/X0415/W/21/3278072) dated 1 March 2022. The appeal relates to net development within 12.6km of Chilterns Beechwoods SAC and was dismissed. The appeal decision is attached in Annex A. 1 Panter. C, Liley. D, Lake. S, Saunders. P &amp; Caals. Z, March 2022, Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan. Available at: dacorumrecreation-evidence-base-200322.pdf Page 3 of 15 Protected Landscapes - Chilterns Beechwoods AONB The proposed development is located partly within/ within an area which Natural England has assessed as meeting the criterion for designation as an Area of Outstanding Natural Beauty (known as a Proposed Boundary Extension Area) and may be included within a boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB, known as National Landscape). Whilst this assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 180 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 182 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise</p>
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	<p>impacts on the designated areas. An assessment of the landscape and visual</p>
	<p>impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies. In addition, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities to seek to further the statutory purposes of the area in carrying out their functions in relation to, or so as to affect, land in an AONB.</p> <p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issuing of the designation Order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p> <p><b>Ancient woodland, ancient and veteran trees</b> The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.</p> <p><b>Local sites and priority habitats and species</b> The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on</p>
	<p>local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local Nature Recovery Strategies may also provide further useful information.</p> <p>Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.</p> <p>Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental</p>

	<p>value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.</p> <p>Page 4 of 15</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex B.</p>
Affinity Water - Three Valleys Water PLC	Affinity Water has no comments to make regarding planning application 24/00782/FUL.

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	8	2	6	0

### Neighbour Responses

Address	Comments
<p>2 brick hill park half moon lane pepperstock LU1 4LW</p>	<p>I wish to object to planning application 24/00782/FUL on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The site lies in the Green Belt and adjacent to the Ancient Woodland of Birchen Grove. Development of housing would be inappropriate and would compromise the ecological integrity of the area. I refer to planning application 21/04073/FUL three years ago for wider discussion of this issue. I also concur with the comments of Natural England on the current application.</li> <li>2. Access to the site is via Half Moon Lane, a narrow tarred road in a built-up area subject to a 30 mph speed limit and wholly administered by Central Bedfordshire County Council and Slip End Parish Council. Neither body appears in the list of consultees. Hertfordshire Highways (HCC) is a consultee, but is only responsible for the adjacent byway west of the access point. In a previous consultation (21/04073/FUL) HCC expressed the opinion the speed limit on Half Moon Lane was 60 mph, which suggests that they are not the appropriate body to offer comment in this instance. Dialogue with CBCC and SLPC is therefore essential.</li> <li>3. The central feature of the housing plan is a raised grassed mound of approximately 70X60 m in the area currently within the chain link fenced zone. There is local concern that the mound was constructed over waste and building debris from the small agricultural holding that occupied the site prior to its development as a fireworks depot in the 1990s. Planning documentation for the site goes back to 1990, but does not mention this feature, although it may also be part of the landscaping carried out since. Assurance that no hazardous waste, for example asbestos, is present on site is a pre-requisite for any development.</li> </ol>

<p>Oak Barn Half Moon Lane Pepperstock Luton Hertfordshire LU1 4LL</p>	<p>The application is short of detail in several respects and misleading in others. It gives insufficient attention to parking and traffic issues.</p> <p>The proposal is for seven houses with four bedrooms so the population is likely to be in the region of thirty five or more. There are only 14 spaces provided for parking of residents' cars. This is unlikely to be sufficient and the nature of the proposed site layout and the adjacent highway (a single track road with no parking/passing places) provides no facility for on-street parking. The highway authority for the road is Central Bedfordshire and, as far as I know, they have not been consulted.</p> <p>There is likely to be a significant increase in traffic arising from this development. Half Moon Lane is a cul-de-sac (ending at the entrance to this site where the road turns into a Bridle Path) and the length of it immediately adjacent to the site is one track with no possibility of passing other than by causing damage to the verges/hedges.</p> <p>On site the application seems to ignore the public footpath which runs across it. The reference to an "existing road" is clearly nonsense.</p>
	<p>There is only a track along which runs the public footpath and this is outside the fenced area currently used by Fantastic Fireworks and not used by vehicles. The site is clearly visible from the footpath although the application states otherwise.</p> <p>The arrangements for Refuse collection seem to me to be impracticable. There is no indication as to where bins would be stored and what is suggested would probably require a change in the working practices of the collectors.</p> <p>There is no mains sewage in this part of Half Moon Lane and no indication within the application as to the proposed sewage disposal arrangements or the location of any sewage plant.</p> <p>Half Moon Lane and the footpaths that lead off it are widely used by walkers (many with dogs). Their enjoyment of the countryside would be severely affected by this development. The additional traffic generated would also create problems for walkers. There is no footpath along Half Moon Lane.</p> <p>Other objectors have raised other issues on which I am not qualified to comment but the extent of all these issues together makes it clear to me that this proposal should not be approved.</p> <p>Given the sites proximity to the Dacorum boundary with Central Bedfordshire, there also needs to be adequate consultation with Central Beds and with Slip End Parish Council.</p>
<p>Cedar Barn Half Moon Lane Pepperstock Luton Hertfordshire LU1 4LL</p>	<p>As a result of these extra houses and cars (25 plus?) there will be significant additional traffic movements, noise and pollution each day in addition to the existing traffic from Fantastic Fireworks.</p> <p>The entry road from Half-Moon Lane is single-track (with NO passing passes) how will that accommodate the extra traffic from the proposed 7 x 4-bedroom houses in addition to the Fantastic Firework commercial traffic? What road and traffic proposals have been put in place to manage this ?</p> <p>This is a quiet cul-de-sac with entry to woods and footpaths for the peaceful enjoyment of local people. This development would be detrimental to that local environment creating significant increase in traffic and noise to a well-known and used country walk area.</p>



	<p>There is no pavement/ safe footpath down the proposed entry end of Half Moon Lane and there are lot of walkers, many elderly, local residents, are living in the adjacent Halfmoon Lane retirement park homes. This would present a clear pedestrian safety hazard.</p> <p>No mention of the existing public footpath crossing the site has been offered in the planning proposal, it states "No footpath" on application. There is no detail of the new road by way of dimensions, footpath or passing places for vehicles etc.</p>
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	<p>The application forms state there are no hazardous materials on site, or that the site is not likely to be contaminated. It has been used for explosive storage for many years, and previously old farmyard materials (stables are 25 years plus old, asbestos maybe? )</p> <p>Although no figures are quoted, by looking at the scale etc, estimation leads to these houses being 7.9m high, which looks like a two-storey house, rather than the quoted "1.5 storeys" .</p>
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<p>Keepers Cottage Half Moon Lane Pepperstock Luton Hertfordshire LU1 4LL</p>	<ol style="list-style-type: none"> <li>1. The application form suggests there are 6x3 bed houses and 1x4 bed. Clearly, they are all 4 beds, so that should mean - in Zone 3 of the Dacorum guide - that they need at least 3 spaces per unit, plus visitor's spaces, so 23+. They quoted 2 per unit and 4 visitors - total 18.</li> <li>2. They should have to supply a "swept path" analysis for a fire engine to access the site.</li> <li>3. The furthest of the units is more than 180m from a new fire hydrant, so they should have to supply two more.</li> <li>4. There is no detail of the new road by way of dimensions, no footpath or passing places for vehicles etc.</li> <li>5. There is no initial assessment of the site in terms of ecology [protected species], which is a legal requirement for new builds. There exists a broad range of wildlife there, for example Bats, deer, foxes, owls, wood peckers, lots of different birds, butterflies, different types of bees, etc</li> <li>6. No plan proposed for any ecological enhancements. This could be by way of Condition, but needs to be added now.</li> <li>7. Who would own the paddocks and how do you gain access to them if there are cars parked in the parking bays?</li> <li>8. The application forms state there are no hazardous materials on site, or that the site is not likely to be contaminated. It has been used for explosive storage for many years, and previously old farmyard materials (stables are 25 years plus old, asbestos maybe? )</li> <li>9. There is no reference anywhere to drainage provision, either surface water, or foul. So, no plan attached to prevent flooding of the site etc, which would normally require a SUDs design (Sustainable Urban Drainage)</li> <li>10. There are no plans of the existing buildings being removed, which would demonstrate how "low-rise" they are currently. Are the nonfixed structure/metal shipping containers part of the building footprint?</li> <li>11. The volume calculations suggest the average existing building height is 3m, whilst the new proposed development averages in</li> </ol>
	<p>excess of 4m. This is a 33% + increase in overall height and volume.</p> <ol style="list-style-type: none"> <li>12. The floor area calculations ignore the garaging/car ports, which should be included i.e. An additional 125m2 ??....</li> <li>13. Although no figures are quoted, by looking at the scale etc, estimation leads to these houses being 7.9m high, which is more like a two-storey house, rather than the quoted "1.5 storeys".</li> </ol>

	<p>14. No appraisal or consideration of the public footpath crossing the site has been offered in the planning proposal, it states "No footpath" on application, which is clearly incorrect.</p> <p>15. This is a quiet cul-de-sac with entry to woods and footpaths for the peaceful enjoyment of local people. This development would be detrimental to that local environment creating significant increase in traffic and noise to a well-known and used country walk area.</p> <p>16. As a result of these extra houses and cars (25 plus?) there will be significant additional traffic movements each day in addition to the existing traffic from Fantastic Fireworks,</p> <p>17. They are keeping the existing Fantastic Fireworks office building, therefore where will the explosives now go and their equipment?</p> <p>18. The entry road from Half-Moon Lane is single-track (with NO passing passes) how will that work with the extra traffic from the proposed 7 x 4-bedroom houses in addition to the Fantastic Firework commercial traffic? What road and traffic proposals have been put in place to accommodate this?</p> <p>19. There is no pavement/ safe footpath down the proposed entry end of Half Moon Lane and there are lot of dog walkers, many elderly, most of the local residents are in the Halfmoon Lane retirement park homes. This would present a clear pedestrian safety hazard.</p> <p>20. The new proposed houses would be facing towards and overlooking Keepers Cottage. The common borderline trees and hedges in between Fantastic Fireworks and Keepers Cottage property cannot by law, be removed by either property owners. There is a good amount of open space (no privacy screening) in between Keepers cottage and the proposed houses opening the existing privacy to Keepers cottage.</p> <p>21. The proposal states they would be putting up post and rail fencing in between. This will not serve any purpose, it would need to be secure high fencing to stop dogs and people, children getting into the Keepers Cottage property, especially dangerous as Keepers Cottage has several dogs and horses. With pruning of the hedges and taking down the building bordering the Keepers Cottage perimeter, it would leave the property very much open to dogs, people, and loss of privacy. Therefore, the large gaps in the common borderline hedging would need to be filled with non-poisonous hedging as part of a proposed development plan. This would also :</p>
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	<ul style="list-style-type: none"> <li>- improve air quality, by removing particles and pollutants from the air</li> <li>- absorb carbon dioxide from the atmosphere.</li> <li>- contribute to the character and appearance of our most valued landscapes.</li> </ul>
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	<p>22. In 25 years there has been no evidence of Fantastic Fireworks ever maintaining the trees and hedges within the borderline.</p> <p>23. If planning permission were given, would there be adequate fencing put up to protect property and animals, while the work is going on.</p> <p>24. What plans exist with regards to restricting light pollution and effecting the wildlife, and Keepers Barn Property.</p> <p>25. The site is in an Ancient Woodland area as advised by The Hertfordshire Ecology Dept.</p> <p>Regards,</p>
<p>Oak Tree Farm Pepsal End Lane Pepperstock Luton Hertfordshire LU1 4LH</p>	<p>1.The plans mention a track, this is actually a Public Footpath. I am concerned that the access to use the footpath while construction goes ahead will be effected and this footpath is regularly used by many people incorporating all ages and especially dog walkers.</p> <p>2.The development can be seen from the footpath and it is at the end of the road.</p> <p>3.There would be significant increase in traffic and the access is along a single track lane with no passing places and no pavement for pedestrians. This part of the road is well used by pedestrians to gain access to the 2 footpaths and one green lane.</p> <p>4. There is mention of paddocks which look quite small, would these be for horses? How would access be gained ?</p>
<p>43 Singlets Lane Flamstead St Albans Hertfordshire AL3 8EW</p>	<p>The PC objects unanimously. We objected in April 2024 and are comments (below) are unchanged.</p> <p>The site location is not clear on the plans.</p> <p>The application states that there are 6 x 3 bedroomed houses and one x 4 bedroomed when in fact they are all 4 bedroomed.</p> <p>The parking provision is insufficient as each dwelling could generate up to 4 vehicles.</p> <p>It is considered to be over development of this site which is in the Green Belt as with 7 dwellings the development is too dense and creates too much mass.</p>
<p>Central Bedfordshire</p>	<p>Ref: 24/00782/FUL Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping.</p> <p>I am writing on behalf of Slip End Parish Council in Central Bedfordshire which borders the land for the above planning application.</p> <p>We would like to raise our concerns as follows:</p> <p>The site is situated within green belt land, adjacent to Ancient Woodland in Birchen Grove. The Council sees the development of housing as inappropriate and would, compromise the ecological integrity of the area.</p> <p>A planning application submitted three years ago: 21/04073/FUL was refused stating:</p> <p>The proposal would constitute inappropriate development in the Greenbelt which would be harmful to its openness.</p> <p>The site is part of an Ancient Woodland designation where the soil itself, like Ancient Woodlands themselves, take hundreds of years to establish, are relatively undisturbed and support a complex soil ecology and residual seed bank that cannot be found in the soils of recently planted woodland. For this reason, the habitat is considered irreplaceable and the proposal would result in degradation of this habitat which would have an impact on the integrity of the wider Ancient Woodland.</p>

	<p>The Council agree with the comments above and continue to do so. Access to the site is via Half Moon Lane, a narrow, tarred road in a built-up area subject to a 30 mph speed limit and comes under the remit of Central Bedfordshire County Council and Slip End Parish Council. The council is concerned that CBC or Slip End Parish Council were not included in the list of consultees. Hertfordshire Highways (HCC) who are a consultee is responsible for the adjacent byway, west of the access point. In the first application they stated that the lane was a 60 mph limit which is incorrect and Slip End Parish Council want this rectified.</p> <p>1 Whyleys Cottages, Woodside Road, Lower Woodside, Beds, LU1 4DH  Phone: 07487 850249 e-mail: clerk@slipendparishcouncil  Councillors: Sarah Minnighan (Chair), Carol Beeton, Carol Brennan, Paul Shaw, Simon Patterson, Steve Baird, Stuart Durnsdell</p> <p>There are also concerns that access to the site with construction vehicles will damage the road surface, and cause disruption to local, residents.</p> <p>The central feature of the housing plan is a raised grassed mound of approximately 80x80 m in the area currently within the chain link fenced zone. There are concerns that the mound was constructed over waste and building debris from the small agricultural holding that occupied the site prior to its development as a fireworks depot in the 1990s. This needs to be investigated and confirmed. The Planning documentation</p>
	<p>for the fireworks depot 1990, does not mention this mound. The council would like assurances that no hazardous waste is present on this site. Please could the above concerns for the planning application be noted and considered in your consultation period.</p>
<p>12 Gilders  Sawbridgeworth  Sawbridgeworth  CM21 0EF</p>	<p>This development is suitable for the inclusion of integrated Swift bricks within the walls of the new houses. At present the application has no ecology report submitted and no biodiversity enhancements are proposed..</p> <p>Paragraph 186(d) of the NPPF states: "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate"</p> <p>Swift bricks are universal as they conform to the British Standard for integrated nest boxes, BS42021:2022, and in doing so provide nest cavities for a number of birds including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling</p> <p>Please consider securing by way of a condition, the wording of which has been previously used by the LPA:  "No development shall take place until written details are approved by the LPA of the model and location of 4 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter", in accordance with the NPPF</p>

# Agenda Item 5c

ITEM NUMBER: 5c

24/01755/FUL	Demolition of 43 garages and the construction of 8 residential units, car parking and associated landscaping.	
Site Address:	Land at Chenies Court	
Applicant/Agent:	Four Daughters Estate Ltd	Bell Cornwall LLP
Case Officer:	Robert Freeman	
Parish/Ward:	Hemel Hempstead	Woodhall Farm
Referral to Committee:	This application has been referred to the Development Management Committee at the request of Councillor Wyatt-Lowe. Councillor Wyatt-Lowe is aware of public interest in the scheme and is concerned regards over development of the site and a lack of car parking.	

1. **RECOMMENDATION** – That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation securing mitigation measures under the Chiltern Beechwoods Mitigation Strategy.

## 2. SUMMARY

2.1 The application has fully addressed the reasons for refusal of planning application 22/00897/FUL and appeal decision APP/A1910/W/22/3313055

2.2 The construction of new dwellings is acceptable in this location in accordance with Policies CS1 and CS4 of the Core Strategy.

2.3 The proposals are acceptable in terms of their design, bulk, scale, height, use of materials and appearance and would not detract from the character and appearance of the area in accordance with Policies CS11 and CS12 of the Core Strategy.

2.4 There would be no displacement of vehicles resulting from the demolition of the substandard and small garages whilst the provision of parking in excess of the required standards under Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020) should provide additional parking for local residents helping to alleviate parking stress in the locality.

## 3. SITE DESCRIPTION

3.1 The application comprises three former garage courts associated with the occupation of flats at Chenies Court and Datchet Close, Woodhall Farm. These sites comprises some 43 garages which are stated to be vacant and are in a poor state of repair. Chenies Court comprises a mix of two storey detached dwellings, semi-detached dwellings and three storey flats. A number of wide amenity greens with tall trees provide an attractive and verdant setting to the existing flats.

## 4.0 PLANNING HISTORY

4.1 The current application is a resubmission following the refusal of planning application 22/00897/FUL and its subsequent appeal (APP/A1910/W/22/3313055)

4.2 This application was refused on the 25<sup>th</sup> July 2022 for the following reasons:

1) The proposed development, in view of it design, layout, site coverage, scale and height would not result in a high quality design and would result in an incongruous residential

scheme harmful to the overall character and appearance of the area and contrary to paragraphs 126-136 of the National Planning Policy Framework (July 2021) (NPPF), Policies CS8, CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

2) The proposed development (Block B) is considered to result in harm to the amenities of neighbouring properties by reason of a loss of privacy, an overbearing impact and visual intrusion contrary to Policies CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

3) The proposed development (Block A) is considered to have a poor relationship with significant trees to Arkley Road and Datchet Close which over time is likely to result in a significant demand for pruning and maintenance works. Such works would be detrimental to the long term health and amenity value of these trees contrary to Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

4) The proposed development would result in the removal of a number of garages at the application site, the occupancy rate of which has not been provided. Although sufficient off-street parking is provided for the proposed number of dwellings, this is inconveniently located for occupants of these dwellings and does not appear to facilitate safe, convenient and accessible parking in accordance with Policies C8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020). It has not been demonstrated that any displacement of parking from the garages or parking by future occupants on the highway adjacent to property would not contribute to undue parking stress in the locality nor that it would not ultimately be detrimental to highways safety. For these reasons the proposals are also contrary to Policies CS8 and CS12 of the Core Strategy, Saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011 and the Car Parking Standards SPD (2020)

5) The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to policy CS26, paragraph 175 of the NPPF (2021), and the requirements of the Habitats Regulations 2017 and 2019.

4.3 The Planning Inspectorate dismissed the appeal on the 14<sup>th</sup> November 2023 concluding that:

- “The convoluted building design including projecting elements and hipped roofs would be at odds with the prevailing pattern of development...the scheme would read as a visually intrusive and incongruous form of development”
- “ the appeal development would not be harmful to the wellbeing of the trees and thus, their contribution to local character would be unaffected”
- “whilst overlooking could be adequately mitigated, the appeal proposals would nevertheless have a significant adverse effect on the living conditions of the existing occupiers of Nos 32-37 and with particular regards to outlook” and

- "the proposed development would not adversely affect highways safety with particular regard to parking displacement and the safety, convenience and accessibility of the proposed parking"

4.4 A draft legal agreement in respect of SAMM and SANG was not considered further by the Inspectorate given the harm identified in paragraph 4.3 above.

## 5.0 PROPOSALS

5.1 The proposals still seek to demolish 43 garages across three sites at Chenies Court and construct 8 flats including 6 x 1 bed units and 2 x 2 bed properties.

5.2 Site 1, located between Chenies Court and Arkley Road would see the demolition of the garages and the setting out of 12 parking spaces. These spaces would be unallocated and accessed from Arkley Road to the west as per the existing garage court. The car parking area on site 1 have been reduced by a single space since the dismissed appeal.

5.3 On site 2, located at the junction of Arkley Road and Datchet Close, a three storey building would be constructed providing 6 x 1 bed flats together with bin and cycle storage and a modest shared amenity space. The front elevation would be orientated to the east with access to the building being taken from Chenies Court.

5.4 On site 3, to the south east of Chenies Court, it is proposed to construct a two storey building containing 2 x 2 bed units together with bin storage and outdoor amenity space. These properties would have individual access points on the western and southern elevations.

5.5 The scheme dismissed at appeal contained two sets of 4 x 1 bed units on sites 2 and 3.

## 6. REPRESENTATIONS

### Consultation responses

6.1 These are reproduced at Appendix A.

### Neighbour Responses

6.2 These are reproduced at Appendix B

## 7. PLANNING POLICIES

National Planning Policy Framework (NPPF)

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

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 – Towns and Large Villages

CS8 – Sustainable Transport

CS9 – Management of Roads

CS10 – Quality of Settlement Design

CS11- Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 – New Housing

CS18 – Mix of Housing



CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS29 – Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Soil and Water Quality  
Hemel Hempstead Place Strategy  
CS35 – Infrastructure and Developer Contributions

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

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

Supplementary Planning Guidance/Documents:

Area Based Policies for Hemel Hempstead – Character Area HCA33: Woodhall Farm  
Car Parking Standards SPD (2020)  
Energy Efficiency and Conservation (2005)  
Hertfordshire County Council - Place and Movement Planning Design Guide  
Strategic Sites Design Guide (2021)  
Water Conservation (2005)

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1 The site is located within a residential area of Hemel Hempstead where there would be no objection in principle to the construction of new residential units in accordance with Policies CS1, CS2 and CS4 of the Core Strategy.
- 8.2 The provision of appropriate residential development would support the delivery of new homes in accordance with Policy CS17 of the Core Strategy.
- 8.3 The application site is subject to an appeal decision supporting residential use that should be given significant weight in any planning decision. The areas of concern for the Inspector were the design of the proposals and their impact on the character and appearance of the area and the impact on the outlook for neighbouring flats. These matters have been addressed in this application.

### Layout and Design

- 8.4 The application has been referred to committee given concerns regarding the overdevelopment of these sites given the inadequacy of parking.
- 8.5 The proposed buildings cover less of the application site than the previous proposals for the development of the site. The development on site 2 covers a similar footprint to the existing garages with surrounding space being used for landscaping. The absence of a designated amenity space for these properties is not considered overly harmful given the proximity to public open space and overall character and appearance of the area.

- 8.6 An external amenity space commensurate with the footprint of the development would be provided to Site 3 in accordance with Saved Appendix 3 of the Local Plan 1991-2011.
- 8.7 It is evident from the Inspectors report on the previous proposals that the proposed residential buildings have an appropriate layout, site coverage and amenity provision in accordance with Policies CS10, CS11 and CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.
- 8.8 The amendments undertaken in this application have resulted in a far simpler design and appearance to the proposed units and one matching the appearance of adjacent blocks of flats. The hipped roofs, subject to criticism by the Inspectorate, have been removed in favour of gable roof forms. The windows and other openings have been altered to reflect the proportion of windows in neighbouring properties and matching materials and details are now proposed.
- 8.9 The overall appearance of the properties is now considered to be sympathetic to the character and appearance of Chenies Court and would not harm the character and appearance of the area. The proposed buildings are now considered to be appropriate in terms of their scale and appearance and as such there can be no objections under Policies CS10, CS11 and CS12 of the Core Strategy.

#### Residential Amenity

- 8.10 The dwellings provided as a result of this development would be constructed to meet the National Minimum Space Standards<sup>1</sup> and are considered to provide a good level of accommodation for future occupants in accordance with Policy CS12 of the Core Strategy. All habitable rooms have at least one clear glazed fully opening window providing natural light, outlook and ventilation. An absence of private external amenity space is not considered to be significantly harmful to the amenity of future occupants, as per the Inspectorates judgement and given the short walk to areas of public open spaces.

#### Impact on Neighbouring Properties

- 8.11 The other outstanding issue from the planning appeal decision was the impact of the proposed development upon the residential amenities of neighbouring properties. In particular, the Inspector was concerned with the relationship between the building on Plot 3 and the adjacent flats at 26-37 Chalfont Close to the south of this site.
- 8.12 The building on Plot 2 is not considered harmful to the amenity of residential units adjacent thereto given its juxtaposition and clearance of 45 degree angles to neighbouring windows. It would not overlook neighbouring properties to the detriment of their amenity nor, would there be any significant impact on either daylight or sunlight. A bin store to 34-42 Chenies Court will be replaced as part of this residential scheme and expanded to accommodate refuse from the development of this plot.
- 8.13 The building on Plot 3 has been scaled back with a reduction in its depth, width and height. A double gable has been introduced to the flank elevation and changes to the materials and fenestration has been utilised to break up its mass. The building would be located further away (15m) from the flats at 26-37 Chalfont Close so as to alleviate any potential overbearing impact and to improve their outlook. The windows in the flank elevation would be fitted with high level openings and obscured glazed in the interest of privacy.

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<sup>1</sup> The Minimum Space Standards are 1b1p – 39m<sup>2</sup>, 1b2p – 50m<sup>2</sup> and 2b3p – 61m<sup>2</sup>

- 8.14 There would now be a gap of some 15m between the flank elevation of the proposed building to Plot 3 and the facing elevation at 26-37 Chalfont Close. There would be no significant impact in daylight or sunlight to 26-37 Chalfont Close as the proposed development would not breach a 25 degree angle to windows to the Chalfont Close properties. Despite the change in topography, the building would not be considered overbearing to the occupants of these units.
- 8.15 The proposed building would not project significantly to the rear of the neighbouring building nor breach a 45 degree angle to the windows in its eastern elevation.
- 8.16 The resulting development has overcome the reasons for refusal in previous submissions and would not cause harm to the residential amenity of neighbouring buildings in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Local Plan 1991-2011.

#### Impact on Highway Safety and Parking

- 8.17 The Councils reason for refusal on highway safety and parking grounds was not upheld by the Inspectorate and as such it is not considered that a refusal on highway grounds could be substantiated. The Inspector opined that the evidence was not persuasive that the proposals would exacerbate parking stress and congestion in the area.
- 8.18 A total of 10.5 spaces are required under the Car Parking Standards SPD (2020)<sup>2</sup>. Despite the reduction in the number of parking spaces associated with the development from 13 to 12 spaces, the overall parking level would exceed that required under the SPD. The dimensions of the parking spaces has been amended to be in accordance with those set out in Hertfordshire County Council - Place and Movement Planning Design Guide and as such there would be no objections to either the layout or number of off-street spaces to serve the scheme under Policies CS8 and CS12 of the Core Strategy.
- 8.19 In considering the previous planning application, the Inspector concluded that displacement parking from the existing garages was likely to be low given that the garages are occupied independently to Chenies Court and are to a large extent vacant and/or poorly maintained. In some cases, it is evident that these are used for storage. The Inspector also noted that these garages would no longer comply with the space standards in the highway design guides and would not be capable of accommodating modern cars. Accordingly this led the Inspector to conclude that the impact arising from the removal of the garage courts would not be prejudicial to matters of highways safety nor unacceptable.
- 8.20 A submitted parking stress survey also indicated some spare capacity for on-street parking within the locality and its conclusions are still considered to be material to its consideration.
- 8.21 The parking stress survey concluded that the proposals would not contribute or exacerbate any parking stress nor would they be detrimental to highways safety in accordance with Policies CS8 and CS12 of the Core Strategy, Saved Policy 51 of the Local Plan 1991-2011 and Car Parking Standards SPD (2020)
- 8.22 It is anticipated that there will be no objections from the highway authority in relation matters of highways safety and parking.

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<sup>2</sup> Based on allocated parking spaces for 6 x1 bed at 1.25 spaces (7.5) and 2 x 2 bed at 1.5 spaces (3). A lower standard is applicable where spaces are unallocated.

### Impact on Trees

- 8.23 The application is supported by an Arboricultural Report and Tree Constraints Plan. The assessment confirms that the development would not compromise the health and survival of existing trees around Chenies Court. There is a TPO covering Woodhall Farm (TPO29) which pre-dates the development of the estate and from which a number of trees can be identified around the periphery of the site(s)
- 8.24 The proposals require the pruning and maintenance of trees around the site(s). No trees are required to be removed to undertake development. All tree pruning will be undertaken in accordance with the submitted Method Statement and in accordance with British Standard BS: 3998:2010. The full extent of tree works include:
- Removal of tree T5 from G4 and G5<sup>3</sup> (Dead or diseased trees)
  - Pruning and reduction of a Walnut tree (T3) and a Lime within G3
  - Crown lifting a Cypress tree (T6) to 3m-3.5m above the existing and proposed access to car parking area and.
  - Crown lifting of a Lime within G3 from 1.8m to 2.5m above the pedestrian access to Plot B
- 8.25 There will be minor incursions within or adjacent to the Root Protection Areas (RPAs) and within the canopy spreads of trees as part of the development of the site. This would be necessary for the demolition of the garages, construction of buildings and the removal and/or replacement of hardstanding. Overall, the incursions within the RPAs have been assessed within the Arboricultural Impact Assessment to either have a minimal and insignificant impact on retained trees and as such would not form a basis for objection to this scheme.
- 8.26 The construction of the residential units will take place in less than 5% of the RPA of Ash and Lime trees within a group of trees (G1 and G3) but the impact is likely to be limited given the existing hard standing and extent of the root network.
- 8.27 The proposals are not considered to be detrimental to the long term health of the trees and would therefore be in accordance with Policies CS12, CS25 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan in respect of trees and soft landscaping features.

### Biodiversity Net Gain (BNG)

- 8.28 Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats and makes sure that development has a measurably positive impact on biodiversity. There are some exceptions to the requirement to secure BNG as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 8.29 This application is exempt from meeting the requirements for BNG. The proposal would meet the de-minimis exception due to the low level of habitat affected by the development and qualifying features. The sites are mainly hard standing areas with scrubland. There is considered scope to improve the overall biodiversity value of the site however through potential landscaping to the site including the strengthening of existing hedgerows at the site perimeter and by soft landscaping screens to the proposed building. It is considered appropriate that the site is subject to a landscaping condition seeking to reduce the visual impact of the development and its impact on the character and appearance of the countryside in this location. This would be in accordance with Policies CS12, CS25 and CS26 of the Core Strategy.

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<sup>3</sup> It is recommended that these trees are removed irrespective of development for Arboricultural reasons.

### Impact on Ecology

- 8.30 There is no data to indicate the presence of protected species on the site as set out in the advice of the Hertfordshire Ecology Unit. The landscaping is such that the presence of protected species is considered low. The Ecology team have recommended a condition based on the pre-cautionary approach and this should be included within the conditions to be attached to this planning permission.
- 8.31 There are no reasons for the refusal of this application on ecological grounds. A standard landscaping condition should be sufficient to deliver improvements in the ecological and biodiversity value of the site.

### *Chilterns Beechwoods Special Area of Conservation*

- 8.32 The application site is within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC) The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to ensure that the integrity of the SAC is not adversely affected by new planning proposals.
- 8.33 The applicants can be provided with Strategic SANG in accordance with the Chiltern Beechwoods Mitigation Strategy and such mitigation will be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

### Other Material Planning Considerations

#### *Affordable Housing*

- 8.34 The proposed development would fall below the affordable housing threshold identified in Policy CS19 of the Core Strategy and as such no affordable housing units are to be provided by this development.

#### *Contamination*

- 8.35 Conditions are required to address the concerns of the contaminated land officer in respect of the use of the site for residential purposes. These will require the remediation of any contamination on the site(s) and the verification of such matters prior to the occupation of any residential units.

#### *Housing Land Supply*

- 8.36 The Council is unable to demonstrate a housing land supply in accordance with the NPPF and as such are bound under paragraph 11 of the NPPF to grant planning permission for sustainable development unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits of development. In this instance, the Council cannot identify any harm resulting from this development that would not be outweighed in the planning balance by the delivery of housing.

#### *Noise*

- 8.37 The Environmental Health team have indicated that a condition should be provided to address issues of noise arising from development both from construction activities and from the future occupation of the development. Whilst the provision of a construction management plan is considered to be appropriate given the constraints of undertaking development upon these sites, a condition dealing with noise from future occupation is

considered to be otiose given the requirements of the Building Regulations and a lack of evidence to indicate a higher level or susceptibility of the development to noise. There is no evidence to suggest that noise associated with the occupation of these properties may be excessive or harmful to neighbouring properties. Furthermore, there is a statutory basis on which noise nuisance can be regulated under Environmental Health legislation such that the use of the planning system to address such matters is unnecessary.

#### *Infrastructure*

- 8.38 A number of residents have expressed concerns with the impact of the development upon infrastructure including schools, doctors and dentist provision. All new developments are expected to contribute towards on-site, local and strategic infrastructure needs arising as a result of development in accordance with Policy CS35 of the Core Strategy. The development will be required to pay the Community Infrastructure Levy in accordance with the Charging Schedule and this will be utilised to fund infrastructure improvements in the locality and wider town of Hemel Hempstead.

#### *Sustainable Construction*

- 8.39 Sustainable building design and construction is an essential part of the Council's response to the wider challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. The Council expects buildings to be constructed to the highest design standards in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.
- 8.40 The application is not accompanied by a Sustainability Statement indicating how the proposals would meet the requirements of the above policies. It is evident that the building will be constructed to meet the current Building Regulations including those parts relating to the use of energy, thermal efficiency and water. A proposed landscaping plan includes a number of new trees and hedges being planted within the development. The car parking plan has been updated to provide a number of EV charging points to serve the development.
- 8.41 It is considered that further information should be secured by a planning condition.

#### Neighbours Comments

- 8.42 The primary issues of concern have been addressed above. A number of other matters raised such as the loss of storage, the impact on property value and loss of view are not material to the consideration of this case.

### **9. CONCLUSION**

- 9.1 The proposals are considered to be acceptable in accordance with Policies CS4, CS8, CS12 and CS25 of the Core Strategy and Saved Policies 51 and 99 and Appendix 3 of the Local Plan 1991-2011. The scheme would deliver 8 high quality residential units within the area without causing harm to the appearance of the area, the amenities of neighbours or adverse ecological implications.

### **10 RECOMMENDATION.**

- 10.1 That planning permission is **DELGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement to secure appropriate contributions towards SAMM and SANG in accordance with the Chiltern Beechwoods Mitigation Strategy and the following planning conditions.

**Conditions and Reasons:**

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

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

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

**CC2/24/LP01 (Location Plan)  
CC2/24/PL01 Revision B (Proposed Site Plan)  
CC2/24/PL02 Revision A (Site 1 – Plan)  
CC2/24/PL03 Revision A (Site 2 – Plan)  
CC2/24/PL04 (Site Plan 3)  
CC2/24/PL05 (Site 2 – Plans and Section)  
CC2/24/PL06 (Site 2 – Elevations)  
CC2/24/PL08 (Site 3 – Plans and Sections)  
CC2/24/PL09 Revision A (Site 3 – Elevations)**

**Arboricultural Report including Arboricultural Impact Assessment and Arboricultural Method Statement by David Clarke Landscape Architect dated April 2024**

**Design and Access Statement by Bell Cornwall dated July 2024**

**Ecology Appraisal by Cherryfield Ecology dated 21<sup>st</sup> June 2024**

**Phase 1 – Geo-Environmental Report by JNP Group**

**Tree Protection Plan by David Clarke Landscape Architect reference TPP/LCCHHH/010 Revision C**

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

3. **The development, hereby permitted, shall not commence until the tree protection measures have been provided in accordance with those described in Arboricultural Report including Arboricultural Impact Assessment and Arboricultural Method Statement by David Clarke Landscape Architect dated April 2024 and indicated on drawing TPP/LCCHHH/010 Revision C. These tree protection measures shall be retained for the duration of the demolition and construction period in accordance with the approved details.**

Reason: To ensure the adequate protection of existing landscape features in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

4. **No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

**5. 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 be based on drawing LP/LCCHHH/020 and 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
- full details of measures to encourage and increase the biodiversity and ecological value (including those at Table 18 of the Ecological Appraisal) of the application site

**The planting and other landscaping works must be carried out within one planting season of completing the development.**

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

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

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

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

**7. 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.**

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

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



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

**9. 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 8 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

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

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

**10. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The statement shall cover the following matters:**

- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- design of construction access
- hours of demolition and construction works
- A methodology statement for the demolition of the existing garages and the safe disposal of any material
- control of noise and/or vibration and
- measures to control overspill of light from security lighting

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

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2023).

**11. The development hereby approved shall not be occupied until the car parking area indicated on drawing CC2/24/PL02 Revision A has been laid out, surfaced and is ready for use (including the provision of EV charging points) by the occupants of the development. The parking area and electric vehicle charging points shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the adequate provision of car parking in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

12. **Unless otherwise agreed in writing by the local planning authority, the windows within the flank elevations of the development hereby approved shall only be fitted with high level openings and obscure glazing. The obscure glazing shall be provided to a minimum of level 3 of the Pilkington scale.**

Reason: In the interest of the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

## **INFORMATIVES**

### 1. Article 35

Planning permission has been granted for this proposal. Advice given to the applicant at the pre-application stage has been followed. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015

### 2. 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.

### 3. 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.

### 4. 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.

#### 5. 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>

#### 6. Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

#### 7. Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

## APPENDIX A: CONSULTATION RESPONSES

Consultee	Comments
Herts LEADS	<p><u>Overall Recommendation</u></p> <p>This application can be determined with no ecological objections (with any Informatives/Conditions listed below) subject to the LPA being satisfied that HRA matters will be addressed.</p> <p><u>Summary of Advice</u></p> <ul style="list-style-type: none"> <li>• A strategic mitigation plan and evidence of payment of the appropriate tariff regarding mitigating impacts on the Chilterns Beechwoods Special Area of Conservation (SAC) should be submitted to the LPA prior to determination.</li> <li>• An Informative for nesting birds should be added to any permission granted.</li> <li>• We support the recommended ecological enhancements and advise that these be integrated into the design of the new dwellings.</li> </ul> <p><u>Supporting documents</u></p> <p>I have made use of the following documents in providing this advice:</p> <ul style="list-style-type: none"> <li>• Ecological Appraisal (EA) by Cherryfield Ecology (21 June 2024).</li> <li>• Draft Deed of Unilateral Undertaking (2024).</li> </ul> <p><u>Comments</u></p> <p><u>Nesting Birds</u></p> <p>The Ecological Appraisal (EA) listed above identified suitable nesting habitat for breeding bird's onsite. 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. In order to reduce the risk of an offence being committed, a precautionary approach is required, and I therefore recommend the following Informative is added to any consent:</p> <p>"In order to protect breeding birds, their nests, eggs and young, vegetation clearance or demolition 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><u>Habitat Regulations Assessment (HRA)</u></p> <p>Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', and that this development represents a net gain of eight residential units, we recommend that as the competent authority, the Council must</p>

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).

We acknowledge that a draft unilateral undertaking has been submitted in support of this application. Prior to determination, the LPA must be satisfied that such fees will be paid. As there is no indication within the application that this mitigation has been provided, it is our opinion that adverse effects cannot be ruled out. Consequently, this application cannot be determined until the LPA is satisfied that this matter is resolved. Natural England must be consulted on the outcome of the appropriate assessment.

#### Ecological Enhancements

We support the recommendations regarding ecological enhancements within Table 18 of the Ecological Appraisal listed above and advise that should be incorporated into the fabric of the design scheme as integrated bat boxes where possible and placed at least 3-4m above ground, oriented southwards and away from any artificial source of light in order to minimise disturbance.

#### Biodiversity Net Gain (BNG)

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.

a) Development falls below the de minimis threshold:

A development that does not impact a priority habitat and affects less than:

- i. 25 square meters (5m by 5m) of on-site habitat.
- ii. 5 meters of on-site linear habitats, such as hedgerows.

	<p>The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it at face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.</p>
Hertfordshire Highways	<p><u>Amended Plans</u></p> <p>Comments Awaited</p> <p><u>Original Plans</u></p> <p>In order for HCC to be fully satisfied with the application, an amendment to the provided plans are requested. HCC as the Highway Authority are content with the principle of the application however, the proposed parking arrangement, shown on drawing number CC2/24/PL02, shows that the proposed parking spaces are to measure 2.4m x 4.8m in size. According to the HCC's new Place and Movement Planning Design Guide, parking spaces should measure 2.5m x 5m to ensure that they are adequate for modern vehicles. Additionally, the proposed disabled space at the site has been drawn to the same size as the other parking spaces when according to the PMPDG, disabled spaces should measure 5.5m in length and 2.9m wide with an extra 1m next to the space to allow room for the use of mobility aids. Once these amendments to the parking provision have been made, HCC will be in the position to provide full comments.</p>
Conservation and Design	<p>Prior to the previous appeal, Conservation and Design had 'previously commented that the development would not unduly impact the two Grade II listed barns at Barnes Farm' (5.8.3 Planning Statement), so this position remains unaffected by this re-submission.</p> <p>The revised designs appear to have addressed the reasons for dismissing the appeal – altering the designs and scale of one of the blocks to conform to the adjacent Chenies Court built environment. Whilst the results have a somewhat lacklustre appearance, the 2 blocks now work with the grain of their surroundings. Material choices will be important to ensure they blend in.</p>
Environmental Health - Contamination	<p>Having reviewed the planning application, in particular the JNP Group, Phase I Geo-Environmental Report 28/02/2022 M43930-JNP-XX-XX-RP-G-0001 P01 and considered the information held by the Environmental &amp; Community Protection (ECP) Team in relation to the application site I am able to confirm that there is no objection to the proposed development.</p> <p>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 as the site is brownfield with a proposed change of use from domestic garages to residential with private gardens.</p> <p>Contaminated Land Conditions:</p>

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 (b), 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 (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

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

Condition 2:

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

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

	<p>Strategy (2013) Policy CS32.</p> <p><u>Informative:</u> The above conditions are considered to be in line with paragraphs 180 (e) &amp; (f) and 189 and 190 of the NPPF 2023.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here:  <a href="https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm">https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</a> and here:  <a href="https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8">https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8</a></p>
Environmental Health	<p>Given the vicinity to existing residential premises we would request for the below conditions and informative to be considered.</p> <p>1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works</p> <p><u>Reason:</u> Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2023).</p> <p><u>Informative:</u></p> <p>The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> <li>•the parking and turning of vehicles of site operatives and visitors;</li> <li>•loading and unloading of plant and materials;</li> <li>•storage of plant and materials used in constructing the development;</li> <li>•the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>•details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;</li> <li>•wheel washing facilities;</li> <li>•measures to control the emission of dust and dirt during demolition and construction;</li> <li>•a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.</li> <li>•design of construction access</li> <li>•hours of demolition and construction work</li> <li>•control of noise and/or vibration</li> <li>•measures to control overspill of light from security lighting</li> </ul>



2. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 07:30 to 17:30 hrs, Saturday 08:00 to 13:00 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2023)

3. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2023)

Informative:

It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.

The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.

The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk)

Additionally, I would recommend the application is subject to informative 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

	<p>occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds – Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread.</p> <p>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>
Natural England	<p>NATURAL ENGLAND’S ADVICE</p> <p>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN’S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> <li>• Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG.</li> <li>• Financial contributions towards the Strategic Access Management and Monitoring (SAMB) strategy.</li> </ul> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained</p>

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base<sup>1</sup> carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

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

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation.

Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general

	recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 64.
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## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Arkley Court, Arkley Road	Not enough parking for current residents and increased congestion especially when the Woodhall Farm Community Centre is in use and during school hours. The new build flats will be extremely close to adjoining properties and this is not exactly fair. The plans are ridiculous and the area cannot cope with it.
24 Arkley Court, Arkley Road	I think building more flats on this area is not a good idea. Chenies Court residents need parking and turning this garage area into parking spaces would be much more acceptable for everyone concerned. Not having enough parking for Chenies Court resident's cause overflow parking problems for the surrounding area.
52 Arkley Court, Arkley Road	<p>There is already too many cars down Arkley Court and Chenie court due to the lack of parking. Majority of the time the entire residential street has a car parked on every available bit of curb. Adding 8 additional flats to an already over populated and overcrowded area is going to make the situation a lot worse.</p> <p>There is not the space for 8 additional flats, let alone the cars that come with that. If two people move into each flat and have a car of their own like most people do, that's an extra 16 cars to fit down an already crowded area.</p> <p>We have the community centre, the park and the local school which creates its own flow of traffic whether that's via car or on foot. This development would cause nothing but added stress on the already over populated and overcrowded area.</p> <p>There are flats being built all over Hemel Hempstead in areas that can accommodate the extra traffic and people, so why does this extra strain need to be put on a small residential road.</p> <p>Giving the garages back to Chenie's Court would allow for 16 extra parking spaces which would free up a lot of space on the road so vehicles can use it from both ways, currently it's like a single file road because the amount of cars. If this plan goes ahead it will be a huge disappointment and disruption to local residents. I am disabled and there are no disabled parking spaces down the whole street and due to its overcrowded, I've found myself having to park at a great distance from my flat and have injured myself on a few occasions, this is something that should be being looked into, not creating more issues.</p> <p>If this planning application goes ahead, I will look to move out the area, it's unsustainable and unfair on local residents. Has anyone</p>

	even considered the noise pollution and disruption this massive project would cause
14 Arkley Road	The maintenance that the land is kept at now is bad enough. The trees are too high on the land. The council are removing the trees in the front of my property because they are dangerous. The council cannot do anything about the trees on this land as it is privately owned. The roots are growing under the house and blocking all the light into my property. I'm not the only resident who it effects
18 Arkley Road	We live in Arkley Road and will be in front of the proposed new parking area. This will mean the houses in front of the parking area will lose their privacy as well as extra noise and nuisance from people parking their cars in front. Not to mention people parking their cars there when dropping their kids to school which is already a problem in Arkley Road. Also, the trees in front of our property are overgrown and overgrown hedges and vegetation, without anyone taking responsibility for cutting them down or clearing the area which is starting to have rodent infestation. If this hasn't been taken care of for years, I can't see how this new area will be kept maintained at all. I fully oppose to this project unless we have assurances that a type of fence will be built in the parking area to protect the privacy of the properties in front of it as well as full clearance and maintenance of the trees and hedges on that area.
2 Bramfield Place	<p>I object to this development due to the impact it will have on the residents of Woodhall Farm and the precedence it will set.</p> <p>There is already a lack of infrastructure in place to support the current housing estate to add to it would be madness. Surrounding roads are not able to sustain the existing residents with parking and highways impacts already happening which will be amplified by this development as the parking proposed is insufficient and not designed for modern car sizes so will result in more on road parking further impacting local residents. Schools are already struggling to take the volume of pupils. Roads are already overcrowded with vehicles especially at school pick up times which is causing chaos for residents and causing additional pollution. Local dentists and Dr's are not taking on further patients and have long waiting lists. Water pressure and sewerage are already being impacted since the addition of Swallowfields so to add to this drain on resources even further should not be considered by DBC.</p> <p>The proximity to existing buildings will severely impact the quality of life for existing residents due to causing a lack of light into their homes, intrusive views from windows in the building and gardens which will also compromise security and the peace of mind to enjoy their homes for these residents, a feeling of overcrowding and being hemmed in will happen on an estate that was designed to be open plan and encourage outdoor spaces, poor design overall as the planned buildings don't sit well with the existing neighbouring buildings and do not mirror the planners vision for the estate when built.</p> <p>The lack of thought for the community and complete lack of</p>

	<p>consultation with local residents clearly shows the developers are purely looking to make a profit and do not care about the impact on local residents or wildlife, the proposed removal of trees with Tree Protection Orders to enable this development should be prevented and as per the comments of Natural England and other bodies. DBC should preventing building anywhere near the Ashridge protected areas.</p> <p>DBC needs to take a stance and put the existing residents of Woodhall Farm first by not allowing projects like this to be built and instead encourage garage owners to either keep them in a fit state to be used for small modern cars or ensure they are only turned into further residents parking which will benefit the communities these spaces are in.</p>
3 Chalfont Close	<p>Most properties have at least 2 vehicles. The parking in our road is awful as it is without extra flats being built. Cars are parked on the pavement making it impossible for wheelchair users and buggies to get through.</p> <p>More flats, more cars, more queues to get off the estate in the mornings, more noise, more pollution, more cars parked on the pavements. Additional danger to children crossing the roads to get to school. It seems like every piece of spare land is being built on and we are being crammed in like sardines. Please stop.</p>
5 Chalfont Close	<p>This proposed development will further add to the increasing issues brought about by lack of parking in the area, it is becoming very congested in and around Chenies Court and Chalfont Close especially at school start and finish times when some residents have to negotiate cars parked so close to their drives that it is almost impossible to get in or out, the proposal for 8 flats is going to add to the problem regardless of the additional parking, which I note is at least 2 spaces fewer than likely to be needed, the residents around here have on occasions taken to parking in adjacent streets when they are unable to park outside their own property this simply adds to the issues in surrounding streets.</p> <p>Whilst I accept that we need to increase housing stock the addition of 8 flats will only serve to make a developer happy and put further pressure on those already living in the area, having had first-hand experience of DBC planning department in recent years I have little faith in the department to fully take account of the needs of the residents, however on this occasion I would like to believe that common sense will prevail and they will see that this development is unnecessary and unwanted and frankly will only serve to impact on the residents in the surrounding area in ways that will inevitably cause friction, there are already issues with people living in the flats at the far end of Chalfont Close parking outside houses at the start of the close because they are unable to park closer to their own homes, this proposed development will almost certainly impact on Chalfont Close when the Chenies Court parking becomes saturated.</p> <p>I would not like to believe that DBC are so insensitive to the local residents feelings that they will simply push this through without taking</p>

	<p>account of the effect it will have not only as a finished development but also during said development, perhaps it would be sensible for someone from planning to actually visit Chenie's Court when the schools return to see what impact the increased traffic has at the school times, this may help them understand what impact this development will have not just at school times but throughout the day and night. Do the right thing by the residents and refuse this application.</p>
16 Chalfont Close	<p>I completely object to the proposed building of the flats. Having previously lived in Chenies Court I know how bad the parking is, as it is. Residents already struggle to park, having to use the community centre for parking. It's impossible to get Dr's apts as it is, schooling and dentists won't have been taken into consideration when this plan was submitted.</p>
21 Chalfont Close	<p>This development will only cause more parking issues in the surrounding area. With 8 flats there will be at least a requirement of 16 parking spaces. In Chalfont Close we have already experienced more parking problems since the development of Chalfont Mews.</p>
22 Chalfont Close	<p>It is very disappointing that broadly the same proposal, previously rejected by the planning officer, is once again up for consideration.</p> <p>None of the previous concerns raised by many others and I have changed and in some cases are now worse. The substantial further expansion of the nearby Swallow Fields already threatens to place yet greater strain on the already stretched schools and doctors in Woodhall Farm, which would be yet further exacerbated by this proposed development.</p> <p>As raised in my previous objection, the parking offered for the new development is insufficient for the average number of cars likely to be owned by the occupants of the proposed development. There is already a problem across Woodhall Farm generally with a significant amount of on-road parking and will make it harder still for visitors to existing residents to park.</p> <p>From an appearance and feel perspective, Woodhall Farm is lucky to not currently suffer the very tightly packed style of construction that plagues modern housing development. I am of the opinion that the local area maintains a pleasant and friendly feel, which is in part due to the sensible layout proposed and implemented nearly 50 years ago. To approve a high occupancy development in amongst this well considered arrangement threatens both the character of the local area and risks setting a precedent leading to yet further densification in other currently undeveloped plots of land.</p> <p>I strongly object to this proposal.</p>
23 Chalfont Close	<p>I strongly object to this proposal. It has negative impact on residents and the local community as others pointed out.</p> <p>We are already suffering from parking nuisance where driveways get blocked because there is no other choice. The planned parking is</p>



	<p>unsustainable/inadequate for the planned flats so it only get worse over time.</p> <p>Block B (site 3) potentially causes loss of privacy for blocks/houses nearby.</p> <p>This is a small area, over-development potentially decrease the value of our property. There are already new developments site nearby to provide more house. There is no need to pack these 8 flats in a tight corner.</p>
24 Chalfont Close	<ul style="list-style-type: none"> <li>- Affect local ecology</li> <li>- Close to adjoining properties</li> <li>- General dislike of proposal</li> <li>- Loss of light</li> <li>- Loss of parking</li> <li>- Loss of privacy</li> <li>- Over development</li> <li>- Strain on existing community facilities</li> <li>- Traffic or Highways</li> </ul> <p>Generally totally opposed to this development.</p> <p><u>Additional Comments</u></p> <p>Totally against, the garages could be made into car parking facilities for existing flats as not enough parking spaces along our road in Chalfont and driveways get blocked in. Also will generate less privacy and devalue our property.</p>
25 Chalfont Close	<ol style="list-style-type: none"> <li>1. There will be light loss to neighbouring properties and lack of privacy due to the positioning of the proposed flats.</li> <li>2. We believe the additional traffic will impact on children's road safety with more cars parked along roads which are on a route to a busy school entrance, community centre and play park. Crossing roads with the current volume of traffic and parked cars, especially at school start and finish times, is already dangerous enough.</li> <li>3. The additional cars parking in an area which cannot cope with the current volume will impact hugely in our road and others in the area. The parking provided will not be sufficient and is a distance from the new flats leading to further strains on nearby parking.</li> <li>4. More residents in an area where it is already almost impossible to get a doctor's appointment, and dentists have long waiting lists, will lead to additional strain on these facilities.</li> </ol>
28 Chalfont Close	<p>I strongly object. Where they are proposing to build these flats is ridiculous. There isn't enough parking in the local area as it is and most families have 2 cars per household. Cars already have to park along the sides of the streets and in a layby down by Chalfont Mews.</p> <p>We will lose any privacy as the flats will be so close and they will be overlooking our bedrooms which will make us uncomfortable and insecure in our own home.</p>

	<p>We will be living on top of each other and will have extra noise right next to my son's bedroom.</p> <p>Also there tends to be issues with overflowing bins and fly tipping where flats are built and this will be right next to our bedroom windows and will smell in the summer. We already have a bin store the other side.</p> <p>These flats will also decrease the value of our property due to over development in the area.</p> <p>I have objected before and will do so again. Why build on every bit of land and pack us in.</p>
31 Chalfont Close	<p>I completely object to the proposed plans for demolishing 3 garage blocks in Chenies Court and the proposed building of 8 flats and parking, especially those for site 3, as this building will significantly impact my security and quality of life within my home.</p> <p>The proposed building at site 3 will significantly affect the amount of light to my property, in particular it will affect the bedrooms within the property creating a dark and horrible space to live in, the ability to have windows or doors open for fresh air will also be affected as it will impact the air flow and increase airborne pollution during and after the building process which will in turn cause further issues for the Chalfont Close flats who back on to the proposed site 3.</p> <p>The proposed building on site 3 will also massively compromise my privacy as the building will have windows that look directly into the bedrooms of my property and will result in never being able to have curtains open at bedroom windows without compromising both my privacy and ability to use my home in the way it was designed.</p> <p>An ongoing issue with lack of both on street and off street parking will be further exacerbated as most households have 2 vehicles and the proposed parking for this development will not address this as it only allows for parking for a single vehicle for each property putting further strain on the already congested surrounding roads in particular Chalfont Close due to its closeness to the proposed site 3.</p> <p>Noise will significantly increase for residents of Chalfont Close flats if this development proceeds on site 3 as the proposed gardens back on to our bedrooms and the proximity of the proposed flats and use of said gardens will increase the noise due to the current garages acting as a very good buffer for noise between the existing blocks of flats, this will be extremely detrimental to the existing property owners and affect quality of life as we will never have peace and quiet in our homes again in particular our bedrooms and ability to sleep will be majorly affected by both the proposed buildings / gardens and during the building works if this proposal goes ahead.</p> <p>The proposed buildings are not only not in keeping with the existing buildings in the area but also visually intrusive as instead of blue sky I will only see shadows and a building / fence when looking out of my bedroom window if the proposal for site 3 goes ahead.</p>

	<p>Local Sewerage, roads, schools, Doctors and Dentists cannot cope with additional demand and this will cause further strain on extremely stretched local services. Sewerage has already leaked on to the grounds of Chalfont Close flats on multiple occasions due to the existing sewers for buildings in Chenies Court and their inability to cope / very poor drainage within the area to further add to this issue would be negligent of the council and further impact the quality of life for those living in Chalfont Close flats.</p> <p>These plans are complete over development of the area, too close to existing homes and will have a detrimental impact on all properties surrounding them and lives of those who already live there, DBC has a responsibility to existing households to ensure their quality of life is not impacted by over development in the way these plans would impact our lives so I implore DBC to reject these plans and prioritize the well-being of existing residents and homes.</p>
32 Chalfont Close	<p>I completely object to this application as I think it will make parking for the current residence even worse than it already is. It will also cause more noise, nuisance, pollution and frankly would not want to lose all the daily light residents in Chalfont Close have.</p> <p>I also feel that building new properties in such a small area would affect lives of all the residents in surrounding buildings and cause unnecessary stress and affect everybody s wellbeing.</p>
39 Chalfont Close	<p>I object to this development. The area is already overcrowded and the infrastructure cannot cope with extra traffic and people. There is currently not enough room for all the local residents to park. This is before extra flats and families are added into the area. The flats will overlook our properties taking light. None of the local residents want this application to be successful as I have spoken to all my neighbours. It will have a major impact on all our lives, causing massive disruption and stress to all of us.</p>
40 Chalfont Close	<p>Further development will bring excessive demands on parking and local services e.g doctors/hospitals. I live neighbouring Chenies Court and parking is hard enough. With the addition of these flats there will be people trying to park everywhere. Woodland at the back of Chalfont Close will be affected as there will be more pollution and upheaval for local wildlife.</p> <p>I object totally to this application</p>
48 Chalfont Close	<p>Parking is already under pressure in the area. All the streets are parked up after hours and weekends. The existing community facilities are already stretched and additional residential development would put that under even more pressure.</p> <p>Increased traffic so close to the Junior School, as well as increased traffic getting out of Woodhall Farm at the junction between Shenley Drive and Redbourn Road is not acceptable.</p> <p>There is nothing good about this development. Feels more like a 'land</p>

	<p>grab' than having the existing communities best interest in mind</p> <p><u>Additional Comments</u></p> <p>I object to the proposed development in this area due to the following concerns:</p> <ul style="list-style-type: none"> <li>- Insufficient Parking: The area already lacks adequate parking. Increased development will worsen congestion and further limit parking for current residents.</li> <li>- Close Proximity to Existing Buildings: The proposed development is too close to current buildings, reducing privacy, natural light, and increasing noise pollution.</li> <li>- Inadequate Infrastructure: Current infrastructure does not support additional development.</li> <li>- Overdevelopment: The proposed development will overcrowd the area and negatively impact its character, open spaces, and overall quality of life.</li> </ul> <p>Please reconsider this development due to its negative impact on residents and the local community.</p>
<p>56 Chalfont Close</p>	<p>I strongly object to the proposed demolition of the garages in Chenies Court and the construction of 6 studio flats for site 2 and 2 x 2 bedroom apartments for site 3 in their place - we do not need any more housing in the area - the land would be of much better use as parking facilities for the residents of Chenies Court! Many of the garages are used as storage for the local residents.</p> <p>In Chalfont Close we are already seriously impacted with parking especially in the evenings and weekends with cars being parked nose to nose and even on the pavements which I thought was only available for pedestrians, wheelchairs/mobility scooters and buggies!</p> <p>Access to the school would also be impacted with the parking as the parents drop their children off at the school entrance which always causes mayhem every day.</p> <p>The proposed allocation of 13 bays of parking for site 1 does not equate to possible 12 cars in site 2 (2 cars per flat) and 4 cars in site 3 = 16 cars - who works out the maths for that!</p> <p>Wildlife would also be badly affected with all the noise and disruption to their habitat. Loss of privacy and added noise would also be a big problem for the residents in the Chalfont Close flats with the proposed site 3.</p> <p>Having lived in Chalfont Close for over 45 years it used to be a safe place for children to play outside but with the proposal and extra parking problem it will make it a dangerous place for the children.</p> <p>I reiterate - I strongly object to this application.</p>

	<p><u>Additional Comments</u></p> <p>Totally opposed to the proposal which has no regard to the existing residents in Chenies Court or Chalfont Close as to their wellbeing. The increased parking difficulties would be further exasperated by this proposal already having cars parked on pavements making it extremely difficult for pedestrians, wheelchair/mobility scooters or buggies to get around.</p> <p>Local services in the area e.g doctors, dentists, schools etc are already stretched to bursting point making it very difficult to get appointments so this proposal would only make matters much worse.</p> <p>The proposed extra parking is just not sufficient for the amount of flats planned - if anything we need more car parking facilities NOT housing. The plans are also too close to existing properties.</p> <p>Local wildlife would also be at risk with their habitat under threat let alone the extra noise to be endured if these plans went ahead.</p> <p>So please DBC do the right thing by all of us current residents and reject this ridiculous proposal.</p>
57 Chalfont Close	<p>I completely object to this development on Chenies Court. The privacy to the nearby flats will be unsuitable for the residents. The parking on Chalfont Close will also be affected whereby our road is already inundated with cars on our road as it is. I understand if these developments go ahead there will be the possibility of a development happening in the garages at the end of Chalfont Close. The parking then will also affect the whole road. Even now the emergency vehicles some evenings would not be able to get down the road in a severe emergency the way people park. Our safety is paramount. The developments are also very close to the back gate of the local school which could have a detrimental effect on the young children walking to and from school.</p>
58 Chalfont Close	<p>Please include our objection to the Chenies Court flats .The reasons are mainly the absolute stupidity of such a major project and no pre warning, no planning for car parking already a problem. No doubt this will get the nod and someone will pocket a fortune, but the residents will just have to put with all the problems</p> <p><u>Additional comments:</u></p> <p>Please note my objection to this. Car parking Water Drainage, just to mention a couple of points</p>
59 Chalfont Close	<p>I strongly object to this proposal. I have lived in Chalfont close over 43 years and have seen an influx of new residents, most of whom have at least 2 cars per house. There is more problems with parking spaces and as a result double parking which proves a danger to children to and from school.</p> <p>Increase in residents will also place more pressure, on all already stretched services ie: Doctors, dentist and school entries.</p>

	<p>As we have a large number of retirees, the pollution from the emissions is quite concerning and can result in them having respiratory problems. There is also a concern to our security being compromised, as we are all aware of home invasion over the last few years.</p>
63 Chalfont Close	<p>Parking is already inadequate, this would have a really negative impact on current residents in this area, which is not suitable for any further development of properties.</p>
2 Chalfont Mews	<p>I object to any planning for flats in replace of the garages.</p> <p>We have lived in Chalfont Mews for 7 years and chose this area for its quite, green community. Building flats will be detrimental to the area. This will cause a loss of privacy in our road with flats overlooking our gardens and directly into our homes.</p> <p>This will cause a negative impact to noise and continued disturbance as well as extra lighting in our quite homes.</p> <p>The Traffic Increase will causing noise and pollution to our homes as well as traffic congestion and lack of parking spaces which we already have issues with.</p> <p>This will cause environmental damage to our blossoming local wildlife, trees, and ecosystems</p> <p>More homes will cause a huge negative impact on the already strained local services such as schools, GP's Dentists, hospitals and sewage systems.</p>
3 Chalfont Mews	<p>Parking is already near enough impossible, this would have a really negative impact on current residents.</p>
3 Chenies Court	<p>I object to the proposals for the following reasons:</p> <ul style="list-style-type: none"> <li>- Inadequate Car Parking</li> <li>- Loss of Car Parking</li> <li>- General dislike of proposals.</li> </ul>
9 Chenies Court	<p>More parking requirements need to be addressed for the existing tenants of Chenies Court/Arkley Road.</p> <p>There is already insufficient parking for current residents and increased congestion especially when the Woodhall Farm Community Centre is in use. Cramming additional flats will only exacerbate the situation and will not be in keeping with the existing flats/houses.</p>
14 Chenies Court	<p>As the owner and occupier my back garden and patio would be overlooked and the early sunrise would be blocked. There would be an unacceptable increase in parking requirements which are already a problem before any increase in housing density.</p> <p>There is a need to look forward to requirements for electrical charging for cars owned by residents of the flats in Chenies Court. Any planning</p>

	<p>should take account of net zero by 2030. I applaud the local Connected Kerb initiative.</p>
18 Chenies Court	<p>Building these flats will take away the residents garages.</p> <p>The parking is not adequate at present as most homes now have at least two cars so this will only increase the problem and create a safety issue especially for children walking to school.</p> <p>The local dentist, doctor and schools are full so no extra capacity.</p> <p>There are many new houses and flats being built near Woodhall Farm. What is the need to build flats in an already busy area? Approving this development will lead the way for other garage areas being converted which is not what any residents want. We cannot lose more space and green areas.</p>
19 Chenies Court	<p>We object for the following reasons:</p> <p>Quality of life will be effected for every that lives here currently due to the parking situation</p> <p>There is not enough places as it is &amp; it's hard when visitors come plus we have a community centre &amp; school which block the road when parking their cars here during events.</p> <p>Yes they mention 8 new spaces to go with the new flats but everyone will have 2 cars In each house hold (more than likely which means they will park in the limited spaces we already have. We also believe this will cause privacy &amp; overcrowding issues with people living on top of each other.</p>
20 Chenies Court	<p>This is just not feasible in this area. The plans are ridiculous and just seem to be squeezing in housing when the area cannot cope with it. We don't have enough parking as it is round here and the "extra" parking would not be useable by the residents who already live here.</p> <p>People use the garages already there as the flats simply are not big enough for families to live.</p> <p>The garage areas are not taken care of now so I doubt that will change if any works are agreed.</p> <p>We do not have enough Dr's, Dentists or schools in this area to accommodate more people or more housing. Please do not agree this unnecessary building works in an already overpopulated area.</p> <p><u>Additional Comments</u></p> <p>I completely oppose the planned works for the following reasons</p> <ul style="list-style-type: none"> <li>*already not enough parking for the properties in Chenies Court.</li> <li>*not enough Dr's,dentists or schools for the current residents due to the large estate built and no schools build for that estate.</li> <li>* the parking is too far away from the planned properties which means</li> </ul>

	<p>more chaos for already busy area. *refuse collections are already hindered due to the amount of vehicles already in the area.</p> <p>Please refuse this ridiculous plans in such a small area.</p>
21 Chenies Court	<p>I object to this development for a number of reasons.</p> <p>Parking is already extremely difficult in Chenies Court, Arkley Road and Datchet Close, adding more properties will only increase the parking issues.</p> <p>Parking for the current residents is inadequate, it is extremely hard to find parking in the evenings and weekends. 13 parking bays for 8 flats is not enough, most 1 bedroom flats have 2 cars associated to them as well as additional cars for visitors, where are these meant to go, add them to the non-existing parking for current residents? I also do not understand how an accessible parking bay can be out so far away from the proposed properties, it looks too small so the size would need increasing which means even less spaces for the proposed additional properties. What would be done to stop the drivers of the cars in the proposed car park from leaving their lights on while they are idling and shining brightly into the properties by the car park?</p> <p>The roads are already extremely tight to drive round with the current parking situation and emergency vehicles would struggle to get to the existing properties so adding more properties and vehicles would be irresponsible.</p> <p>I cannot see any benefit to these properties being built, only the negative impact that this will have to the area with more cars, more pollution, further strain on local amenities such as doctors and the detrimental effect to the wildlife that lives within close proximity to the proposed development. There is already another housing development taking place approximately half a mile away, as well as others close by, why are these needed as well?</p> <p>The noise, mess and disruption this will have on existing residents is not fair, there are lots of children in area who play outside and this will make it very dangerous for them to do so and they will be forced to stay inside. This development will do nothing but cause noise and disruption to people's lives and it will no longer be the lovely quiet area that is currently is.</p> <p>Please sort out the issues for existing residents before adding more and making the situation even worse.</p>
23 Chenies Court	<p>This is ridiculous, there is not enough parking around here and the extra parking that will be made will not be parking for the current residents who already live here.</p> <p>The parking when the schools are on are currently crazy as it is, with school parents parking in resident spaces as it is first come first serve, so trying to add housing and parking to an already busy community is a ridiculous idea.</p>



	The new properties will also mean that there will be a loss of privacy when looking out of the current buildings windows.
27 Chenies Court	I've lived in Chenies Court for 20yrs and over the last 5yrs it has changed. There is no parking for the residents who live here already and I even have to park on the pavement the same as over residents which is not ideal at all. Most people have 2 cars per household nowadays. The traffic is ridiculous in the morning trying to get out my road especially with the school so close. Trees would need cutting down which I'm not happy with, we have hedgehog houses where we are and with more development we will lose the already endangered wildlife in the area.
28 Chenies Court	<p>I object to the proposed plans. The development of existing flats and houses surrounding Chenies Court already is already problematic in that:</p> <ul style="list-style-type: none"> <li>- The access road to Chenies Court is narrow and access further restricted by parked cars</li> <li>- At most times, demand for parking exceeds supply</li> <li>- The local community centre and school add to the demand for parking</li> </ul> <p>I object to the addition of more flats as these would only exacerbate the current issues and result in overdevelopment of the area.</p> <p>In addition new flats would encroach on the privacy of adjacent properties, in particular the gardens of the houses.</p> <p>Returning the garages for residents use as originally intended would be far more beneficial for the existing community.</p> <p>In summary, I believe that further property development would negatively impact the daily lives of existing residents and ultimately the market value of their properties.</p>
29 Chenies Court	<p>This application is absolutely ridiculous! The current parking situation is already horrendous and adding more flats to the area will cause utter chaos. The residents (and owners) already struggle to find adequate parking and storage for belongings.</p> <p>This area is also full of wildlife and many of the trees are home to a variety of birds.</p> <p>This would be massively affected, especially if building works were to commence. Furthermore, the increased costs for all current residents due to sheer amount of dust and debris that would be produced. The service charges are already extremely high and this would have to increase to cover any extra cleaning required.</p> <p>There are lots of families living in the flats and this would also cause huge dangers with the equipment and resources required to complete such works. It is also already over populated without additional flats being</p>

	<p>added! How about look after the residents who are already here and provide them more sufficient parking and outside areas?</p> <p><u>Additional Representations</u></p> <p>My family relies heavily on the garage to store many of our belongings, as our two-bedroom flat doesn't provide enough space. The garage is essential to us, and losing it would be a significant hardship. Without the garage, our quality of life would diminish considerably.</p> <p>Additionally, our service charge is already high, and since we aren't permitted to store items in the hallways, we have no other place to keep what we currently store in the garage if it is demolished.</p> <p>We also use the garage area as a communal space to gather with other residents in the flats, as it is a sizable area.</p> <p>There is already extensive development happening in Woodhall Farm, with nearly every available piece of land being built upon.</p>
36 Chenies Court	<p>I strongly object to the proposed application.</p> <p>There will be light loss to neighbouring properties and lack of privacy due to the positioning of the proposed flats.</p> <p>The noise will increase for all residents of Chenies court, Chalfont Close and other neighbours which in turn will affect quality of life which is not fair on any of the residents.</p> <p>Many necessary facilities are already struggling to cope and this will cause further strain - an example being numerous sewerage leaks onto the grounds as well as very poor drainage within the area.</p> <p>There is already not enough car parking for residents for Chalfont Close or Chenies court and by adding more flats with insufficient parking will just add to this. The stress and safety levels of residents when trying to find parking especially in the evenings and at night times will be made worse which will impact on well-being.</p> <p>On road parking already sometimes causes obstructions which will be made worse if this development goes ahead, causing access issues for the emergency services which surely needs to be considered.</p> <p>This would be a complete over development of the area and the proposed is too close to adjoining properties. This in turn will also increase traffic and pollution in an already congested area causing strains on the existing road and other infrastructures.</p>
38 Chenies Court	<p>We believe that building flats where the existing garages are located will cause a strain on the parking in the area. It is already very hard to find parking during the evenings and having a young child we do not want to have to be parking any further away than we already have to at times.</p> <p>Furthermore, the location of the new flats will mean that there will be blocks of flats very close together many that block the light entering some of the flats and also potentially some flats with windows looking directly into each other.</p>

	<p>We feel that with the growing population already living at Chenies Court those garages could be much better put to use by providing parking for the local area.</p>
39 Chenies Court	<p>The parking in Chenies Court/Arkley Road is not good at the moment and if new flats are erected then this will make the situation much more hectic and put a lot of stress on our neighbours and myself. These new flats will be extremely close to adjoining properties and this is not exactly fair.</p> <p>I wholly object to the building of new flats.</p>
43 Chenies Court	<p>To build on this particular site will spoil the sense of openness as well as blocking out the light and views from certain of the flats. The actual new building proposed does not blend in with established brick work or window conformity. I think a better idea would be to demolish the garages and put in additional parking places with electric charging stations for electric cars which will become a necessity in the future. One final point car parking is already at a premium and this proposed building will only add to this.</p>
48 Chenies Court	<p>I object to the planning application 24/01755/FUL for the following reasons: -</p> <p>Four Daughters Estates Limited owns the three garage areas adjacent to Chenies Court. In 1980 Fairview Estates split off garages from blocks of flats and Chenies Court Associates have been unable to claim them back.</p> <p>Four Daughters Estates Limited wanted an application in July 2022 to knock down the garages and put up flats and it was refused. An appeal was dismissed in November 2023. All good for us!</p> <p>Now they have tried again in July 2024 and earlier.</p> <p>The first that Chenies Court Associates Limited heard about this was on the 19th August 2024. We have worked with people in the following roads: Chenies Court: 1 - 48. Chalfont Close and Chalfont Mews: 1-72. Arkley Road: 2-18. Arkley Court: 2-66. Datchet Close: 2-30.</p> <ol style="list-style-type: none"> <li>1. We do not need any more flats in Chenies Court. We need more parking spaces</li> <li>2. There is not much parking space in Chenies Court and it's the same in all the roads above.</li> <li>3. There is an excess of cars, which leads to overall pavement parking.</li> <li>4. There are parking problems all over Woodhall Farm.</li> <li>5. Modern cars don't rust quickly and they have better alarm systems out in the open, (assuming they can find a space).</li> <li>6. Electric cars need charging and while they can be done from houses, they would be very difficult to do it from the flats.</li> <li>7. If the Four Daughters put up flats, they would never blend in with the</li> </ol>

	existing flats.
18 Datchet Close	<p>I object to this project. There's no consideration for parking in this area. The place is already congested with cars on pavements, and residents not finding a suitable parking spot.</p> <p>It will also take away from the open space, making the area very congested.</p>
30 Datchet Close	<p>As the owner and occupier of 30 Datchet Close I am concerned privacy will be affected as the flats would overlook our garden through the height and also the tree that would need to be cut down There would be extra noise created by the flats. We do not have adequate parking now!!!</p> <p>We desperately need more parking and by knocking down the existing garages a reasonable car park could be created. We would also have a loss of view.</p> <p>This proposal would be a massive nuisance to the current residences with pollution and construction of the flats plus could be a danger to the residents and their property.</p>
36 Deaconsfield Road	There is at the moment not enough parking for the flats that are already there. If more flats are added the parking situation will get even worse.
18 Hunting Gate	<p>I object to the planning application 24/01755/FUL for the following reasons: -</p> <ol style="list-style-type: none"> <li>1. Chenies Court is a narrow road where the width is reduced by parked cars.</li> <li>2. There is already limited space in Chenies Court and Arkley Road for vehicles to pass one another and for parking.</li> <li>3. The houses in Chenies Court have a single driveway parking space which is inadequate for their needs and necessitates pavement parking.</li> <li>4. Currently there are an excess of cars which leads to overall pavement parking.</li> <li>5. At peak times, access to the Community Centre and local school increases traffic flow in Arkley Road.</li> <li>6. Overspill cars from Datchet Close park anywhere they can find a space either in Chenies Court and Arkley Road.</li> </ol> <p>As public transport declines and car ownership increases, the addition of a further 8 dwellings will exacerbate this already cramped and difficult situation.</p> <p>The growing existing community would be better served by having the garages demolished for increased parking capacity.</p>
51 Perry Green	<p>Building these flats will take away the residents garages and communal space which they rely upon. It will lead to stress and mental health issues.</p> <p>As many have commented the parking is not adequate at present so this</p>

	<p>will only increase the problem and create a safety issue especially for children walking to school.</p> <p>The local dentist doctor and school are full. There are many new houses and flats being built not far from Woodhall Farm. What is the need to build flats in an already busy area?</p> <p>Approving this development will lead the way for other garage areas being converted which is not what any residents want. Residents purchased properties here due to the space and green areas which we are losing. Surely resident's opinions should be very important when looking at developments near to their property.</p>
<p>Stuart House 1 Ferrers Hill Farm Pipers Lane (owner of 33 Chenies Court.)</p>	<p>Looking at the plans, it is disappointing to note that the developer has not interacted with the neighbourhood at all, has not sought any comment or consultation from the neighbourhood. has not done any form of traffic survey or effect on the immediate area.</p> <p>At certain times of day traffic is very large due to the local community facilities and the transport of children.</p> <p>At other times of day, parking is far too limited already with cars parking on pathways, and damage done to various vehicles because access is already very limited.</p> <p>I would recommend the Planning Officer undertakes a site visit at least at two different times of day so that it can be established that parking is extremely limited at all times.</p> <p>The developer has taken no account of parking limitations and there is no facility for visitor spaces. The number of properties multiplied by two beds means there is a 100% certainty that visitors - let alone the new number of residents - will need parking facilities that have not been allowed for. The developer has prioritised living space above parking space, with the former obviously having a greater commercial value and profit.</p> <p>The plans make no mention of any public benefits that would outweigh the extra issues, pressure, and safety arising from the increased traffic and number of people in a small space. It limits openness even further, and increases the density of dwellings with nothing in return for the local community.</p> <p>I object to this proposal and suggest the developer needs to provide much more information and analysis to support the arguments because clearly the amount of people saying exactly the same thing on parking means there must be an issue to address before any thought can be given to a planning approval.</p> <p>Whilst I understand that development is an evolutionary process, this must be done with due consideration to the issues that may be caused or exist once the original developer has long gone. The fact that the developer has remained silent on the parking and access issue evidences that more work is needed here, and the developer knows that.</p>
<p>9 The Rhymes</p>	<p>To build additional dwellings in this tight and compact cul de sac really seems like a crazy proposal. I'm sure there are more suitable locations available</p>

# Agenda Item 6

## 6. APPEALS UPDATE

### 6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/00554/FUL	W/24/3348159	35 Belswains Lane, Hemel Hempstead	Written Representations
2	24/00775/RET	D/24/3348119	Springholme, Cavendish Road, Markyate	Householder
3	24/00801/RET	W/24/3349035	Anthony Betts & Company Limited, Leighton Buzzard Road, Water End	Written Representations
4	22/02688/LBC	Y/24/3349178	Old Palace Lodge, 69A Langley Hill, Kings Langley	Written Representations
5	24/00614/RET	D/24/3349041	1 Frogmore Street, Tring	Householder
6	24/00693/RET	W/24/3349438	26 The Foxgloves, Hemel Hempstead	Written Representations
7	20/03584/FUL	W/24/3349517	Land At Albion Hill, Hemel Hempstead	Written Representations
8	23/02399/FUL	W/24/3349857	1 The Orchard, Kings Langley	Written Representations
9	24/01156/FHA	D/24/3350346	12A Fouracres Drive, Hemel Hempstead	Householder
10	23/02868/LDP	X/24/3350407	Little Champneys, Shootersway, Wigginton	Written Representations
11	24/01130/FHA	3350925	61 Akeman Street, Tring	Householder
12	24/01355/FHA	D/24/3351890	Lyme Lodge, New Road, Chipperfield	Householder

## 6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">23/02819/FUL</a>	W/24/3339353	Land to r/o 23 High Street, Tring	Written Representations
	<b>Date of Decision:</b>		17/07/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3339353">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3339353</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is 2x two-bedroom dwellings together with parking and amenity space.</p> <p>The appeal site forms the rear part of the burgage plot of Clement House, a Grade II Listed Building. It is within the town centre of Tring, near the main shopping area and off High Street. It also lies within the Tring Conservation Area.</p> <p>The significance of the appeal site is its historic connection with the listed building. The site and surrounding area are made up of long burgage plots and the appeal site forms the rear of the plot associated with Clement House. The proposed development would, therefore, be within the setting of the listed building. The burgage plot would traditionally been used as ancillary space for the frontage building and, at the time of my visit, its use as parking and manoeuvring space retains this ancillary use. The significance of the Conservation Area is, in part, derived from its mixed character and built form, with short views of interest and character areas, and a strong relationship with Lord Rothschild.</p> <p>The site currently contributes positively to the significance of the setting of the listed building and the Conservation Area by reason of reflecting the pattern of burgage plots to the rear of the properties along High Street.</p> <p>The appeal proposal would run down the plot rather than across it and, in that regard, the layout of the development would reflect the grain of the burgage plots and their historic development, as advised in the CAMP and as required by Saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 (the LP). However, the proposed development would fill almost all of the depth and width of this part of the plot which would result in the development on most of the rear of the burgage plot to Clement House. This would result in a cramped and overdeveloped form and so harming the setting of the listed building.</p> <p>Moreover, the proposed buildings would extend above the height of the boundary wall along the side of the site and also the adjacent outbuilding, albeit that the ridge heights would be lower than the adjacent nursing home building. The development would be overly dominant above the boundary wall and over dominate the other buildings in the rear of the burgage plots of the properties along High Street. These other buildings are, in the most, subservient in scale and appear as ancillary in form and function to the host</p>			

buildings. Consequently, the proposal would not reflect the scale and proportion of other buildings in the rear of burgage plots. Furthermore, the roof shapes of both proposed dwellings, would not reflect other buildings in the immediate area and would not respect the traditional form of buildings which are of a simple form and design.

The built form, massing, and roof forms of the proposal, albeit subservient to the nursing home next to the site, would not respect this historic character of development and would, therefore, harm the Conservation Area. Although the Conservation Area can absorb modest and managed change the proposal for two dwellings on this site would not be modest and the change would not be a positive addition to the Conservation Area. In my judgement, the proposal would be incongruous additions out of keeping with the character and appearance of the area and would not reflect the layout, design, character, or appearance of the other burgage plot development within the immediate area.

The development of two houses on the rear section of the burgage plot, which would be viewed within the context and setting of the listed building and would also be viewed from the listed building and the existing range of lower height buildings at the rear, in a form and scale that is not subservient to the listed building, would also cause harm to the setting of Clement House, detracting from the significance of this designated heritage asset.

The public benefits of the proposal are afforded limited weight and, therefore, would not outweigh the harm to the significance of the Listed Building and the harm to the Conservation Area.

For the above reasons, I find that the proposal would fail to preserve or enhance the character or appearance of the Tring Conservation Area and would adversely affect the setting of the Grade II Listed Clement House.

I acknowledge that emergency access is a matter for Building Regulations and that the appellant has been taking advice on this matter. I also accept that there may be other sites in the historic core of Tring with narrow accesses. However, I have not been made aware of any sites where the development is the same distance from the public highway and served by a narrow access.

Moreover, the appeal site currently provides parking and turning space for the existing uses in Clement House and the buildings to the rear and the plans indicate that parking would be retained for Clement House. While on site I saw a large delivery van enter the site, turn, and leave in a forward gear. However, the proposed development would remove the space available for turning anything larger than a large car, as shown on the proposed swept path analysis. The increased risk of vehicles reversing would also increase the risk to pedestrian safety.

The parking and access arrangements would not be acceptable, including its effect on pedestrian safety.



No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">23/01217/FUL</a>	W/24/3337305	112 New Park Drive, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		17/07/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3337305">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3337305</a>			
	<b>Inspector's Key conclusions:</b>			
<p>The development proposed is 2 duplex flats within residential rear garden development.</p> <p>The proposal is for two, duplex flats on the parcel of land behind the rear gardens of the donor properties. The proposed dwellings would face the footpath and be sited behind the houses on New Park Drive and Masons Road. Albeit introducing additional dwellings into an existing built-up residential area the layout of the proposed development would, therefore, not be in keeping with the road fronting layout of the surrounding housing estate and would not respect the layout of adjacent properties. I have not been made aware of any other developments, including considering all of the examples submitted by the appellants, which are built in a similar back land location and do not front a road.</p> <p>Furthermore, the proposed development would be built close to the boundaries either side, with only a narrow path leading to the rear of the site. The front and rear gardens also appear to be shorter than any others in the immediate area and, in coming to this view I visited all of the other sites detailed in the appellants' statement and the original submission. Although there are other short gardens in the area, the site coverage and density of the proposal is materially different to the immediate area.</p> <p>The appeal proposal would be gable fronting but, due to the width of the frontage, the gable would be wider than any of the other front gables in the immediate area. The width of the front and the different pitch of the roof from others in the area results in the building appearing wide and squat, as can be seen from the illustrations provided in the appellants' statement of case. Even if I accept that the roof forms in the area are varied, and even though the proposal is for a two-storey building in an area of two-storey buildings, the proposal would not respect the surrounding area in terms of its bulk and would not enhance the character of the area. 10. Furthermore, the development would be highly visible from the footpath and also visible from New Park Drive and Masons Road and the increased density and out of keeping site coverage, scale, and bulk would be visually harmful.</p> <p>The proposed development would have an adverse effect on the character and appearance of the area.</p> <p>Although the proposal provides a reasonable total amount of outdoor space for each unit and the outdoor space provided on the roof would be functional, the rear garden depths fall significantly short of the 11.5m minimum advised in the LP. I acknowledge that there are other properties on the estate where the dwellings have gardens which are not 11.5m in length. Although I have not</p>				

been provided with the precise measurements of these gardens, from my observations they are all longer than the gardens proposed within the appeal scheme. Moreover, the immediate adjoining properties have longer gardens and the proposed garden depths would not be compatible with the surrounding properties as advised in the LP. That other properties have sought to utilise permitted development rights to reduce the garden length is also not determinative in this appeal.

Overall, the development proposes dwellings with uncharacteristically short gardens when compared to the surrounding houses. However, in my judgement the development would provide sufficient outdoor space in total due to the addition of the roof level spaces. In regard to outdoor space provision the living conditions of the future occupants of the development would be acceptable.

I have no substantive evidence that this waste collection facility is sufficient to accommodate the waste collection requirements for the proposed two dwellings and the existing three dwellings to meet the standards set out in the Dacorum Borough Council "The Storage of Refuse at Residential Development" advice note, issue June 2006 (the Refuse advice note). Moreover, the details before me do not show that the bins are the larger size used for communal waste storage. Furthermore, it is not clear that there is sufficient space within this area to provide more storage to enable the requirements for waste storage to be subject to a planning condition. The lack of refuse storage, or that refuse storage would be restricted, would be harmful to the living conditions of the future occupants of the proposed development.

The depth of the proposed development would extend the full width of the garden of 112b which would be oppressive and visually intrusive for the users of this small garden area. The proposal would not include any windows in the first-floor side elevations and the proposed roof terrace is to be screened with an obscure glazed panel. This would ensure that there is no direct overlooking between the development and its immediate neighbours to either side. The separation distance is also sufficient to ensure that the development would not result in an unacceptable overbearing feel from the existing properties or unacceptable loss of sunlight or daylight. However, this would not overcome the effect of the development on the garden of 112b.

The development would not result in a severe residual impact on highway safety or capacity. However, the scheme for nine parking spaces would result in some degree of harm and risk to highway safety from the lack of manoeuvring space, notwithstanding the Council Highway Authority advice on the previous scheme. For the above reasons, the proposal would result in an adverse effect on highway safety, with regard to the adequacy of the access and parking arrangements.

In my judgement, the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against

	the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">23/02168/RET</a>	D/23/3334767	New Lodge, Dunstable Road, Markyate	Householder
	<b>Date of Decision:</b>		14/08/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334767">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334767</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development is retention of existing boundary fence.</p> <p>[This appeal decision was conjoined with the two appeals below and details for all three appeals are provided in this entry].</p> <p>At the time of my site visit the fence had been erected and the containers were present within the site. The proposals seek their retention and are, therefore, retrospective.</p> <p>The fencing is distinctly industrial in its appearance and stretches over a significant length of the roadside. Given the rural character and appearance of the area the stark, industrial appearance of the fence appears visually incongruous and undermines the otherwise verdant, bucolic character of the area. The storage containers, which are box-like metal structures and again of harsh, manufactured appearance have a similar, though more localised effect. From within the site the structures are clearly visible and, again, incongruous and harmful features in the verdant, rural landscape.</p> <p>Further, many of the trees in the vicinity are within the ownership of the appellant. These have no specific protection by virtue of Tree Protection Orders or an encompassing Conservation Area. As such they could be removed by the landowner. This would result in the stark and urbanising industrial type fence and containers being located in a visually prominent frontage in the countryside.</p> <p>In the absence of a full method statement for the works I cannot be satisfied that the fence has been installed without damage to the root systems [of the roadside hedge]. Furthermore, as the works have already occurred, it is not possible to secure tree protection through a planning condition.</p> <p>Whilst the choice of colour of the fence and containers may, to a degree, reduce their visual impact, and this could be controlled by a suitably worded planning condition, the overall harmful urbanising effect that I have identified above would remain.</p> <p>I conclude that whilst the development does not have an adverse effect on the landscape character and scenic beauty of the Chilterns National Landscape, it has a harmful effect on the character and appearance of the site and the surrounding area.</p>			

<p>I find that the special interest of the park, insofar as it relates to these appeals, and the contribution that the park makes to the setting of the LB, to be primarily associated with its aesthetic value as a landscaped setting for an important country house and the legibility of the phased development of the LB and its park. This directly contributes to its special interest for the reasons given. 34. The development and works add distinctly modern structures with an industrial appearance to the edge of the park. As I have identified above their appearance is visually incongruous and undermines the otherwise verdant, bucolic character of the area harming the landscaped setting of the LB. Whilst screened to a degree, by the hedge, as discussed above, they are nonetheless noticeable to passers-by and clearly visible within the site. 35. Further, the fence returns back from the road, cutting across the track. Given the solid nature of the fence, views along the drive from the gates at New Lodge are suddenly curtailed and any appreciation of the New Lodge as a gatehouse and the track as a former drive serving the LB are lost, harmfully eroding the legibility of the phased development of the park and the LB.</p> <p>I find that each of the developments and the works fail to preserve the special interest of the registered park and garden and the listed building. I find, in this instance, the harm to be less than substantial but nevertheless of considerable importance and weight.</p> <p>I give negligible weight to the public benefit to the community of discouraging or preventing crime resulting from the development and works. The appellant further postulates that the fence is needed to reduce noise and pollution from traffic. However, there is no evidence before me to demonstrate that current traffic noise or fumes are at unacceptable levels. Further, such nuisance could, again, be addressed by other designs of fence that may be less visually intrusive. This would in any case be a private benefit. Thus, I do not find that, in this instance, the public benefits are sufficient to outweigh the harm that I have identified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	<a href="#">23/02373/LBC</a>	Y/23/3334769	New Lodge, Dunstable Road, Markyate	Written Representations
<b>Date of Decision:</b>			14/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334769">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3334769</a>				
<b>Inspector's Key conclusions:</b>				
The works are retention of existing boundary fence. This appeal decision was conjoined with the appeal above and below. See No.3 above for details.				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	<a href="#">23/02858/RET</a>	D/24/3340265	New Lodge, Dunstable Road, Markyate	Householder
<b>Date of Decision:</b>			14/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3340265">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3340265</a>				
<b>Inspector's Key conclusions:</b>				

	The development is retention of storage containers. This appeal decision was conjoined with the two appeals above. See No.3 above for details.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
6	22/03069/FUL	W/23/3332517	Plot 1, Cupid Green Lane, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		19/08/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332517">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332517</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is 'Building an agricultural barn from timber wood for animals and its care takers'.</p> <p>The plans show all the facilities to provide for day-to-day living at the site for several people. Although the appellants describe the building for agricultural purposes, the majority of its internal space is designed for residential use. Alongside the area shown for storage/livestock, it would provide for a mixed agricultural and residential use. I note the appellants reference to use the of the land for horticulture, including the growing of fruit, and the raising of livestock. However, without more, that does not provide the necessary justification for the change of use of the land for a mixed use of agriculture and residential.</p> <p>I conclude that the development would constitute inappropriate development within the Green Belt that would erode its openness.</p> <p>In addition to the existing frontage hedging, which could be retained and augmented by additional boundary landscaping secured through planning conditions, the green roof proposal would go some way to limiting the visual impact of the building. However, the number, form and treatment of the building's openings would cause it to appear distinctly of domestic character. In contrast to the predominant layout of agricultural development, it would be sited centrally in a small plot. These aspects of the proposal would distinguish it from the more utilitarian appearance and practical layout of traditional and modern agricultural buildings nearby. Furthermore, the design would fail to reflect the vernacular residential buildings which contribute positively to this part of the Dacorum landscape character. I find that the proposal would result in harm to the character and appearance of the locality.</p> <p>As the appellants have not provided such an undertaking, the contribution towards the mitigation measures is not secured. Consequently, I conclude that the proposal would adversely affect the integrity of the SSSI and SAC.</p> <p>The considerations presented by the appellant, including its contribution to housing need and facilitation of agriculture to support the rural economy and contribution to food production, whether taken singularly or together, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to policies of the</p>			

	Dacorum Borough development plan and the Framework when read as a whole.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
7	<a href="#">23/02475/ROC</a>	W/24/3337121	Shootersway, Berkhamsted	Hearing
	<b>Date of Decision:</b>		20/08/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3337121">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3337121</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The application sought planning permission for removal of a tower mast and associated cabins, relocation of two storage containers into a building with accommodation facilities at first floor and construction of a swimming pool building without complying with conditions attached to planning permission Ref 4/02425/18/FUL. The conditions in dispute are No.5 (archaeology) and No.7 ("The Bunkhouse facility should be limited to children attending Motorcross curriculum with accommodation use for one teacher parent/guardian").</p> <p>Appeal application 23/02475/ROC was made under s73 (the AA). This procedure allows planning permission to be granted for development of land without complying with conditions subject to which a previous permission was granted. In this case the appellant seeks modified wording for conditions No.5 and No.7 of planning permission 4/02425/18/FUL (the PP). The Council did not issue a decision for the AA. It has provided what would have been its officer report as part of its appeal case, including a recommendation to refuse the AA.</p> <p>I have no reason to doubt that in good faith the appellant relied on the HCC provision relating to the swimming pool part of the site and what he believed exchanges of emails or his previous archaeology report meant; including that he considered the Council's (and HCC's) focus was on this part of the site and was the only part of the site potentially important for archaeology. However, this is not borne out by the balance of the evidence before me. Furthermore, and in any event, the HCC provision relating to the rest of the site, including where development for building A and building B has now taken place, stands alone from the provision relating to the swimming pool part of the site and is embodied in the requirement for a WSI under condition No.5.</p> <p>There was at least a significant risk of potential adverse impact on important archaeology if any of the development in the PP was carried out in the absence of an approved WSI. There was therefore a clear justification for condition No.5 to be applied to the whole site and because the requirements of the condition, including the timing of compliance, were fundamental to the development permitted in order to safeguard nationally important archaeology. There is no evidence that the PP would have been granted without condition No.5 and no compelling argument that it was, or should be, limited in scope to only parts of the site as the appellant contends. No WSI has been submitted or approved by the Council in writing under condition No.5 for the development or part of the site containing building A and building B.</p>			

<p>To grant planning permission in these circumstances in this appeal, with the modified wording of condition No.5 sought by the appellant, would also condone the carrying out of development in breach of condition No.5 and potential consequential harm to archaeology. Moreover, despite that some development has taken place there is no evidence that it has completely obliterated important archaeology and other parts of the site (including than the swimming pool part and that occupied by building A and building B) remain undeveloped. Condition No. 5 therefore still serves a useful planning purpose.</p> <p>While the Council also indicated at the hearing that it did not have an in principle objection to general training of any children at the site, I share its concern that it is not clear in this appeal if this wider use would result in a significant intensification of use at the site, including beyond that which may already be possible under relevant planning history. For example, in the number of people at the site at any one time (not those just staying overnight) or activity and use over a more extended period of the day or year, including out of school term times or at weekends and beyond half-term daily sessions.</p> <p>In the absence of evidence to the contrary, I consider that such increased activity could potentially materially affect traffic generation to and from the site and on the local road network or affect noise and general disturbance arising from such activity on the site or in travel to and from the site along nearby residential roads. While the Highway Authority did not object to the AA, these were matters of concern to some interested parties when the PP was granted. In these circumstances condition No.7 therefore still serves a useful planning purpose.</p> <p>Accordingly, for the reasons set out above, I find that planning permission should be granted with the same conditions as those subject to which the previous planning permission 4/02425/18/FUL was granted. The appeal is therefore unsuccessful.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
8	<a href="#">23/02158/FHA</a>	D/24/3338525	Little Brownlow Farm, Nettleden Road, Little Gaddesden	Householder
<b>Date of Decision:</b>			21/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338525">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338525</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is described as 'Construction of Extension'.</p> <p>The host property is identified within the Little Gaddesden Conservation Area Character Appraisal as a locally listed building...it makes a significantly positive contribution to the character and appearance of the local area, including the CA.</p> <p>While the initial barn conversion may have been positive given the apparent state of the building in the 1990's, that is not to say that every subsequent proposed change will also be. The addition of an extension to that extension</p>				

<p>would further deviate from the pleasing simple form of the former barn, creating a wing like extension which would be comparable in length to historic main sections of the barn. While the roof would be stepped down, this would add substantial additional mass to the building and harm its historic form and proportions as a result.</p> <p>The extension would include a large expanse of modern glazing to its northeast elevation with a considerable proportion of the facing wall composed of glass. Alongside the bi-folding doors to the southeast elevation, this extensive use of modern fenestration would appear incongruous set against the more traditional proportions of the existing openings of the property which help to preserve its agricultural heritage. This element of the scheme would therefore harm the building's character by introducing an overtly modern feature.</p> <p>Although the proposed extension would not be visible from much of the CA, given the positive contribution that the high quality of well-preserved buildings and agricultural context make to the character and appearance of the CA, it follows that harm to the host building would harm the significance of the CA. Given the scale of the works, the proposal would lead to less than substantial harm to the significance of the CA.</p> <p>In the absence of sufficient public benefits that would outweigh the harm identified, I conclude that the proposal would fail to preserve the character or appearance of the CA. The proposal would also harm the character of the host building.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
9	<a href="#">23/02299/FHA</a>	D/24/3343948	40 Kings Road, Berkhamsted	Householder
<b>Date of Decision:</b>			21/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343948">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3343948</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is demolition of existing detached garage, single storey side extension and two storey front extension and erection of part single/part two storey front/side extension, raising of ridge height to facilitate conversion of roof space with associated rear dormer window, alterations to fenestration, erection of new garage/carport, alterations to driveway and landscaping works.</p> <p>The appeal property (No 40) is a large, detached house on the south side of Kings Road. The boundary of the Conservation Area runs to the front of the appeal site and includes the road and the houses opposite the appeal site. The appeal site is therefore part of the Conservation Area's setting.</p> <p>There is no objection in principle to a remodelling of No 40. As the house is of no particular architectural quality or historic interest, there are no reasons to disagree. The Council's concerns relate to the roof element of the proposal and the resulting height of the extended house.</p>				



<p>Within its context and having regard to the degree of separation between No 40 and its nearest neighbours, I am satisfied that the scale, design and increased roof height of the proposed development would respect the character and appearance of the street scene. For the same reasons and due to the set-back and higher level of the house compared to the road, I am satisfied that the proposed extensions to the host property would preserve the setting of the Conservation Area.</p> <p>Turning to the proposed 3-bay garage/carport. The ground levels and some limited screening from the raised garden bed at the front of the property would, to a degree, minimise views of the carport. However, overall, it would appear as a very wide, tall and prominent structure. The size and the materials used in the heavy, hipped roof would emphasise its visually unacceptable mass. I consider that the positioning, scale and design of the carport would result in an incongruous forward structure in the street scene. Due to its overall scale and closeness to the beech tree's trunk and its proximity to the road, the carport would visually compete with views of the tree and the wider landscaping of the area, thereby harming one of its most important characteristics. For the same reasons, the carport would cause less than substantial harm to the setting of the Conservation Area.</p> <p>No public benefits have been put forward which would outweigh the identified less than substantial harm to the setting of the Conservation Area arising from the carport element of the appeal proposal.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
10	<a href="#">23/02606/FUL</a>	W/24/3338951	23 Howards Drive, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			28/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338951">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338951</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is New dwelling.</p> <p>The new dwelling would largely reflect local character in terms of its height, width, form, and appearance; and it would occupy a similar proportion of the plot to neighbouring dwellings. However, whilst it would be marginally set back from the Howards Drive frontage, the side elevation of the dwelling would project significantly forward of the terraces at 1-21 Howards Drive and 25-35 Howards Drive. It would therefore disrupt the linear character that is a distinctive feature of the area, and would fail to respect the prevailing pattern of development.</p> <p>At two-storeys high, and given its width, bulk, and side building line, the development would be a prominent feature in the street scene. Therefore, notwithstanding its distance from Nos 21 and 25, the new dwelling would disrupt the long and wide views that can currently be gained along this part of the road between Galley Hill and Fennycroft Road. Consequently, the proposal would detract from the sense of space near to the appeal site, which</p>				

<p>is an important feature in the local character. I conclude that the proposed development would cause harm to the character and appearance of the area.</p> <p>The appeal proposal includes external space to the rear of the dwelling, which in totality would be of a similar size to neighbouring rear garden areas. However, a large proportion of the external space would be used for vehicle parking. I acknowledge that there may be times of the day or night when the car parking space would not be occupied. However, this could not be guaranteed. Therefore, the car parking area and associated hardstanding could not be relied upon in terms of providing private outdoor amenity space for future occupants of the new dwelling.</p> <p>Whilst the proposed property would be of a modest size, it could feasibly house a small family who would typically expect to carry out a range of activities outdoors, including socialising, gardening, dining, and drying clothes, amongst other things. Due to the narrow width and shallow depth of the proposed useable external amenity area, there would be insufficient private outside space to cater for these needs. The rear garden area would therefore be too small to meet the functional needs of future occupants.</p> <p>I conclude that the proposed development would provide an inadequate standard of accommodation for future occupiers, with particular regard to the outdoor amenity space.</p> <p>With regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
11	<a href="#">22/02365/FUL</a>	W/24/3338125	Land off Cupid Green Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			09/09/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338125">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3338125</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is erection of agricultural mushroom growing unit, storage container, water storage tanks.</p> <p>The proposed agricultural building would be a modest structure with a low profile. Its timber-clad exterior would be sympathetic to the appearance of some nearby buildings, as well as traditional agricultural barns in the wider landscape. Due to their limited height and size, the water bowsers would be discrete features; and I have no reason to conclude the storage container would be unduly large or of inappropriate appearance. The proposed Grasscrete surface would cover a small area that would be closely related to the main building. Its appearance would be softened by grass growth if carefully managed and maintained. Overall, in and of itself, the design and</p>				

	<p>appearance of the development would be broadly in-keeping with other agricultural developments that are typically observed in the countryside.</p> <p>However, the development would not exist in isolation. Rather, it would form part of the wider complex of buildings, structures, and other paraphernalia that have become established on the land around it. I cannot be certain as to the lawfulness of the surrounding uses. However, there is no substantive evidence before me to indicate which, if any, of the developments would not endure in the longer term. Therefore, I am not convinced the character of the surroundings would be subject to significant change. The proposal would reduce the undeveloped space between existing developments, thus exacerbating the sprawl of buildings and structures along the track from Cupid Green Lane. Consequently, it would contribute to the proliferation of incohesive development on uncharacteristically small plots in this countryside location.</p> <p>The site is reasonably well-screened to the north and east by well-established hedgerows and buildings. However, due to its elevated position, the development would be exposed in longer views from the south and west, including from parts of Cupid Green Lane where there is less roadside hedging. Moreover, partial views would be available from the footpath to the northeast of the site through gaps in the hedging. When observed cumulatively with neighbouring buildings and uses, the proposal would have an incongruent appearance that would detract from the scenic beauty of the countryside. As such it would cause unacceptable visual harm to the character of the wider rural landscape.</p> <p>Overall, I conclude that the proposed development would cause harm to the character and appearance of the countryside.</p>
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### **6.3 PLANNING APPEALS ALLOWED**

Planning appeals allowed between 15 July 2024 and 15 September 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	22/01865/LDE	X/23/3326177	The Lodge, 37A Cavendish Road, Markyate	Written Representations
	<b>Date of Decision:</b>		15/07/2024	
	<b>Link to full decision:</b>		<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3326177">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3326177</a>	
	<b>Inspector's Key conclusions:</b>			
	The use for which a certificate of lawful use or development is sought is a residential use for more than 4 years, using side gate and rear gate access.			

The appropriate standard for testing the evidence is made on the balance of probabilities, that is to say whether something is more likely than not.

In the 4-year period in the run up to the relevant date, the Council's evidence highlights that the appellant was abroad for some length of time in the latter part of 2019, for numerous months in 2020, and possibly extending into March 2021. This is not disputed by the appellant and seems to be reflected in the appellant's record of Council Tax payments for that period. Rather, it is the appellant's position that periods of holidays, absence due to ill health, or for reasons beyond his control do not alter the status of the dwelling.

However, the case of *Swale BC v FSS & Lee* [2005] EWCA Civ 1568; [2006] JPL 886, established that any change of use to a dwellinghouse must be 'affirmatively established' over a [here] four-year period before an occupier does not have to be continuously or regularly present in order for it to remain in such use. The correct approach is to ask whether there was any period during the four years when the LPA could not have taken enforcement action against the use, because the building was not physically occupied, even though available. As a matter of judgement, it is necessary to make a finding as to whether any periods of non-occupation were de-minimis.

It is equally valid to consider any other 4-year period prior to the relevant date. If consistent residential use was established over an earlier 4-year period then, following *Panton & Farmer*, any subsequent period of absence should be considered a dormant or inactive lawful use unless otherwise shown to be lost by abandonment, the formation of a new planning unit, or a different intervening use. Correspondence with the Council indicates that the extended period abroad occurred some time prior to 29 November 2019. It is notable that the regular payments of Council Tax in 2019 extended up until 1 October 2019, after which regular payments stopped. A 4-year period prior to that would be a corresponding date some time in 2015.

The site record shows that an enforcement investigation, Ref. E/16/00344, was carried out by the Council. In concluding that investigation, an email from the Council, dated 14 February 2019, states that it was satisfied that the site has been occupied for at least four years. Although the email stops short of describing the use of the site as 'lawful', if the Council's conclusion was that no enforcement action could be taken on the basis of consistent residential occupation, then a distinct parallel can be drawn to the LDC claim.

The Council do not dispute that the building is laid out in a manner that would facilitate day-to-day living.

Taking all of the above together, I find that for the earlier part of that period, there is little to contradict the appellant's claim that the building has been used continuously for residential purposes. The responses to the PCNs, supporting evidence of use of the address as a registered dwelling for the purposes of the appellants personal administration, Council Tax and other bills, leads me to the conclusion that, on the balance of probabilities, the land identified on the

	location plan has been consistently used for residential purposes for a period of 4 years or more.			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">23/01222/ROC</a>	D/24/3336853	15 Home Farm, Park Road, Tring	Householder
	<b>Date of Decision:</b>		07/08/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3336853">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3336853</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The condition in dispute is No 7 which states that: "Notwithstanding the provisions of the Town and Country Planning General Permitted Development order 1988 or any amendments thereto, there shall be no extension or addition to the building(s) hereby permitted without the express written permission of the local planning authority."</p> <p>The appeal is allowed. However, the disputed condition is deleted and substituted for a modified condition. The effect of this is that the permitted development rights continue to be removed from the development. However, the condition is more specific than the original to ensure that it is precise:</p> <p>"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken".</p> <p>I consider that the buildings are of sufficient historic interest and merit, as described in the original planning permission, to be considered as a non-designated heritage asset. The buildings do now have a distinctly domestic appearance. However, there remains visual clues to the former agricultural use and the consistent appearance of the buildings, which is a result of the sensitive conversion works, also contributes positively to their appearance and the character of the area. The appeal property makes a positive contribution to the significance of the Conservation Area.</p> <p>The condition on 4/1587/94 does refer to the Order which was in force at the time. Albeit not specifically referring to the parts of the Order it is clear that extensions and additions are not permitted. The condition on 4/01606/96/FUL is more precise and specifies the Classes of the Order which are removed (A to H inclusive). The reason for the condition was clear, precise, and justified. It was reasonable and necessary and wholly related to the development approved at the time.</p> <p>If the permitted development rights were reinstated for No 15 this would likely lead to alterations and additions that may not respect the character or appearance of the existing buildings. Any such alterations or additions would be likely to be conspicuous within the group of buildings, albeit not conspicuous beyond the site. Furthermore, the removal of permitted development rights for one of the properties within the group would increase</p>			

<p>the likelihood of other property owners seeking to remove the condition. This could lead to a mismatch of extensions and alterations onto a group of buildings which currently has a high quality and consistent appearance.</p> <p>Furthermore, the reinstatement of permitted development rights would likely risk reducing the high standard of amenity for existing and future users required by paragraph 135(f) of the Framework.</p> <p>In my judgement the condition remains necessary, reasonable, enforceable, and relevant to planning and the development. However, condition 7 on planning permission reference 4/1587/94, as worded, is not precise and I have, therefore, re-worded the condition to ensure that it meets the tests within the PPG to be precisely defined.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	<a href="#">22/02538/FUL</a>	W/23/3327060	Frithsden Vineyard, Frithsden	Written Representations
<b>Date of Decision:</b>			02/09/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327060">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327060</a>				
<b>Inspector's Key conclusions:</b>				
<p>The development proposed is 'Replacement Dwelling'. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the Frithsden Conservation Area (FCA).</p> <p>Most of the appeal site is not located within the FCA, although a section at the entrance from Roman Road is. Given the situation, I see no reason to disagree that the proposal would be located within the setting of the FCA.</p> <p>Although a pleasant and somewhat unassuming structure, the removal of the existing property would not be harmful in and of itself.</p> <p>I find no harm with the proposed material palette [of the proposed building]. In any event, the appeal property is distinctly separate from the main built form of the settlement due to distance and dense boundary screening. As such, the appeal property is not read in conjunction with other properties as closely. An increased spread of glazing may be a departure from the set style of smaller openings seen elsewhere but there is little explanation as to why this is harmful, particularly given the existing building's later origins. Due to the specific characteristics of the appeal site I see no reason why the increased height, area and materials are harmful. Moreover, while the boundary screening may fade in winter when trees are not in leaf, I have concluded that the design would not harmful regardless. As such, it follows that this increased permeability of the site in winter months would also not be harmful. Additional planting is proposed to be secured by condition and while this is not intended to hide the property, it will further aid in the integration of the new dwelling in its location.</p> <p>Furthermore, as the design is acceptable and there would be no harm to the character and appearance of the area, it follows that there would be no harm</p>				

	<p>to the setting of the FCA and the significance of the designated heritage asset would be preserved.</p> <p>I have had regard to the comments of interested parties. Most of these relate to the main issue and have been addressed. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). However, impact upon the AONB was not given as a reason for refusal in the decision notice by the Council, nor were matters of highway safety. Based on all that I have seen and read, I see no reason to disagree.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	23/01845/FHA	D/24/3339457	50A Leverstock Green Road, Hemel Hempstead	Householder
	<b>Date of Decision:</b>		10/09/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3339457">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3339457</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The development proposed is erection of rear dormer roof extension, three rooflights to the front and alterations to height of the roof to facilitate a loft conversion.</p> <p>The proposed loft conversion would involve an increase in the ridge height of the dwelling from 7.1m to 7.7m. This would be a relatively modest increase and in view of the staggered building line of the similar dwellings, the slope of the ground and the different ridge heights of other dwellings nearby I am satisfied that the difference between the ridge height of the appeal dwelling and its similar neighbours would not be unduly apparent and would not detract from the character or appearance of either the host dwelling or the street scene which is not uniform in either design or layout.</p> <p>The development would also include a flat roofed dormer to the rear elevation. Owing to the staggered building line this would be visible from the street when approaching from the direction of St Albans Road. Nevertheless, its noticeable set in from the side eaves and set up from the rear eave would ensure that it did not overwhelm the rear roof slope of the dwelling or result in an unduly bulky or top heavy appearance. Its effect on the dwelling would therefore be satisfactory.</p> <p>Although large dormers are not common in Leverstock Green Road and adjoining streets, a number are clearly visible, including one prominent example on a nearby dwelling in the same street view as the appeal dormer. In addition, box dormers are visible on the front elevations of chalet bungalows opposite the appeal dwelling. This form of development is not therefore alien in the area and the proposed dormer, on the rear of the appeal dwelling and only partially visible from the side, thus limiting its prominence in the street scene, would not be incompatible and would have a satisfactory effect on the character and appearance of the area.</p>			

	<p>It is concluded on the first main issue that the proposed loft conversion would have no materially detrimental effect on the character or appearance of the host dwelling or the street scene and surrounding area.</p> <p>The proposed loft conversion would add one bedroom, resulting in a five bedroom dwelling. In my view, no more than four spaces could therefore be expected. agree with the appellant that, on the basis of the evidence including my site visit, the frontage of the dwelling would readily accommodate three cars, possibly more. Moreover, although the dwelling lies within accessibility Zone 3 (least accessible) I note that it lies in an urban setting, close to a bus route and within walking or cycling distance of local shops and amenities, thus providing an alternative to transport by private car for some journeys. In addition, there is ample, unrestricted street parking on Leverstock Green Road that could accommodate visitor parking without any material harm to highway safety. I therefore consider that, notwithstanding the lack of submitted parking surveys, the SPD standard would be met by the three to four on-site spaces which would be sufficient in this case.</p> <p>It is concluded on the second main issue that the proposed loft conversion would have no materially harmful effect on highway safety with respect to parking provision.</p>
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#### **6.4 PLANNING APPEALS WITHDRAWN / INVALID**

Planning appeals withdrawn between 15 July 2024 and 15 September 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	23/02723/FUL	W/24/3339131	36 London Road, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		19/07/2024	



## 6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">E/18/00225</a>	C/24/3348493	Land Adj. Waters Toyota, Water End, Hemel Hempstead	Written Representations
2	<a href="#">E/22/00173/NAP</a>	C/24/3348971	A And B Sports, The Promotional Centre, Church End, Markyate	Written Representations
3	<a href="#">E/24/00151/NPP</a>	C/24/3350930	Land Adjacent to The Old Brickworks, Spring Garden Lane, Northchurch	Written Representations

## 6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">E/19/00444/NAP</a>	C/23/3314025	Plot 1 Cupid Green Lane, Hemel Hempstead	Written Representations
	<b>Date of Decision:</b>		22/08/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314025">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3314025</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The breach of planning control as alleged in the notice (Notice B) is 'Without planning permission, the change of use of the Land from agricultural to a mixed use of agriculture, domestic, and commercial uses not reasonably associated with agriculture'.</p> <p>The appellant has pleaded ground (b) only. To succeed on ground (b) the appellant must prove that the alleged material change of to a mixed use has not occurred.</p> <p>The appellant states that all buildings and items are used for agricultural purposes. He highlights that he planned to produce his own food but have an abundance to sell or donate to food banks. I accept that the use of the external growing frames, planters and kept fowl could fall within the Town and Country Planning Act 1990 s336 definition of 'agriculture'.</p> <p>However, alongside the content and layout of building A, the evidence strongly indicates that its primary purpose is to provide for domestic accommodation.</p>			

<p>The interior layout of the building appears primarily concerned with the domestic functions of cooking, washing, shelter and comfort.</p> <p>[In Building A] there is little evidence of any agricultural production taking place there with the majority of the building being arranged as living space. In building B, the use and/or storage of various domestic furniture, tools and materials has little apparent or suggested relevance to the activities within the s336 definition of agriculture.</p> <p>The appellant has also failed to demonstrate that the domestic and commercial activities taking place on the site could be incidental to agriculture. Given the limited area of agricultural production and the scale and range of residential and business items within the buildings and elsewhere about the site, the domestic and commercial uses are likely to be primary uses, meaning that the site is probably in a mixed use as alleged.</p> <p>For the above reasons, on the balance of probability, the evidence leads me to the conclusion that the alleged mixed use of the site was taking place on the date that Notice B was served.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">E/19/00444/NAP</a>	C/22/3313454	Plot 1 Cupid Green Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			22/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313454">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3313454</a>				
<b>Inspector's Key conclusions:</b>				
<p>The breach of planning control as alleged in the notice is 'the erection of buildings on the Land'. Planning permission is only sought for the buildings... and not the mixed use.</p> <p>Paragraph 154 of the Framework confirms that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it lists a number of exceptions. Buildings for the purposes of agriculture are identified as one exception. As identified above, Buildings A and B are not used for that purpose. Their use for domestic, commercial or a mixed use (even when including agricultural use) does not fall within any of the exceptions set out in Paragraph 154. For those reasons, I conclude that Buildings A and B constitute inappropriate development in the Green Belt which, as described in the Framework, is harmful to the Green Belt by definition. That harm carries substantial weight.</p> <p>The buildings are visible from Cupid Green Lane through the wide gated opening into the field in which the site is located. In winter months they may be visible from a public right of way a short distance to the north-east of the site when boundary vegetation to the wider field is bare. Broader landscape views of the buildings are also available from the south.</p>				

	<p>As buildings on land that was previously undeveloped, their presence has an adverse effect on both the spatial and visual aspects of the openness of the Green Belt. I also consider that the form, external materials and colour of building A are not typical of the predominantly agricultural or residential buildings characteristic of the locality.</p> <p>Within the unusually small plot bordered by domestic style fencing, the arrangement of the buildings appears out of keeping with both characteristic agricultural or domestic development in the wider rural landscape. Furthermore, that arrangement contributes to a proliferation of unrelated buildings and structures that together also result in visual harm to the natural and established character of the wider rural landscape and departs from the characteristic layout of development in the local countryside area.</p> <p>In my view, the considerations presented by the appellant, including the buildings' construction from recycled materials, the difficulties in communications with the Council and claims of discrimination, or planning permissions granted elsewhere, whether taken singularly or together, do not clearly outweigh the totality of the harm that I have identified. Accordingly, I find the very special circumstances necessary to justify granting planning permission do not exist.</p>
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## **6.7 ENFORCEMENT NOTICE APPEALS ALLOWED**

Enforcement Notice appeals allowed between 15 July 2024 and 15 September 2024.

<b>No.</b>	<b>DBC Ref.</b>	<b>PINS Ref.</b>	<b>Address</b>	<b>Procedure</b>
1	<a href="#">E/19/00229</a>	C/23/3316925	85-87 High Street, Berkhamsted	Written Representations
	<b>Date of Decision:</b>		15/07/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316925">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3316925</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The breach of planning control as alleged in the EN is: without planning permission, the replacement of a ground floor bay window, ground floor window and entrance door on the principle elevation.</p> <p>The ground (a) appeal and the deemed planning application.</p> <p>The main issue is the effect of the replacement fenestration on the significance of 85-87 High Street, a non-designated heritage asset, and the significance, character or appearance of Berkhamsted Conservation Area (BCA), a designated heritage asset.</p> <p>The replacement entrance door has a painted timber frame but most of it consists of a single glazed sheet. At the time of my visit that glazing had an</p>			

obscured/etched finish and has applied writing on it. The design of the door that it replaced was significantly different and that design is reflected in the remaining doors that are within the main elevations of the ensemble. This is because those doors have timber panels with chevron planking at the bottom and 2 relatively small, glazed panels at the top with a dividing vertical bar. The amount of glazing in the replacement door exaggerates its vertical proportions, its reflective qualities and the writing on it draw the eye. Therefore, it appears in stark contrast to the remainder of the ensemble.

I acknowledge that the High Street elevation of the ensemble is asymmetrical. However, the use of common materials and consistent design detailing to the previous fenestration ensured that the ensemble was well-balanced and attractive. Overall, the replacement fenestration has eroded the significance of the non-designated heritage asset. Consequently, the contribution that this traditional building in a prominent location makes to the significance, character or appearance of BCA has also been eroded. Therefore, the significance, character or appearance of BCA has not been preserved. In this case I conclude that limited harm has been caused to the designated heritage asset in the context of the significance of the asset as a whole. Nevertheless, in the language of the National Planning Policy Framework (the Framework), that harm is less than substantial. In these circumstances, paragraph 208 of the Framework says that this harm should be weighed against the public benefits of the development proposal.

As the appellant suggests, it may be the case that these improvements increase the vitality and viability of the eastern end of the town centre by providing a high-quality retail unit which supports increased footfall to the area. It may also be the case that the replacement fenestration may be as energy efficient as possible and be of sustainable design. Whilst these matters can reasonably be considered public benefits, in my judgement, similar public benefits could be achieved through alternative designs so avoiding the harm identified to the designated heritage asset. As such, I consider that little weight can be given to these appreciable public benefits.

The appellant has suggested as part of his ground (f) appeal that the replacement entrance door could be altered to create / introduce a timber (chevron pattern if considered necessary) panel across the lower part, black painted to match the original. Furthermore, he has stated that the canted bay window and ground floor window could be altered by inserting glazing bars to create transom lights in the upper section of the canted bay window and horizontal glazing bars in the casements of the other window. In my opinion the alteration of the door, if possible, to include timber chevron panelling to the same design as that existed previously would overcome its harm to the significance of the heritage assets. The introduction of horizontal glazing bars to the ground floor window casements would also overcome the harm to the significance of the heritage assets in that respect.

With regards to the canted bay window the introduction of a transom and small lights above that transom would minimise the incongruity of that window. I acknowledge that the transom that exists on the traditional windows is

<p>moulded and projects noticeably forward of the casements. However, the transom on the replacement windows in the remainder of the appeal building is not moulded and does not project noticeably. There is no evidence before me to indicate that the Council considers that the installation of those replacement windows constitutes a breach of planning control. To ensure that there is a consistency in the design of the fenestration within the appeal building I consider that the transom design for the bay window would need to match that of those replacement windows.</p> <p>I consider that the imposition of a planning condition would ensure that a scheme can be required to be submitted for the written approval of the Council within 3 months of the date of this decision.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	<a href="#">E/20/00157/NAP</a>	C/23/3317404	Plot 1 Cupid Green Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			16/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3317404">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3317404</a>				
<b>Inspector's Key conclusions:</b>				
<p>The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised change of use from agricultural to carpentry business and unauthorised erection of miscellaneous outbuildings within the Green Belt'.</p> <p>The site identified in the Notice includes a number of buildings set about a kept grassed area. The Land is substantially bordered by post and rail timber fencing. The allegation in the Notice alleges a material change of use from agriculture to a single use as a carpentry business.</p> <p>At the time of my site inspection, tomato growing was occurring in the building along the site's north-western boundary and chickens were present in a purpose-built building towards the rear of the site.</p> <p>In this instance, it is clear that there were separate, unrelated activities taking place. However, a generator housing (wired to the carpentry workshop) is integrated with the chicken coop structure. The use of the kept grass area is unclear but, as with the site access, potentially serves both uses. At the time of my site visit some egg storage, albeit minor, was observed in the building being used as a carpentry workshop. It is not therefore possible to establish clear physical and functional separation between the uses.</p> <p>As such, the Land identified in the Notice appears as a single unit of occupation in a mixed use. Where there is more than one primary use taking place on a planning unit, the Notice should refer to all uses taking place. It is established in caselaw<sup>3</sup> that in those circumstances it is not open to the Council to decouple a mixed-use taking place within a single planning unit.</p>				

<p>In practice, this effectively prevents any correction of the Notice by reduction of the area of Land subject of its requirements. Accordingly, the absence of reference to the primary use of agriculture as an element of the site's mixed use is a flaw in the Notice.</p> <p>I conclude that the enforcement notice fails to specify with sufficient clarity the alleged breach of planning control. The matter alleged in the Notice has not occurred as stated and the appeal on ground (b) therefore succeeds. Furthermore, I am unable to make the necessary corrections to the Notice without them resulting in injustice to any party. The enforcement notice is invalid and will be quashed.</p> <p>It is open to the Council to serve a further notice which clearly sets out the nature of the breach and the requirements, should it consider it expedient to do so.</p>
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## **6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN**

Enforcement Notice appeals withdrawn between 15 July 2024 and 15 September 2024.

**None.**

**6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2024 (up to 15 September 2024).**

<b>APPEALS LODGED IN 2024</b>	
PLANNING APPEALS LODGED	57
ENFORCEMENT APPEALS LODGED	5
TOTAL APPEALS LODGED	62

<b>APPEALS DECIDED IN 2024</b> (excl. invalid appeals)	<b>TOTAL</b>	<b>%</b>
TOTAL	54	100
APPEALS DISMISSED	34	63.0
APPEALS ALLOWED	16	29.6
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	4	7.4

	<b>TOTAL</b>	<b>%</b>
<b>APPEALS DISMISSED IN 2024</b>		
Total	34	100
Non-determination	2	5.9
Delegated	30	88.2
DMC decision with Officer recommendation	1	2.9
DMC decision contrary to Officer recommendation	1	2.9

<b>APPEALS ALLOWED IN 2024</b>	<b>TOTAL</b>	<b>%</b>
Total	16	100
Non-determination	1	6.2
Delegated	13	81.25
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	2	12.5

## 6.10 UPCOMING HEARINGS

None.

## 6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
2	21/04508/MOA	W/24/3345435	Land west of Leighton Buzzard Road, Hemel Hempstead	15.10.24

## 6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	22/03069/FUL	W/23/3332517	Plot 1, Cupid Green Lane, Hemel Hempstead	Written Representations
<b>Date of Decision:</b>			19/08/2024	
<b>Link to full decision:</b>				
<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332517">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3332517</a>				
<b>Inspector's Key conclusions:</b>				
[This is a Costs application made by the Council]				
<p>The Council's concerns relate to the appellants' pursuit of the appeal in clear conflict with national and local Green Belt policy, and the failure to address its second reason for refusal in relation to the regulatory requirement to consider the effects on the Chiltern Beechwoods Special Area of Conservation (SAC), European designated site.</p> <p>A reference to the Council's second reason for refusal was made in the appellants' statement but no argument was forwarded by them in support of the appeal made. As a matter of legal duty explained by the Council in the officer report, the absence of any defence to that reason for refusal would leave any appeal hopeless given the regulatory burden imposed on the Competent Authority. The appellants' reference to the building's design and appearance had little relevance to the recreational effect of residential development on the integrity of the SAC.</p> <p>Although the appellant offered to pay the necessary obligation towards mitigation, this was only in response to the Council's claim for costs. The offer</p>				



did not form part of the appellants' case. The Council's guidance: Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest sets out the requirements for securing mitigation measures by way of an obligation under s106 of the Act. It was therefore open to the appellant to utilise that guidance to address the Council's second reason for refusal when lodging the appeal.

I find the absence of any contention or attempt to address the Council's duty in respect of the SAC was tantamount to unreasonable behaviour causing the Council to incur unnecessary or wasted expense in the appeal process.

Despite the appellants' professional representation and the informative provided by the Council's Decision Notice and officer report, the appeal was submitted on the argument that the development proposed was entirely 'agricultural'. I find the persistence with that argument in clear contrast to the statutory definition set out in s336 of the 1990 Act, was misguided. It contrasts with the appellants' position for the purposes of the costs claim which acknowledges a mixed use of the site was proposed.

I find that substantial lack of engagement with the residential element of the proposal, as a concern raised by the Council, was unreasonable. National and local policy and the PPG are clear in relation to the requirements in relation to justification for isolated homes and those associated with accommodation for agricultural workers. The appellants' claims that that element of the proposed development was agricultural was entirely unsupported. Subsequent claims that the Council could have imposed a condition were therefore ill-considered and contrary to the advice in the PPG and established caselaw. In having to address those matters in the appeal, the Council has been caused wasted expense.

I note the appellants' claim that there was unreasonable behaviour by the Council during the planning application process, which led to unnecessary or wasted expense at that time. However, there is little before me to qualify that claim or explain how it has led to wasted expense in the appeal proceedings.

I also acknowledge that defence of appeals are part and parcel of the Council's remit. However, that is not to say that they should need to elucidate on substantive matters which the applicants failed to address. Furthermore, where this relates to a legal duty, as described above, any assumption by the Council that the appeal should be dismissed is, perhaps, unsurprising.

For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

## 6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 15 July 2024 and 15 September 2024.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	<a href="#">22/02538/FUL</a>	W/23/3327060	Frithsden Vineyard, Frithsden	Written Representations
	<b>Date of Decision:</b>		02/09/2024	
	<b>Link to full decision:</b>			
	<a href="https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327060">https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3327060</a>			
	<b>Inspector's Key conclusions:</b>			
	<p>The applicant's claim is based on substantive grounds; that the Council's planning committee made vague, generalised or inaccurate assertions about a proposal's impact, which were unsupported by any objective analysis including substantive reasons for refusing the application.</p> <p>The planning application was referred to the Council's planning committee for determination with a recommendation to approve, subject to conditions. As such, the officer's report is supportive of the scheme. The application was subsequently refused by the committee, with the reasons for refusal given in the decision notice.</p> <p>The refusal reasons in the decision notice were mostly clear and concise, citing the 'bulk, scale and height of the proposed dwelling' as the main causes of harm to the local area and the setting of the Frithsden Conservation Area. The relevant policies of the development plan are also given. The reasoning goes on to explain how this harm would be exacerbated in winter months 'or in the event of the loss of trees'.</p> <p>As the planning officer's report recommended approval, I would not expect reasoning for refusal here, but the committee meeting minutes are frustratingly vague and offer nothing substantive as to the discussions of the committee members at the meeting. While I would not expect a detailed transcript of every word, the text only cites the same reason for refusal and as the appellant points out, there are no trees proposed to be felled.</p> <p>I am informed that the committee misidentified dormers in the design, which the Council's costs application response confirms, and that the property is subject to an agricultural tie with the land. Evidently, this tie was removed a long time ago while the design clearly shows no dormers. This is concerning that a standard design feature could be misunderstood by decision makers in this manner. In this regard, I agree that the planning committee did make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis at application stage.</p> <p>However, the refusal reasons are supported by a more substantive analysis by the planning officer in the Council's appeal statement of case. As such, at appeal stage there is no failure to produce evidence to substantiate each reason for refusal on appeal. Moreover, while there was no objection from the</p>			

Council's Design and Conservation Officer or Historic England to the scheme, the committee is still entitled to refuse the application as long as these reasons are substantiated. At appeal stage, this has occurred.

I have disagreed with the decision of the planning committee and have allowed the appeal, granting planning permission in the process. However, this refusal of planning permission was ultimately the result of a fundamental disagreement between the parties which could have only been resolved by way of an appeal.

Although I have had regard to the list of work undertaken and commissioned by the appellant at application stage, including by a planning consultancy, Historic Environment specialist, Landscape Visual Assessment specialist and a Visually Verified Media specialist, the dates of the reports indicate these were all drawn up prior to the application being determined. The PPG is clear that costs cannot be claimed for the period during the determination of the planning application, although all parties are expected to behave reasonably throughout the planning process. As such, although I agree with some of the arguments made by the appellant and understand their frustrations, unnecessary or wasted expense, as described in the PPG, has not been sufficiently demonstrated. Therefore, an award of costs is not justified.

Bringing things together, I agree that the Council has seemingly made vague, generalised assertions which were not substantiated at application stage. However, this has not necessitated additional unnecessary expense for the applicant at appeal stage. Therefore, the Council did not act in an unreasonable manner in the appeal process to a sufficient degree that would be given any significant weight in determining this costs decision. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been sufficiently demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.